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LIBYA AND THE RESPONSIBILITY TO PROTECT

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P R O C E E D I N G S

MR. RUNDLET: I am Peter Rundlet with Humanity United. And I am pleased to welcome you all here, and thank you all for coming for what I believe will be a fascinating and timely discussion on Libya and the responsibility to protect.

Before I get started, though, I'd like to take a second to thank our partners, starting with the Brookings Institution, which is providing the venue and working with us on the experts, the U.S. Holocaust Memorial Museum, and the U.S. Institute for Peace.

As many of you may know, Humanity United is a young foundation dedicated to building peace and advancing human freedom. We have a deep commitment to strengthening the collective capacity of civil society and government to help prevent and respond mass atrocity crimes.

In fact, in the past, we have come together with some of these same partners to work on the Genocide Prevention Task Force in 2008, which was co-chaired by former Secretary Madeleine Albright and Bill Cohen, and whose recommendations have really started to take hold in some government policy right now in key areas.

Among other activities, Humanity United provides support to a variety of institutions and projects intended to meaningfully advance this new norm of the responsibility to protect. And we're very much hoping that the conversation today will help us understand whether this intervention in Libya has provided extraordinary new forward momentum for the responsibility to protect, or whether the current approach by NATO will result in some observable retreat from acting on the norm.

Now, as you know, exactly three months ago tomorrow, the U.N. Security Council passed Resolution 1973, which authorized member states to "take all necessary measures" to protect civilians and civilian populations in Libya. Three days

later, on March 19th, President Obama authorized the use of U.S. military assets in support of the international coalition committed to enforcing Resolution 1973, and he explicitly referenced the responsibility to protect the civilian people of Libya.

Now, not long after this, of course, on March 30th, the U.N. Security Council passed Resolution 1975, which also invoked the responsibility to protect and demanded the immediate end to violence against civilians in Côte d'Ivoire. This resulted in military action by the French and by U.N. peacekeepers, and eventually led to the arrest of the recalcitrant former president Laurent Gbagbo.

Two weeks after initially authorizing U.S. military assets, President Obama felt it was important to address the nation on the U.S. involvement in the NATO intervention. With respect to Libya, this is what the president had to say, “We were faced with the prospect of violence on a horrific scale. We had a unique ability to stop that violence, an international mandate for action, a broad coalition prepared to join us, the support of Arab countries, and a plea for help from the Libyan people themselves. To brush aside America’s responsibility as a leader and, more profoundly, our responsibilities to our fellow human beings under such circumstances would have been a betrayal of who we are.”

Almost immediately after engaging, however, we were in deeper than we had anticipated, and many observers worried that the Security Council mandate had been stretched beyond the breaking point. Three months later, Gaddafi’s regime’s still holding on, and the path to a peaceful end state is not yet clear.

So where does this leave us in Libya? And what are the implications for U.S. policy? And more importantly for today’s discussion, what are the implications for the durability of the responsibility to protect norm? That is why we have brought in the

experts we have here today.

Before I introduce our outstanding panel, however, I want to take note of the people in the audience, because we've had a chance to look at the list of people who are here, and we've got a fantastic, rich group of individuals. And we're looking forward to a really robust question-and-answer session in the second half of the session today.

Without further ado, our panel, starting with our moderator, Mike Abramowitz, the Director of the Committee on Conscience, which conducts the genocide prevention efforts of the U.S. Holocaust Memorial Museum. Many of you may know Mike from his tenure as a reporter and editor at *The Washington Post*, where from 1985 to 2009, he covered the conflicts in Iraq, Afghanistan, and Sudan. And he's reported on a variety of subjects, including local and national politics, foreign policy, healthcare, and business, among others. Mr. Abramowitz was the national editor of *The Washington Post* for six years, and he was *The Post's* White House correspondent from 2006 to 2009.

Starting from this end, Manal Omar serves as the Director of Programs under the Center for Post-Conflict Peace and Stability Operations at the U.S. Institute for Peace. Previously, she was Regional Program Manager for the Middle East for Oxfam -- Great Britain, where she responded to humanitarian crises in the Palestinian territories and Lebanon. She has worked for Women for Women International as Regional Coordinator for Afghanistan, Iraq, and Sudan. And she has also worked for UNESCO and the World Bank. In 2007, *Islamic Magazine* named her one of ten young visionaries shaping Islam in America.

We are also pleased to have Ambassador Rich Williamson, currently Nonresident Senior Fellow for Foreign Policy here at the Brookings Institution. Ambassador Williamson has served in a number of senior governmental and diplomatic

posts, including serving as ambassador to the United Nations and, most recently, as President Bush's Special Envoy to Sudan from 2007 to 2009. His work at Brookings focuses on human rights, multilateral diplomacy, nuclear nonproliferation, and post-conflict reconstruction.

Last, but not least, is Sarah Sewall. Dr. Sewall teaches at the Harvard Kennedy School of Government, and she is the Founder and Faculty Director of the Mass Atrocity Response Operations Project. Dr. Sewall directed the Obama Transition's National Security Agency Review in 2008. And during the Clinton Administration, she served as the first Deputy Assistant Security for Defense for Peacekeeping and Humanitarian Assistance. Dr. Sewall is currently on the Pentagon's Defense Policy Board. And from 1983 to 1996, she served as Senior Foreign Policy Advisor to Senate Majority Leader George Mitchell.

At the end of our time together, I think the question will be -- to quote Stephen Colbert -- is this a great panel at the Brookings or the greatest panel at Brookings? I hope you all join me in welcoming our panel. I'll turn this over to Mike Abramowitz. (Applause)

Mr. Abramowitz: Thank you very much, Peter, for that kind introduction. I'd like to thank Humanity United, Brookings, for being our host, and also the United States Institute of Peace. I'm Mike Abramowitz, and I direct the program on genocide prevention at the U.S. Holocaust Memorial Museum.

It's particularly gratifying to be working, once again, with USIP and a new partner, Brookings, on a new project on the responsibility to protect. Over the next year, a working group that's going to be chaired by Ambassador Williamson and Former Secretary of State Madeleine Albright will be exploring how well the concept of R2P has worked in practice and what we can do to build the political will necessary to help

implement this consequential norm.

A key part of this project will be education for the public and policymakers about this concept, which I would argue is still relatively unknown among the population and even among policymakers. Even six years since its adoption at the 2005 U.N. World Summit, this remains a very unknown concept. And even those who know something about the issue and about the subject often get the issue wrong and mistake R2P as simply an excuse for humanitarian military intervention, and it is much more than that.

The responsibility to protect rests on three very significant and weighty pillars. One, that is a primary responsibility of states to protect their own populations from four very serious crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity.

Two, the international community is responsible for assisting states in meeting those responsibilities. And, three, the international community has a responsibility to take timely and decisive action in cases where a state has manifestly failed to protect its own populations from these crimes.

Now, since 2005, as Peter alluded to, we've any one of a number of potential R2P situations from post-election Kenya in 2007 to Darfur to Kyrgyzstan last year and the Ivory Coast this year. But I think it's fair to say that no case has focused more attention in recent years on the concept of responsibility to protect than Libya. After all, the United Nations Security Council invoked R2P in Resolution 1973 authorizing military action in Libya. And we have seen a very vigorous debate since then about the wisdom of this move. Massive atrocities may or may not have been averted in Benghazi as a result of the intervention by NATO. It depends on who you ask.

Then, there are those who ask why Libya and not Burma, Tibet, Sudan --

substitute many other countries. And has the military coalition that's operation in Libya stretched far beyond the terms of Resolution 1973, moving from a civilian protection mandate to a mission of regime change?

Perhaps most of all, we want to know has responsibility to protect been a useful concept in the Libya case and solidified political support around the world for this norm or have we reached the high-water point for R2P? Has this concept been discredited?

We have a terrific panel today to help answer these questions. And I expect that during the question-and-answer period, we will perhaps expand the discussion to other issues like Syria or Sudan, but I'd like to focus first on Libya.

And I'm going to turn first to Manal, who is just back from Benghazi in the last week, where she spent, I believe, a week. And I'd like to just ask her to open up the discussion by giving us a little bit of a first-hand report on the situation on the ground. And specifically, I'm curious if you can give us any sense of -- from the people that you've talked to -- whether they believe that the intervention that has been authorized -- you know, what role did that have in heading off massive atrocities?

MS. OMAR: I think I'll reflect on some of the conversations that I had in Libya, and they were very scattered, so I'll try to make it as flowing as possible. But there was two very competing emotions. One emotion is the excitement and the euphoria that Benghazi is to a certain extent free. It's liberated. The way they refer to other cities, like Misurata, like Tripoli, is in terms of the besieged cities versus the free cities, and the fact that the NATO intervention is what allowed Benghazi to be free.

There's a very strong acknowledgment consistently that the reason why Benghazi has the opposition and is able to operate is due to the fact that the NATO intervened, and also an acknowledgment that they could have been Zawiyah. They

could have been Tripoli, and that they're very grateful that that wasn't their fate.

Every time that you had a gathering there and all over -- I mean, I think one of the things that are very telling in terms of what was happening is the graffiti and the signs and the banners that were all across the city, which was consistently, "Libya is one body, but Tripoli is the heart." You know, "Remember the people in Tripoli." Just a constant reminder that Benghazi's considered the lucky ones, because they benefited mainly from their intervention.

Almost everyone I spoke to, which included conversations by phone and through Skype with some of the rebels in Tripoli, are extremely excited about the intervention. There is a very strong redline for most people -- no boots on the ground. They feel that the rebels are very capable, that the rebels can carry out, that they will be able to, you know, take out the Gaddafi regime. But there were also questions in terms of what will help and when the financial mechanisms will come into place, because now there's a sense that time is running out.

The biggest question people would ask me is how are we wiling to go with right to protect, and for them, it was hard for them to draw that line between regime change and protection of civilians. For them, it's one. You can't keep Gaddafi and expect people will remain safe. The moment that the international community starts to shift vision away from Libya, then Gaddafi will come in and, you know, Benghazi might then suffer the atrocities that it avoided.

So that was a very clear line is that they want to be the people at the forefront. They want to have their rebels really take over and be the ones who lead to Gaddafi being replaced. But there's also a clear link that they need the air bombing in the international community to continue.

The other thing was a (inaudible) protection, even within Benghazi and in

terms of mainly the IDPs who are going into the cities, but also on the border of Tunisia. And that was a big question, primarily was coming out in the form of minorities in terms of what's going to happen down the line, but even more so in terms of women and the use of rape. So the question was also would the international community support -- and it goes back to some conflict prevention down the line. There's a fear of the tribal implications after and what type of reconciliation will take place.

Libyans are very excited that the opposition was able to unite under the NTC. There's a lot of hope within the NTC, although there internally are questions about how to hold them accountable. They do see that as a way of preventing and that there is a single voice representing the Libyan opposition through the National Transitional Council.

And there's also warnings that, you know, the further and the more prolonged the intervention is with Gaddafi still in power that there is an eminent humanitarian crisis that really hasn't struck quite yet, but can easily emerge, particularly in terms of food security.

MR. ABRAMOWITZ: Can I ask you did -- in terms of your conversations in Benghazi, you know, you see different reports back here about, well, mass atrocities were not imminent. This was just a figment of Western powers to authorize regime change. What is your sense from having been there about what would have happened if there had not been an intervention?

MS. OMAR: It's hard to say about Benghazi, but if you look at other areas, like Zawiyah, if you look at some of the streets in terms of some of the neighborhoods surrounding Tripoli, I mean, there is clear indication of mass atrocities that would have then been replicated in Benghazi. And I think the stronger sense is people within that area feel that it was avoided, but also that they're not out of the dark. So there

is a very strong feeling that any time that the intervention or the international community, again if they were to shift attention away, that Benghazi can suffer the same fate as Zawiyah or some of the other areas that have had mass atrocities.

And I think that it's, you know, coming back to the use of rape as a tool of war, I think that has been the biggest fear. And most of the people that I interviewed who took their families to the borders; it was the fear of rape over the fear of death. So, you know, we've had a hard time in terms of verifying what the numbers are or how much it has been used. But that has definitely been one of the things that most of the Libyans are very afraid of is that that would become, you know, something that they would be subjected to.

MR. ABRAMOWITZ: Just one final thing before we turn to Rich. Do the people there have any sense of the durability of Gaddafi, how weakened has he been by the air strikes? I mean, you see continuing reports of defections from his regime. I'm not sure that the people in Benghazi would have the best sense of that, but they obviously are talking all the time with their friends back in Tripoli. What did you pick up?

MS. OMAR: The biggest sense is every conversation that I had was -- and this was ongoing even before I went to Benghazi -- was next week Gaddafi will fall. And it's interesting that that momentum hasn't fallen. So, you know, when I spoke to people three weeks ago or a month ago and they were telling me, you know, and in one week, Gaddafi will fall, they had the same level of enthusiasm last week when they said it again.

So there is a very strong sense that it's eminent. We've heard reports of him being in an infirmary, burnt. You know, we've heard reports of him -- of course, the rumors of him leaving. You know, there's a very strong sense.

Most people in Benghazi do not believe he'll ever leave. They feel that it

is a war to the end. And again, that goes back to the question they have for the international community is how far will you stay to make sure that he does end up, you know, leaving in one form or another.

MR. ABRAMOWITZ: Okay. So let's turn to Rich. You have served in multiple administrations in very senior foreign policy positions. And you've dealt over your illustrious career with other cases of mass atrocities, particularly in Sudan. How do you believe the world has handled Libya from a diplomatic perspective? And specifically, I want to ask you, do you think that the responsibility to protect concept has proved a useful tool for forestalling mass atrocities in Libya?

MR. WILLIAMSON: Well, first, Mike, thank you. Peter and Humanity United, thank you. I do think it's the first time Stephen Colbert's ever been cited at Brookings, so that's a first -- and Brookings and Holocaust Museum.

I think the first thing I want to do a predicate -- a quote from Professor Michael Barnett from George Washington, whose recent book is *Empire of Humanity*. And he writes, "Humanitarianism presents itself as having accomplished the impossible, a form of governance that has ethical purity. But the idea of humanitarianism without politics was always a contrivance maintained by those who wanted to practice their particular kind of politics in a world of states. Politics, and a lot of it, is required if humanitarians are to remove the causes of suffering, and even if they intent to stay out of politics, their actions have political effects."

So I'd like to comment on Libya in the context of R2P. First, the obvious, that R2P brings into sharp focus the tension between idealism and realism. Jim Baker and Henry Kissinger had an op-ed after Libya where they had one line saying, "But it's okay in Libya," but basically said, "You should be very cautious." I quote, "Our values impel us to alleviate human suffering, but as a general principal, our country should do so

militarily only when a national interest is also at stake."

I, myself, would align more with a quote from Kissinger at the time that Peter Robin passed away where he said, "It's a false dichotomy. You need realism to take your steps, but you need idealism to know where you're going." And I think R2P is in that tradition. But the political cross-currents are apparent in R2P and in Libya.

Finally, I want to say as always the case in these kinds of situations the paradigm is clear, the narrative straight, and events inevitable only when you look through a rearview mirror. At the time, there's conflict, there's confusion, there's compromise and there's uncertainly. All of us who've had a chance to serve in government know that's a constant state. And so I'm going to raise some concerns about how we have gone about Libya, but it not because of a desire to criticize as much as I think this event is significant and teases out many lessons we have to learn going forward.

As you mentioned, R2P was driven from the impulse of "never again" from the Holocaust killing fields, Rwanda, etc. In Kenya '08, after the election, we saw Kofi sent there in a diplomatic mission, which was successful. As you cited, in Ivory Coast, we saw a combination of empowered international community diplomacy as well as a green light for some coercive force.

And it's important in R2P that we're building to capacity of this concept, and that there's a menu of options. And this goes to Mike's comment about what the impact of Libya will be on R2P, which is, of course, uncertain. But even when you have a case of atrocities -- one of the four crimes committed -- you have a menu of steps -- diplomatic dialogue, diplomatic isolation, sanctions, etc. -- before you rise up to military action.

First question is, is Libya an R2P situation? You alluded to that in your

question earlier. And I want to quote from Steve Chapman, a syndicated columnist, "Remember when a crusading president, acting on dubious intelligent, insufficient information, and exaggerated fears took the nation into a Middle East war of choice. That was George W. Bush in 2003, invading Iraq, but it's also Barack Obama in 2011 attacking Libya."

The point is there are legitimate questions. Human Rights Watch documented 233 who had been killed at the time of the U.N. Security Council resolution. And the administration is taking the position of treating the evidence against Gaddafi as too self-evident to discuss.

Gaddafi provided a moral clarity in his own comments, saying to his own people, "Come out of your homes. Attack the opposition in their dens." He called the protestors cockroaches and rats, which evoked the hate radio in Rwanda. Benghazi did have 700,000 people there. I don't think anyone credibly can say we thought that 700,000 in Benghazi were going to be wiped out. That's not what he had done elsewhere.

So it's an open question. Having said that, I was among 38 former government officials that signed a letter a week before President Obama acted urging him to go with a no-fly zone. So my point is only we probably should learn a lesson of trying to get better evidence and that'll come back to you later.

How are we doing? First, the regional groups did call for action, which was an important step. As has already been cited by Mike, the Security Council Resolution 1973 did refer specifically to R2P. Two, it's good that this is not unilateral, that it's not only NATO, or at least eight countries in NATO and Qatar and others are both for its legitimacy and for its political viability abroad and here. C, the immediate objective of stopping the assault on Benghazi was successful. But, D, three months later, after

thousands of air strikes, war's messy reality continues.

I recognize that if, in the end, the end isn't too far away, and it's successful, the litany of missteps, mistakes, and misery will be forgotten. But I think it's worth reflecting on them nonetheless. First, we had a U.S. position that Gaddafi must go early. And then we went to seek a resolution that was less than U.S. policy, which had to deal with just protecting civilians. But that U.S. policy was stated that Gaddafi must go, and one that's been repeated and one that's clear the president is lobbying others to join, clouds the R2P picture in ways that are not helpful.

Second, I think in looking at this U.N. Security Council resolution, we should look at the context. In France, President Sarkozy had bet wrong in Tunisia. He was still with Ben Ali till he took off in the plane. There was blowback in France, so, to some extent, he was motivated by over-correcting. France and Britain's national interests were greater than ours in Libya.

And my own personal view from experience at the U.N. Security Council to try to draw the distinction that some cases have U.N. Security Council resolutions and some don't is a disingenuous canard. You get not difficult resolution through the Security Council unless the U.S. makes it a major political and diplomatic effort, which we clearly did in Libya. I'm not suggesting that we should be in Syria or other places, but the distinction the administration has drawn, I think, is not necessarily useful.

And part of not having a better case with the evident and part of not engaging both the American people and Congress more is the theater we have going on now with the War Powers Act on Capitol Hill. But far more troubling to me is that only 26 percent of likely American voters say we should continue military action in Libya.

And a lesson that should be learned from the last administration is you cannot prosecute these actions -- even circumscribed ones -- without keeping American

support. And there has not been significant effort by those in support of this to do so. And it's somewhat distressing when even Dick Lugar is writing op-eds about the failure of the president to consult.

And I've already mentioned the adequacy of the mandate and the consistency. But I also say one of our lessons has to be that we must be more realistic, both in the context of the mandate, but also realistic about the U.S. military role, which Sarah can speak to more than I can. But while conceptually, it's nice to hand off to NATO, you only had eight countries in NATO on board. Most of those countries' capacities are not robust. And the two robust countries are running short of munitions, which says something about the extent to which you can you have a policy invest U.S. military support and take a "backseat".

You can't go everywhere. I personally have no problem with it. I fall back on the Tony Blair argument that just because you can't do everything doesn't mean you can't do some things. And when you have terrible atrocities, you should be compelled to act if you can.

Micah Zenko at CFR made a statement early on that I just want to repeat, "The trouble is, although we are prepared to do something and pull out the most impressive kit in the U.S. toolbox military power, we aren't actually willing to get involved at the level required to win. Does this do more harm than good?" And I think that's the question in Libya.

My hope is that all these challenges with what's happened in Libya don't diminish R2P but become a platform to learn and strengthen it. But I do want to quote David Rieff who said, "For those of us who feel that R2P was just a warrant for war, our fears have been vindicated." And I think that should inform us in the future and also inform how we prosecute this now.

Let me be clear, I applaud the impulse that drove this action. I recognize that it's very difficult. Yes, mistakes have been made, but they are always made. The key is to prevail in lessons learned. And I do think the importation of "never again" should still compel us to give meaning to the responsibility to protect.

MR. ABRAMOWITZ: Thank you, Rich. All right. I'm going to turn to Sarah to conclude the panel.

And you've been working on a very interesting and important project for the past several years, which is to help the U.S. military become better prepared, essentially, to handle these kinds of potential mass atrocity situations or actual mass atrocity situations. So I'd like to just ask you what has the Libya crisis revealed to us about the international military capacity to deal with these types of crimes?

MS. SEWALL: Great, okay. Well, Sally Chin -- who's in the audience today -- and I have been work with Dwight Raymond on the Mass Atrocity Response Operations Project for some time. And we were rather oddly, I guess, in Europe meeting with NATO officials and meeting with AFRICOM officials at the time of the Libya resolution being passed. So I think I can authoritatively say that despite our best efforts, as of this moment, the U.S. military has not thought a lot about intervening in mass atrocity. And I think it's fair to say that this was evident in the Libya response.

But I think that we are at the threshold of a very interesting moment where we have the opportunity to do what Rich was inviting us to do, which is to try to think critically, but constructively, about what we can be learning, both at the political level and in terms of the military mechanics.

And there are two really different sets of problems that probably need to be desegregated for the purposes of discussion, but that ultimately have a synergy where they affect one another as we think about either United States or a Western response to

mass atrocity.

And I couldn't agree with Rich more about the politics of the matter, and it's really inescapable. If I step back and I ask myself where is R2P, pursuant to your question at the outset, sort of what is the status of this norm; it's clearly a very fledging, emerging norm that still means different things to different people. And it clearly was useful in framing the debate about intervention in Libya.

But I think we need to recognize that because it is an emerging norm, and because people do have different views of what it means and what it requires, we shouldn't expect the execution or the realization of this norm right now to be everything that we would hope it to be. In other words, this is a work in progress, inevitably. And so the question is Rich's question, is what works about the way this has unfolded. What doesn't comport with the way I understand, you understand, R2P, the way it has unfolded? And what do we need to learn and what do we need to fix?

And so to start with this initial question about the politics and the political level, I think it's clear to me that we have several questions that we need to unpack based on this experience that I'm not convinced I can answer now. And one of them is: is it really possible for a political process to carry out an operation that is confined very narrowly to the purpose of protecting civilians. And as I ask the third question, I'll try to come back with why I think that's complicated.

But what we've seen in a variety of military interventions over the course of the last decades is that it's very easy to start out with one justification for use of force that hides another justification that started out with one explanation or motivation for use of force that somehow transmogrifies through the process of consensus-building to be something different from what the originators of the idea intended.

So there is an inherent tendency for mission creep or mission dilution or

mission negotiation that happens, the process you've tried to articulate and then implement war that we have to be very respectful of and very wary of.

And then the second question is really getting to sort of the David Rieff argument about cloaked imperialism, which is -- I understand that many of those who argued most strongly for intervention in the case of Libya were motivated by humanitarian concerns. And you can debate, you know, the existence of a pure humanitarianism. And you can talk about the firewalls against politics. But the reality is that those were very sincere motivations.

I can also see how people from the outside, particularly people from a non-Western perspective who have been suspicious about R2P can, by virtue of the mission conflation at best that has occurred with regime change versus civilian protection, see this as more evidence of imperialism, you know, masquerading as humanitarian response. And so that's something that we have to take seriously, those of us who believe that there is a place for humanitarian response.

But the third piece just has to do with the very difficulty of the means of military intervention. And, you know, if you think about the way we have gone about executing the Libya operation, it is very similar to the way we have executed other air operations. Whether they were the initial stages of Operation Desert Storm, whether they were the initial stages of Operation Iraqi Freedom, whether they were the initial stages of Operation Allied Force, there is a Western way of using air power when you are barred from using military forces on the ground, at least temporarily, that has its own logic and its own impetus.

And guess what it looks a lot like? Regime change, major combat operations. It doesn't look, resemble, smell, taste, feel like humanitarian protection. And that's, in essence, what Secretary Gates and what Chairman Mullen were trying to say

when they were raising questions about the no-fly zone. But the timing of that was that the political debate had already moved beyond that, and that was not a question that we could think about. We could not think about the inherent tensions between the military disadvantage of a protection strategy, which in its purist form is defensive, and the way that the West, in particularly, the United States, likes to fight its operations, which is efficient, which is offensive.

And so there's an inherent tension when you talk about using military force on behalf of protective purposes that we will have to live with and reconcile and dissect very carefully, think very carefully about now after Libya has revealed this.

Now, all of this is to say that this is the beginning of a very fruitful discussion. And I couldn't agree more that history will probably tell us which questions we focus on and which questions we just dust under the rug. But there are some really helpful things going on.

I think one of the most exciting things for us as part of the MARO Project has been the realization among the military apparatus that you don't necessarily get to choose your uses of force and that while you may be again humanitarian intervention; this is not the only potential candidate for humanitarian intervention. And this was an operation that I think it's fair to say caught the U.S. military by surprise for which it has no doctrine, for which it has no tactics, techniques and procedures. And it is one that, to use that U.N. parlance, is now seizing the imagination of the American military and of some of its partner militaries.

And I think that's helpful, and I'm optimistic that we can do learning and thinking in the future across military and civilian lines so that the conversations about potential interventions in future crises will have a very different character, will have a different knowledge base, will have a greater understanding of unintended

consequences, second and third order effects in the inherent political complications that arise from military intervention.

And I don't think that answers the question of the threshold for decisions about applying R2P. I don't think that answers the question about international division of labor for how R2P should be operationalized. But I do think that we are now confronted, those of us who have watched and hoped for responsibility to protect, to become a more meaningful guide for international politics, we can see in full relief, it's enormous complications and gray areas. And we now can grapple with a deeper level of understanding in precisely that nexus.

MR. ABRAMOWITZ: Let me just ask you one follow up, if I may. You spoke at a couple points in your answer to the idea that the U.S. military is unprepared tactically, strategically in terms of doctrine to deal with these mass atrocities situations. Can you just -- for those of us who aren't experts in the military -- give just a quick example of like what you're talking about and, you know, maybe either in the Libya context or another context. Just to kind of put a little bit of flesh in what you're talking about?

MS. SEWALL: Well, sure, I mean, at the simplest level, when AFRICOM was confronted with the need to plan for this kind of an operation, they didn't have the equivalent of a concept of operations or a functional plan of any kind to work from. Typically, if you are confronted with a crisis, you say, "Hm, which box does this fit in? Is this a counter-insurgency? Is this a major combat operation? Is this a non-combatant emergency evacuation?"

I go and I pull my document off the shelf, and I get a sense for what the generic requirements are, what I should be thinking about, how I should be planning. Maybe there's even a skeletal plan that I can adapt to the specifics of this airfield, these

combatants, etc. There's nothing like that from a mass atrocity response. There's peacekeeping doctrine.

MR. ABRAMOWITZ: Yes.

MS. SEWALL: Right? And there's rescue civilians doctrine. But there's nothing for this really murky gray area that has such unique operational attributes.

MR. ABRAMOWITZ: Right. And given the history of the --

MS. SEWALL: And it's complicated.

MR. ABRAMOWITZ: And given the history of the past 20 years with Rwanda, Darfur, etc., it's astonishing that, that would not be part of the toolbox. Is this because the U.S. military does not want to do this or because the U.S. military just has too many other very real responsibilities and things that they have to do that this is just -- in the priority list, it just is low down on the priority list. What's your explanation now that you've really dived into this for --?

MS. SEWALL: Well, I'm not going to speak for the U.S. military. But what I can say is that it's very helpful that the Obama Administration has in its national security strategy, in its quadrennial defense review, and in its guidance for the employment of forces, which was just issued, reiterated the need for the U.S. military, specifically for the combatant commands, to be thinking about responses to mass atrocity as part of their responsibilities as war fighters.

MR. ABRAMOWITZ: Great. Okay. Manal, do you want to add something?

MS. OMAR: Yeah, I just wanted -- if it's okay --

MR. ABRAMOWITZ: Sure.

MS. OMAR: In terms of why in some sense the Libyans feel that the situation is different and also how they were able to build on the experience of Tunisia

and Egypt. And I guess that's the first place that I would start is that there is a sense that the political transformation that's taken place is regional, not just through a national lens of just Libya. And the feeling is, you know, people were very much watching the international community to see what they would do to support people on the ground.

I think the other thing is, is, you know, the sense from Libyans is that there was no doubt that Gaddafi would use all means necessary to wipe out any opposition, even the smallest indication of opposition. I think his rhetoric proved that as well, his history of rhetoric moving beyond rhetoric.

And I think the final thing is, is that there was actually a counterpart. And again, that's something that Libyans will point out both in the form of governance that there was a National Transitional Council. Whereas, you know, the region sees the 2003 intervention in Iraq very differently than they see Libya, because they feel that there was no counterpart. The interim governing council that was formed was actually formed by the CPA, by the coalition, whereas the NTC was formed on its own. But beyond governance, there's rebels on the ground. So, you know, people really view it -- and I think it's true regionally -- as a partnership rather than NATO or the Western alliances taking the lead. Whereas in Iraq, it seemed to be a very unilateral one-sided intervention.

MR. ABRAMOWITZ: Okay. You know, we have about a half an hour to ask questions. I think what I'm probably going to do is I think we have a lot of probably, I suspect, good questions in this audience.

Before I turn to the audience, though, I want to anticipate one question by putting Rich on the spot, because one thing that did not come up in this conversation was any discussion of the International Criminal Court. And so, of course, now Gaddafi is -- his arrest is being sought by the Prosecutor Ocampo. If you want to ease him out of power, it's probably going to be difficult to do when he's scheduled for a court

appointment in The Hague.

This is an issue you've dealt with a lot, especially in the context of Sudan. Can you just give us a little taste of your thinking about whether that intervention by Ocampo has been a useful contribution to ending this crisis?

MR. WILLIAMSON: I think the whole question of transitional justice and accountability is a difficult one. I'll put my cards on the table at the beginning of my comments. I was involved in getting Taylor out of Liberia. To me, it was simple. Save ten to thirty thousand lives. Delay accountability, you save the lives.

Having said that, I think accountability is important. The progression of international accountability is positive. But it was the referral of Libya to the ICC where the opportunity to make decisions about its wisdom or lack of wisdom in trying to secure Libya is made.

I've had many discussions with Ocampo in the context of al-Bashir. My view was it was better not to go for an arrest warrant, because it gave him fewer options. That you could go for people just below him to increase the leverage. I think in Libya, if you're Muammar Gaddafi, you know figure, "I will stand till the last person I can have killed around me before I'll leave." And it strikes me as that's not a healthy situation if you're trying to save lives and have a humanitarian impulse in what you're doing.

But let me emphasize, it's not easy. These are judgment calls. The principal of accountability and no impunity is important, which is why once al-Bashir had an arrest warrant referral, ironically George Bush was the strongest supporter of the ICC to stop an Article 16 suspending jurisdiction. The question for the politicians and policymakers is before that referral, because once the referral is made, the prosecutor's job is to follow the law. And in many of these cases, like Libya, we know where that's going to end up.

MR. ABRAMOWITZ: Okay. All right. Thank you, Rich. So as I said, I think we have about 25 minutes for questions. I think that there are friends from Brookings that have microphones back there. We'll try to get to a couple of questions, collect them, get our panelists to answer, then do another round. So this gentleman right here first.

MR. ROSEN: My name is Dick Rowson. I'm with the Council for Community of Democracies. I'd be interested in what the panel members think is the possible connection between R2P and the right of people to have democratic governance thereafter. Does one lead to the other? Are there implications regarding democracy and human rights in the R2P concept? Other than simply protecting against violence from outside, are there rights of a democratic and human rights nature?

MR. ABRAMOWITZ: This gentleman right here. Did you raise your hand? Yeah.

MR. ZAUROV: Hi, my name is Mark Zaurov. I'm a Fellow at the Holocaust Museum. Now, my question about R2P and the fact that people might sometimes question people's purposes for becoming involved in a country also relates to people's questions as to why we're not involved in Syria. And the U.N. decided not to get involved with Iran. But countries have decided to ignore their policies.

So why is there this inconsistency in countries like Iran or Syria? There doesn't seem to be a standard approach to how to deal with this sort of unrest that we see in other countries. So any thoughts as to why there's this inconsistency?

MR. ABRAMOWITZ: All right, good. And over here, Joel.

MR. CHARNY: Joel Charny from InterAction. I actually have a similar question. I mean, in Sri Lanka in 2010, 50,000 people were killed by the Sri Lankan government as they pursued the war. And it's just this sheer -- I mean, I'm just really

struggling with R2P as a doctrine because of the sheer impossibility in the real world of applying this standard with any kind of consistency.

So, you know, 233 people were killed at the time of the Libya intervention. There's a fear of possible atrocities. Yet, when 50,000 Sri Lankans were murdered, it's like it's not even a topic of discussion on the world stage.

So, I mean, it's in a way, an impossible question. But how do you get a sense of what the criteria are and get the political will to apply this thing with any kind of equity whatsoever?

MR. ABRAMOWITZ: Okay. I think maybe we should stop there. And there's clearly a desire for an answer on this issue of consistency of application. Why Libya? Why not Syria? You know, why Ivory Coast? Why not Sri Lanka? Who wants to take a first shot at that? The diplomat, you want to --

MR. WILLIAMSON: Yeah.

MR. ABRAMOWITZ: Okay, and then Sarah.

MR. WILLIAMSON: The undiplomatic diplomat. First, I think you have to -- let's look at the human rights question. Look at the Universal Declaration. Eleanor Roosevelt got it adopted by part saying, "These are just aspirations. Don't worry about it too much."

But the impact over the 60-plus years is that those norms have deepened. They've used by refuseniks and countries to challenge their own governments for their hypocrisy, has guided not only a great deal of international action, but drafting of constitutions and transitional countries, etc.

On human rights, you can constantly say that the standards are not met, that we're hypocritical, that the Human Rights Council of the U.N. fails. I plead guilty or agree with all that. Nonetheless, it's been a huge contribution to deepening respect for

human rights and helped in many, many instances.

I think in R2P, you have two tracks. One is developing an entrenched norm where there is general agreement on what it means. And that, just like with the Universal Declaration, is going to take a long, long time. The second is we are going to face situations in the short-term -- and Mike cited many of those of the last ten years -- where decisions are going to have to be made of how to act. And you're looking at a toolbox, and you're looking at this to help guide us.

There will be, just like in human rights generally, inconsistency, disappointments. But for those who believe in the importance of those values and believe those values should animate U.S. foreign policy furthermore, hopefully, we continue to make progress.

My own view on R2P is hopefully, as Sarah said, from this range of interpretations, we can start to develop a greater consensus on what the obligations are. But the reality is politics take affect. And I mention and that in the context of Libya where certain of our friends had greater immediate political needs or desires, whatever, than we did.

And in Sri Lanka, one of the great ironies is one of the great reluctant countries on R2P was India, but India twice specifically cited the R2P doctrine when they thought it served their purposes with Sri Lanka. Well, that's politics. But I do think there's a moral imperative to this. And hopefully we can get smarter at it.

And I guess my goal is not that we're going to be able to do anything. But when there's an earthquake in Haiti, the question isn't, "Are we going to respond?" It's, "How much?" And we may or may not be adequate, but the questions differ. And my hope that is in R2P the question will be in these imminent situations when the four atrocity crimes designated are beginning to happen, the question in that policy room,

whether it's the oval office or Paris or wherever, is how are we going to add, not whether or not it should concern us.

MR. ABRAMOWITZ: Sarah, you want to take a shot?

MS. SEWALL: So for the first question, I think it's important to remember that at least in theory, R2P is agnostic as to form of government. R2P is about the safety of persons. So if there's a benign dictatorship that does nothing to trigger R2P, there's no rip for regime change by outside forces to come in and impose democracy. And I think we conflate R2P with democracy at our peril.

In terms of the question about the inconsistencies in application of even the rhetoric about R2P, which is to Joel's point, even the rhetoric. Absolutely fair. And I think the answers are, as Rich said, but also just more pointedly, they were in President Obama's speech. I mean, what the president said -- the president did not say, "I believe in R2P, and I'm going to embrace R2P and carry it out everywhere." The president said, "There were a unique set of circumstances in which I felt it was appropriate to act." Those circumstances included -- and one of those circumstances was this threshold trigger issue. One of those circumstances where, absolutely, the evidence was very weak in terms of relative atrocities across the globe -- 233 and potential for far more. Well, you know, look around to your point.

But the tension there, of course, is that all the R2P advocates want to push R2P toward prevention so that it's not toward response. And to do prevention, you have to act before bad things happen. So that's a huge conundrum we've got to get our heads around in terms of thinking about what it means to put political viability behind the R2P concept.

But look at the other factors that the president talked about. He said, to Rich's point, you know, "We had allies that really wanted to do this." Right? At some

point, it's not just the things that the U.S. wants to do that the U.S. ends up doing. At some point, there is a collective responsibility, even if you think about it in very mercantile terms in terms of responding to contributions that others have made to US adventures and Afghanistan and Iraq.

So other states, who we depended on for other reasons really wanted this operation to happen. There was this international and regional consensus. I think, frankly, people were almost caught by surprise by how quickly they got this consensus. I think they didn't take that moment to sort of pause and say, "Okay. What does this then really mean," in part, because we hadn't been thinking about it before, at either the political level or at the military level.

But then the last piece -- and this gets to my earlier comments I hope reinforces them -- which is that the president said this was a low-cost solution. So the president was convinced this was just a little support role, just a little assist. He didn't anticipate it was going to trigger this huge war powers set of accusations. He didn't think it would still be going by now, I would venture to guess. This was supposed to be a supporting role.

And, you know, people like to talk about the dogs of war. Once unleashed, they're very unpredictable. This is a good case about be careful what you wish for, because military power is very imprecise, highly uncertain, and really volatile. And to do it in a supporting role, where you're not controlling, but you are vital, is an even more awkward and less predictable role. And so this notion that one can be a little bit pregnant with the military implementation of the responsibility to protect is, I think, one of the lessons that we -- a warning sign that we need to really take into account in thinking about future interventions.

MR. ABRAMOWITZ: Manal, do you want to add --

MS. OMAR: No.

MR. ABRAMOWITZ: -- anything?

MS. OMAR: I'll just add briefly in terms of, you know, when the Middle East basically takes double standards for granted when talking about international communities. And I think most of the people are saying, "At this time, it's in our favor," so there's a general happiness, although, there are examples in terms of Syria. And most people in the region will talk about the Bahrain. So the inconsistencies are noted. There's absolutely no attempt by Libyans or Middle Easterners to justify it. But they're saying at least now it's tipping in the case of Libya in our favor.

I think the other question in terms of R2P and democracy -- I want to share a conversation that we had in Benghazi. And this included senior members of NTC. They were talking about various scenarios post-Gaddafi. And one person mentioned monarchy and said, you know, "We want to bring back the monarchy." And people jumped up and said, "No, no, no, no. This is about democracy." And then they stopped for a moment and said, "Well, actually, it's not. That's a fair game. This is about freedom of speech and freedom of debate. So if you think it's optimum, bring it on. You know, explain why you think monarchy is an important asset to explore or particular type.

So I thought that that was interesting that, you know, their first instinct was, "Yes. This is about democracy." But then their second instinct was like, no. This is about the ability to debate and to present different scenarios forward. And that was one of the scenarios that they did indeed debate.

MR. ABRAMOWITZ: Okay. We have some -- let's go to the back of the room. Way in the back, that lady back in the back row.

MS. STATA: Hi. Mary Stata with the Friends Committee on National Legislation. And I'm curious to hear your thoughts about the role that the AU can

potentially play in leading a negotiated settlement, in particular, as the AU was not one of the regional organizations that did support a no-fly zone before it was enacted.

And certainly Gaddafi has had some close relationships with various African heads of state. And I certainly would then assume that they could play a really powerful role in rationalizing with him and continuing to build that relationship.

MR. ABRAMOWITZ: Ok. I saw this gentleman right here, and then the gentlemen next to him -- those two.

MR. LUND: Thank you, Michael Lund, Management Systems International. Ambassador Williamson alluded to the other options in the U.N. Charter and so on, diplomatic engagement either formal or good offices sanctions and so on. I wonder if any of you could shed a little more light, provide information about the extent to which such non-military, let's call them, options were tried, by whom, and whether they made nay progress either before the military engagement or subsequently.

Second question's a factual question, is anybody tracking the number of causalities as a result of the events, either because of the war itself, non-combatants and combatants or behind the lines in Gaddafi territory.

MR. ABRAMOWITZ: Okay. And -- yeah, sure.

MALE: Thank you. I'm Leon Weintraub, University of Wisconsin Washington Semester in International Affairs.

I'd like to ask about an assertion that I believe the intervention, as it's been described, may have, in fact, discredited the doctrine of R2P. As originally, you described it, Mr. Abramowitz, it was the responsibility of the states to do it and then the international community to help and then the possibility to react.

It didn't seem there was much that central part, the second role, the responsibility to help the local government didn't seem to be pretty shallow. And, as a

matter of fact, someone had mentioned the intervention of former Secretary General Annan. And kind of where, in fact, it was very strong, very protracted, and, in fact, we didn't have to go to a third element.

And I would even compare to a non-Security Council endorsed intervention. That was the bombing of Kosovo, which was done by NATO without Security Council support when there was extensive support by the extensive efforts by the OSCE by other actors to deal with Milosevic. And I feel they did go the extra mile to get the local government to accept its responsibilities and then went into bombing. It seems that central element or the second element of the three steps was almost ignored. And this may have lent support to the argument that this is just imperialism in disguise.

MR. ABRAMOWITZ: All right. Well, I certainly think that in the case of Libya, I think three months before; there was a debate about the Libyan intervention. This would not have been on anyone's, you know, possible regions where there was a threat of mass atrocities. That came up very quickly. And so I think -- but I take your point that one of the reasons that that was -- has been a lot of controversy about that is because the first two pillars were really skipped to get to the third pillar. I think that's a fair point.

But I'd like to ask the panelists if they have any reactions to those questions. You have a question about the AU and its role. We have a question about whether non-military options were tried, which goes to your question too. Also something about tracking casualties. Do we know the casualties? And then also, well, another question really about the fact that we failed to try non-military options before turning to -- so maybe we'll just start from Manal. And then we'll just go here.

MS. OMAR: In terms of tracking casualties, I don't know if -- I know that CIVIC which is an organization that generally tracks casualties in terms of civilians and

do so in Iraq and Afghanistan had a trip out to Benghazi, and I'm assuming that, that would have part of their mandate. But I wouldn't be able to confirm that. But I know that they were in Libya. So that would be the first place I would check.

In terms of the question of the AU, I think that the African Union has a very strong influence on Gaddafi, but there is a question -- and again, more from the Civilian side -- where they actually trust to be an honest broker. And the sense is that the -- a lot of the heads of African states are very close to Gaddafi in place of being an neutral and honest broker, perhaps with the exception of South Africa. People were excited about the trip and felt that there might be some results. And also when people are referring to post-Gaddafi era, they're talking about the Truth in Reconciliation Procedure in South Africa. So maybe that one country is where I've seen positive references. But generally, there's a lot of mistrust with other African states.

MR. ABRAMOWITZ: Okay. Rich?

MR. WILLIAMSON: Three points. First with respect to the African Union, it's not one of the more effective regional groups. It's got a big membership, a huge diversity of situations, and they do not have a record of robust action. Having said that, they certainly should be a platform that's engaged in Libya and other places. And at times, it's been useful.

Second, with respect to the three pillars, the first pillar, of course, is a sovereign state's responsibility to protect its own people. The second pillar is to try to help a state develop the capacity if it doesn't have it. And I would say this is something that Ed Luck, up at the U.N., the Assistant Secretary General who works on this with Ban Ki-moon has done a good job to kind of move the ball forward in trying to develop ways to give assistance. And it's one of the things the U.N. can facilitate fairly well.

But the third pillar is intervention, and that goes to the question that was

asked about the menu. And because of the speed, because I think of what was seen as the imminent threat and because of the unique circumstances of Muammar Gaddafi, there was a not much done. It does not appear to have had much done in this regard.

One reason you were able to get such quick area and regional consensus is nobody, nobody, liked Gaddafi. And some because he had a lot of money to pass out, stayed quiet, but it didn't matter what capital you were in, in a discussion with senior officials, they would say, "And by the way, what's that guy up to now?"

So on the one side, I think it's one reason why you were able to get that consensus quickly. But the other side is there weren't that many influential personalities that he would probably listen to. Though, I would have liked to have seen more effort, if nothing else, to give more credibility to the more robust steps taken.

Finally, I tried to raise issues that concerned me about how Libya might affect R2P. And discredit may be too strong a statement, but it'll create extra challenges as we move down this path. Kenya -- I mean, it goes back to the politics and individual. Odinga in Kenya, I meant with him about a year before the election. He was in his early 60s. He'd cut a deal with the president. The deal was, okay, we'll go together. But after two years, you'll step down, and I get to step up. The president busted the deal. His support was in regional ethnic groups. And he did everything short but to say to me, "So if they steal this election, I'm going to cause trouble." This wasn't a surprise.

And then the election was stolen. And the U.S. supported the stolen election. And so there was violence. I don't think that diminishes the contribution Kofi made and the U.N. made, because you needed a way to get out of the mess. And the fact that in Kenya it was unconstitutional to basically say, "Okay. The guy who didn't really win stays president. But we don't let him have any power. And we create a prime minister and give him the power, because he's the guy that really won," it's worked. It

stopped the ethnic killing. That doesn't keep me up at night. But the transferability of these examples is not perfect given the different situations.

And finally, there's an African saying that you don't create a path by designing it, but by walking through the elephant grass and wearing it down. And that's what we're doing. And we're going to screw up. And we're going to do not-so-well sometimes, or as Sarah, I think, correctly said there's a lot of different senses of what R2P means. I hope we're mindful of the precedent-setting nature. And finally, and most importantly, I hope we learn.

MR. ABRAMOWITZ: Sarah?

MR. SEWALL: Just a quick comment on the civilian casualty question. One of my other hats is -- longer hats -- for about ten years, I've been working on the question of civilian casualties tracking and trying to prevent civilian casualties. It's a very different kettle of fish from R2P mass atrocity prevention.

And one of the ironies and one of the reasons why I have such sort of profound respect for the use of force is that it inevitably pits civilian death against civilian death. It's a very costly tool to use on behalf of humanitarian goals and one that can't be undertaken lightly.

So I think it's probably true that no one in the U.S. military is tracking civilian casualties in Libya today. But I would guess that someone at NATO is trying to keep a rough count. I think it will be a little bit like Kosovo, where we can find out after the fact what happened, because there are functioning hospitals, there is a system of records that will be kept. In the allied force air campaign, we were able to actually get all of the autopsy reports for the victims of the air war.

But it was the central humanitarian critique of Operation Allied Force in Kosovo was that some 500 civilians were killed in the name of humanitarian intervention.

And that will be a critique that will be levied post facto against Libya to the extent that it's not already.

And it's just another one of the reasons why both the prevention side of R2P is so very important, and, B, why we really have to take the military options development very seriously at both the level of political decision makers and military implementers in order to ensure that we try to reconcile the ends and means of R2P as much as is humanly possible.

MR. ABRAMOWITZ: You know, we're going to have one more round of questions. I wanted to just go to a question that hearkens back to the question of consistency that was raised by some of the people in the audience, which is that the issues that we have been talking about today have been largely these kind of fast-moving crises, you know, where sort of like a Rwanda situation, but less, you know, where you've got military developments and something comes up very quickly.

But, of course, we also have a whole set of cases which we haven't really discussed today, which are these long-term situations in which there are governments that are basically at war with their own people and some say -- I mean, the two that come to my mind are North Korea or Burma. You could arguably put Darfur in there too, which, you know, there was obviously a lot of concern when the atrocities were first perpetrated there. But now that has kind of drifted into sort of a longer-term humanitarian crisis, it's kind of off the table.

I'm just wondering whether any of the panelists think that there is anything that R2P has to say about those types of situations. And if not, is that also a chink in the armor of R2P? I'd ask that anyone who wants to take a crack at that.

MS. SEWALL: I think it's definitely a chink in the armor of R2P. Wherever governments are abusing the basic human rights of their citizens, that is a

situation in which one can plausibly invoke R2P arguments. But for all the reasons that we just talked about, there are going to be a few takers in most of those situations. And it's going to be the odd constellation of interests and willingness that's going to lead to action.

MR. ABRAMOWITZ: You know, Rich, you've coined a word that you've used several times, which is slow-motion genocide. I don't know if you coined it or -- you use it all the time. But what are your observations about this?

MR. WILLIAMSON: Well, I'm going to hearken back to the question about human rights in democracy and our values. Even if you can't do something -- for whatever reason, political, capacity, resources -- doesn't mean you shouldn't speak out.

Now, in the '60s and '70s, even through most of the '80s, no one in halls like this in the Brookings Institute thought the Soviet Union was going to collapse or the captive nations were going to be freed, but the U.S. spoke out and said they should be free. I think at the very least, we should do that, and there's certainly questions about the softer voice about the ongoing atrocities in Sudan that is disquieting over the last couple years or that we have not been more forceful, at least rhetorically, in asserting our commitment on a moral level and on a values level in Burma and North Korea.

So my own sense is that we have to recognize the resource limitations that's what the politics will bear, what capacities you have, but that doesn't mean it's irrelevant to speak out. And I think it's something that we have been very inconsistent through administrations. But because of my involvement in Sudan, I'm particularly disappointed in the much quieter accommodating voice toward Khartoum in the last two years.

MR. ABRAMOWITZ: So we have a few more minutes. Let me take two or three quick questions if you can keep it short, 'cause I want to get everyone out of here

by 2:30. This gentleman, then there and there. And then we'll just call it a day. So try to be brief.

MR. BRAUM: I'm Don Braum from the Office of Coordinative Reconstruction and Stabilization, State Department. Ms. Omar, you've just been back from Libya and the focus, of course, of R2P and the Security Council resolution has been on protecting civilians from Gaddafi's forces.

But if we were to suddenly find ourselves waking up tomorrow morning with Gaddafi gone, there'd be a period of two or three days there perhaps of ultimate chaos where scores could be settled, whether they be inner-tribal or opposition forces going against those who supported the regime.

So to what extent do you sense that there has been already retribution and atrocities committed not by Gaddafi's forces, but by the rebels themselves? And were they to come to power and sweep in Tripoli, to what extent would that continue and, in fact, escalate? And should -- for all of the panel -- the international community now be considering assembling a force to interject to put on the ground in a very short period of time to prevent that from happening, a MARO type intervention? Thank you.

MR. ABRAMOWITZ: The lady back there.

MS. WELSH: Hi, I'm Jennifer Welsh from the University of Oxford. I just wanted to note that the way in which R2P was invoked in the Libya resolution was very particular. To go back to the point you made at the beginning, the resolution only references the responsibility of the Libyan authorities to protect their populations. It doesn't refer to the responsibility of the international community.

And there's a reason for that, that the attempt to enshrine that in the resolution was never going to generate a consensus. And it goes back to Sarah's point about the degree to which this norm is contested.

Where there is agreement, is that it's not about protecting or allowing democracy, but that it's protection from four very specific crimes. And that is all that was able to generate a diplomatic consensus in 2005.

My question for the panel is does this articulation of R2P in terms of crimes create some very difficult dilemmas for us? And I'm just going to very quickly, 'cause I know we're out of time, suggest three.

One is to the former ambassador's comment, he said, "We're not doing enough to win." I would suggest if you're using the framework of crimes, it's not about winning. It's about punishment. It's about something else. And that suggests very different modes of operation for military forces.

Secondly, your actions are aimed at individuals. It's individuals who commit crimes, perpetrators. And so you inevitably get into what we've seen with the ICC. So I would suggest while we might want to say we should avoid these kinds of arrests, if R2P is articulated through crimes, we are going down a road whereby we would be trying to deter individuals through threat of prosecution and be engaging in actions directed at individuals, which is going to make peace and diplomacy much more different. And so I think those unintended consequences is something we should all be thinking about when thinking about the evolution of the principal.

MR. ABRAMOWITZ: You know, I think I'm going to just cut the questions off there, 'cause we're pretty much out of time. And those are two very weighty issues that were just raised. So I'm going to give each of our panelists an opportunity to say something in conclusion. Manal, why don't you go ahead?

MS. OMAR: Okay. I guess I get to start again. I'll focus in on the question in terms of -- which is very much part of the debate in Benghazi -- on people are very well aware in terms of, you know, Tripoli falls, what happens next? The scenarios

that are being debated are from Gaddafi uses chemical warfare to he decides to leave, so all kinds of different scenarios have been played out.

And one of the realities is, is, you know, will there be tribal warfare? Again, the issue and the way that rape is being used in Libya has been very hard to prove. But we already have a sense that it's not one-sided, that when cities that are loyal or areas that are loyal to Gaddafi do fall, there's a sense that rebels may be also engaging in rape in terms as a way of payback. So it's definitely not one-sided. It's very disproportionate, but it's not one-sided.

I think the scenarios are including ways to secure that you don't have the type of tribal breakout or a vacuum of power that you would generally have in such a scenario. But what's most important is the faith people have in the National Transitional Council. That doesn't mean that they like them. It doesn't mean that they trust them 100 percent. But they are proud that such an entity exists. And most of the people I've spoken with, even the harshest critics of the NTC feel that that's where they would work from within, is that there's actual structure and a counterpart to work with, and particularly once Tripoli's free, there's going to be an influx of very well-qualified people. So the NTC will take on a new shape, but they feel that they at least have that structure for the discussions.

The other big issue is going to be what transitional justice would look like, and there is concern. Some of the statements that have been coming out is that unless you have blood on your hand, unless you've, you know, killed, then you'll be given a pardon, and some people are not happy with that. Again, you know, how do you prove -- you know, maybe you might not more directly, but you instructed killing. There's questions in terms of rape. There's questions in terms of the corruption and, you know, people who rob from the state. So, you know, that question will also result in terms of

what the reaction will be.

But it's a big debate. Almost all NTC members that I spoke with, this was the central -- and what I found fascinating was that many people actually found me and found the USIP asking about national reconciliation and asking about dialogue because they're thinking ahead about post-Gaddafi regime and how to avoid the power vacuum that would erupt.

MR. ABRAMOWITZ: Rich?

MR. WILLIAMSON: First, to the question -- I have a story regarding the reconstruction and stabilization Jim Dobbins tells. He's done a great deal of excellent work not only in the Balkans, but at RAND Corporation.

And he says, you know, you go to these meetings -- policy meetings -- and you've got the area expert, who's been studying the area forever and says, "They're never going to reconcile. They're never going to come together. This is so hard. It's impossible." Then, you have the people that focus and are familiar with the doctrines and experience in reconciliation who say, "This is really, really hard, and it really, really takes a long time. It can be done, but it's going to be costly." And then the third group say, "Oh, we can do this quick and easy." Unfortunately, they're the politicians who make the decisions.

The point is I think because of our failures in Afghanistan and Iraq, I'm ignoring the need for security, then some utilities, then some law and order, then some economic activity, and then some government. Hopefully, the policymakers are listening to you and your colleagues more, but it's going to be enormously difficult, and I suspect it was not something vetted very carefully before the decision to act on Libya.

Second, the point was raised about the diplomatic consensus in '05. Remember, the outcomes document was really long and dealt with a lot of issues. I don't

think we should have the illusion that a high percentage of the consequential countries really fully bought into R2P. It was just Paragraph 138 and 39 and move on. And so that's part of our problem of actually strengthening that consensus through behavior.

And with respect to the crimes issues, all I can say is, again, I think there is a tension between the need to end impunity and have accountability and saving human lives. And it'll always be there, and it'll be a judgment call. And I don't blame the ICC or their chief prosecutor. It's the decision to refer it, where that tough debate has to be made, and it's a question of human life.

And, yes, you want a deterrence, and I do believe it's a deterrence. But as the litany of atrocities have continued, it certainly hasn't stopped some powerful people from doing some terrible things.

MS. ABRAMOWITZ: All right. So, Sarah, you have a few -- you're okay? So listen, I wanted to thank everyone for attending today. I wanted to particularly thank our panelists for what I think was an extremely thoughtful and illuminating discussion.

And I want to thank again our hosts, Humanity United, Brookings, and the U.S. Institute of Peace. Thank you very much. (Applause)

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CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

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