The Jar of Pandora?
Striking a Balance between the ‘Responsibility to Protect’ and the Stability of International and Regional Peace and Security in Libya

Markus P. Beham* and Ralph R.A. Janik**

So long as the sufferers by the bad law do not invoke assistance from other communities, I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are directly interested appear to be satisfied, should be put an end to because it is a scandal to persons some thousands of miles distant, who have no part or concern in it.

John Stuart Mill, On Liberty

I. Implementing the ‘Responsibility to Protect’ and its Consequences

Assisting regime-change in Libya by authorising the use of force under Chapter VII of the UN Charter has been praised by many enthusiasts of the ‘responsibility to protect’ as a major step in implementing the concept. Regime-change itself was not mandated by resolutions 1970 and 1973. However, protecting civilians from atrocities was a major (rhetorical) factor, not only in the resolutions themselves but also in diplomatic discussions and media coverage. Yet what if the payoff of such an international policy¹

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* Researcher and Lecturer, Department for European, International and Comparative Law, Section for International Law and International Relations, University of Vienna.

** This contribution is not aimed at discussing any alternate public or economic policy interests behind action in Libya. Instead, it follows the mainstream discussion on Libya as an implementation of the ‘responsibility to protect’ an argumento, in order to reflect upon consequences of implementing such a concept.
means opening the metaphorical ‘Jar of Pandora’\(^2\) by releasing a whole new number of unintended consequences?

The first of these concerns is the situation in Libya itself after the revolution. Clashes continued even after the overthrow of Gaddafi’s regime. The country is still haunted by tribal and religious tensions as the new authorities are struggling to establish and maintain a minimum level of law and order. The promise of a brighter future for Libya seems distant now.

Beyond this distant future lie the significant cross-border effects of regime change in Libya. The first one is the situation in Mali, where France deployed troops in early 2013, in order to help the government repel rebel Islamist groups that plague the north of the country. The second is the impact of Libya on the full-blown civil war that is being waged in Syria, where the international community gives the impression of alternating between the role of the idle bystander and arming for intervention.

It is not the purpose of this contribution to join the discourse on the possible legal implications or normative value of the ‘responsibility to protect’. It should suffice to acknowledge that the concept arose as a consequence of the humanitarian intervention discourse following NATO action in Kosovo in 1999\(^3\) and that it has since been endorsed in a more or less watered down variation in points 138 and 139 of the prominent ‘World Summit Outcome’

\(^2\) In order to preclude any questions as to the choice of this particular term, the authors feel it necessary to include a brief etymological excursus: While popular use may be preferential towards the term ‘Pandora’s box’, the correct translation of the Greek ‘πίθος’ is actually (an earthen or clay) ‘crock’ or ‘jar’. That is the reason the latter word is used in the title, as well as throughout the text, as opposed to the more common but less correct ‘box’.