



CAN NATO REACT TO THE ARAB SPRING?

DEMOCRACY, HUMAN RIGHTS, & THE RULE OF LAW



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TASK FORCE 2012

*Can NATO React to the Arab Spring?:
Democracy, Human Rights, and the Rule of Law*

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LIST OF ACRONYMS

ABC—Anyone But Communists
ABT—Anyone But Terrorists
AIOC—Anglo-Iranian Oil Company
ANT—Armée Nationale Tunisienne
CPR—Congress for the Republic. A political party in Tunisia
DF4D—Domestic Finance for Development
ENP—European Neighborhood Policy
ENPI—European Neighborhood Partnership Instrument
EU—European Union
FGM—Female Genital Mutilation
FMF—Foreign Military Financing
FOM—Free Officers Movement
FSA—Free Syrian Army
GDP—Gross Domestic Product
ICC—International Criminal Court
IDF—Israeli Defense Forces
IMET—International Military Education and Training
IMF—International Monetary Fund
INSEE—Institut National de la Statistique et des Etudes Economiques
ISAF—International Security and Assistance Force
LCC—Local Coordinating Committees (In Syria)
LR—Liberation Rally
MD—Mediterranean Dialogue
MENA—Middle East North Africa
MNNA—Major Non-NATO Ally
NADRHD—Nonproliferation, Anti-terrorism, Demining, and Related Programs - Humanitarian Demining
NATO—North Atlantic Treaty Organization
NDP—National Democratic Party
OPEC—Organization of the Petroleum Exporting Countries
PAP-T—Partnership Action Plan against Terrorism
PLO—Palestinian Liberation Organization
PNA—Palestinian National Authority, created after the Oslo Accords
RCC—Revolutionary Command Council
RCD—Constitutional Democratic Rally. The political party of the former Tunisian president Ben Ali
RCD—Rassemblement Constitutionnel Démocratique
SARC—Syrian Arab Red Crescent
SCAF—Supreme Council of Armed Forces
SFOR—Stabilization Force
SNC—Syrian National Coalition
UDHR—Universal Declaration of Human Rights
UN Security Council—United Nations Security Council
UN—United Nations
UNGA—United Nations General Assembly
UNHCR—United Nations Human Rights Resolution
UNHRC—United Nations Human Rights Council
UNSC—United Nations Security Council
UNSG—United Nations Secretary General
US—United States
USD—US Dollars (\$)

EXECUTIVE SUMMARY

The Arab Spring brought a regional paradigm shift in which human dignity and participatory involvement in the political process became the demands of the masses. As long-standing dictators began to fall, NATO was and continues to be confronted with the challenge of reevaluating its adherence to the Cold War status quo of regional stability at any cost. NATO can no longer afford to ignore the popular opinion of North Africa and the Middle East and thus must seize this as an opportunity to solidify their commitment to democracy, human rights, and the rule of the law. While NATO member states have long championed these values domestically, they now witness the Arab World collectively struggling to champion them as well. However, the uncertain future of the governments in Tunisia, Egypt, Libya and Syria makes it difficult for NATO to act. While each country section will highlight individualized recommendations to NATO and its member states, the overall theme that can be extracted is that NATO should adopt a facilitating role in these respective state-building processes. In a time of unprecedented regime change, domestic ownership of the transition is essential to guarantee legitimacy.

Due to the diverse nature of the countries affected by the Arab Spring, our task force chose to write about four nations at very different transitional stages: 1) Tunisia; 2) Egypt; 3) Libya; and 4) Syria. Each group studied the issues that pertained most to their country. The Tunisia and Egypt groups' analysis is centered on the future of democracy and the state building process, while the groups studying Libya and Syria explored human rights and the international principle of the Responsibility to Protect.

Part V of our report, *Thoughts from Outside the Maghreb*, incorporates a wider perspective by looking at the reception Israel and Human Rights Watch have had in the unfolding of these events—as well as offering thoughts on what role they might play in the future.

PART I **TUNISIA**

Until December 2010, the small North African country of Tunisia was relatively unknown to the international political sphere. When a young fruit vendor Mohamed Bouazizi committed self immolation to protest the lack of economic opportunities and the unfair treatment by the police force, it signaled the rest of the country to rise up against the political and economic stagnations (that have happened) under the authoritarian leader Zine al-Abidine Ben Ali. The month-long nationwide protests captured the attention of the world, and Ben Ali fled the country on 14 Jan after 23 years of rule. This spirit of the revolution resonated through North African and the Middle East, starting the phenomenon that came to be known as the Arab Spring. As the catalyst of the Arab Spring, the legacy of Tunisia is significant; although the actual revolution is over, the state building process after the longtime dictatorship will set a trajectory for the other Arab Spring nations. This transition to a democratic state will determine the ultimate success of the revolution and bring about a new political discourse to the region.

Thus, the writers of this section primarily focus on the transition process and the future of Tunisian politics. In the paper “Tunisia: the military and the foreign influence in domestic affairs,” Pavel Manchev discusses the internal and external factors of the army and the foreign actors before, during and after the revolution. He states that the role of the army was crucial to the ousting of Ben Ali. The significance of the army will continue to increase during the transition as it will provide security to the nation. The foreign partners, especially the United States and France, have the opportunity to reinvent their tainted image by assisting and advising the army to continue to implement domestic stability. Morgan McAllister delves further into the topic of the importance of political and institutional stability during the democracy building process by providing an observation of the events.

TUNISIAN REVOLUTION TIMELINE

- Dec 17 2010 Mohamed Bouazizi commits self immolation in Sidi Bouzid to protest police interference and a lack of economic opportunities.
- Dec 20 2010 Development Minister Mohamed al-Nouri al-Juwayni announces a new \$10 million employment program in Sidi Bouzid. Protests continue.
- Dec 22-28 Protests continue throughout Tunisia
- Dec 28, 2010 President Ben Ali delivers a televised address promising more jobs while vowing to punish protesters. He further states that the violence and unrest were manipulated by the foreign media.
The ministers of Communication, Trade and Handicrafts, and Religious Affairs are fired.
The governors of Sidi Bouzid, Jendouba, and Zaghuan provinces are dismissed for unspecified reasons.
3,000 lawyers rally near the government palace in Tunis
The Tunisian Federation of Labor Unions protest in Gafsa, met with violence by security forces.
- Dec 29 2010 Nessma TV becomes the first major Tunisian media outlet to cover the protests.
- Dec 30 2010 France's Socialist Party condemns the "brutal repression" of the protestors, calling for the French government to make an official statement
- Jan 3-12 Protests continue throughout Tunisia. Violence escalates between civilian demonstrators and national security forces
- Jan 13 2011 Ben Ali gives a national address pledging to step down after the end of his term in 2014 and to oversee fresh parliamentary elections before then, and to end state censorship.
- Jan 14 2011 Ben Ali flees to Saudi Arabia.
Former Prime Minister Mohamed Ghannouchi takes post as Interim President.
- Jan 19 2011 Switzerland's Federal Council freezes assets of Ben Ali and encourages Tunisia to seek criminal actions against the former president.
- Jan 24 2011 French President Nicholas Sarkozy admits to undermining the protests and admits to making a mistake supporting Ben Ali's regime until his refuge.
- Feb 27 2011 Prime Minister Ghannouchi resigns his post with Beji Caid-Essebsi as his replacement in the face of protests calling that he was too close to the former government.
Turmoil continues in the streets of Tunis as demonstrators call for the disbanding of the interim government and the current parliament, suspension of the constitution, formation of an elected assembly to organize elections and oversee the transition to democracy. Interim government disbanded

along with the current parliament.

- Mar 7 2011 A third interim government of technocrats revealed with Beji Caid Sebti as the leader after critiques of the previous governments being too close to Ben Ali's regime.
- Mar 9 2011 Tunisian court rules Ben Ali's party, the Constitutional Democratic Party (RCD) be dissolved; including the disbandment of the party and confiscation of the funds.
- May 8 2011 Tunisia reinstates an emergency nighttime curfew after four days of clash between anti-government protesters and the police force.
- May 25 2011 Slim Amamou, former revolution blogger appointed minister of youth and sport resigns, critiquing the stalemate conditions of the transition, claiming that there's nothing more to be done until the elections.
- May 27 2011 G8 leaders pledge \$20 billion of loans and aid to Tunisia and Egypt for the process of democratization.
- June 14 2011 Prime Minister Beji Caid Sebti announces that the general elections to select the constitution assembly delegates, scheduled for July, delayed until October 23 to give candidates more time to prepare.
- June 20 2011 Ben Ali and his wife Leila Trabelsi tried in absentia and sentenced to 35 years of jail for theft of foreign currency, artifacts, weapons and drugs.
- June 23 2011 Rached Ghannouchi, the leader of the main Islamist Party Ennahda warns that the further delay of elections could be an attempt by Ben Ali's former allies to regain their posts and hinder the democratizing process.
- Oct 23 2011 The first free elections of Tunisia for the seats in the constitution assembly
Election results: the moderate Islamist party Ennahda wins a 41% plurality with 90 of 217 seats. The liberal Congress for the Republic party wins 20 seats.
- Oct 28 2011 Protests break out in Sidi Bouzid after the votes for the Popular List party were nullified when the party was removed from the ballot over accusations of campaign finance violations.
- Nov 22 2011 Democratically elected Constituent Assembly holds inaugural session.
- Dec 13 2011 the interim parliament, the Constitutional Assembly, elects human rights activist Moncef Marzouki of the Ennahda party as the president with 153 of the 202 votes cast. He will serve for a year until the constitution is rewritten and new elections are held.

Chapter 1

INSTITUTIONS & DEMOCRACY BUILDING IN TUNISIA

Of all the Arab Spring countries, Tunisia is the furthest along in its transitional process. It has a new president, a new parliament, is proceeding to draft a new constitution and has stabilized enough to allow the economy to return to growth. These achievements are all quite impressive for such a short space of time. Yet the Tunisian model for democratic change in the Middle East did not rely solely on people power. The aspect of the power of popular movements, seen so vividly in the demonstrations that followed the death of Mohamed Bouazizi, was complemented by the actions of the Tunisian institutions in building democracy. These institutions were able to guide the people's movement in Tunisia down the path towards a functioning and stable democracy and are instrumental in ensuring the success of the Tunisian experience in democracy building. In light of the high importance that institutions play in the development of democracy, this paper proposes the following actions; 1) that NATO develop ties between its own institutions and those of the Arab Spring nations; 2) that NATO assist the Arab Spring nations in developing strong institutions; and 3) that NATO help provide international oversight and expertise in running fair and free elections in the Arab Spring nations.

I. MOHAMED GHANNOUCHI AND THE TRANSITION [1.1]

As important as Mohamed Bouazizi is to the overthrow of Ben Ali and his regime, former Prime Minister Mohamed Ghannouchi (not to be confused with Rachid Ghannouchi, the leader of the political party Ennahda) is just as crucial to all the developments that happened after Ben Ali fled on 14 January 2011. Mohamed Ghannouchi would not become a popular transformational politician, his leadership during his brief term in office would transform Tunisia and change the course of the revolution. On the day Ben Ali left, Ghannouchi, then the Prime Minister, assumed

political leadership of Tunisia. However, the Constitutional Court ruled against Ghannouchi stating that under the Constitution, since the post of President had been vacated, the speaker of parliament or Fouad Mebazaa would become interim President.¹ Ghannouchi complied with the court's decision and recognized the Presidency of Mebazaa. His actions reconfirmed the importance of the Constitution to Tunisian politics, even during this interim period as Tunisians press for a new government. Ghannouchi continued on as Prime Minister and was tasked with dealing with an important problem. The protests that had toppled Ben Ali were continuing outside the government offices. Though Ben Ali had gone, to many Tunisians the government that was in charge had lost its legitimacy by its association with Ben Ali.

To address these concerns, Mohamed Ghannouchi resigned from the Constitutional Democratic Rally (RCD), the party that had ruled the state under the Ben Ali regime and began the process of separating government offices from the offices of the RCD.² At this point the number of people resigning from the RCD began to grow to the point that the RCD Politburo was forced to dissolve.³ Ghannouchi then began the process of creating a new government body, replacing several old ministers while keeping a few of the old ministers in their positions based on competency in order to maintain stability in governance.⁴ In presenting this new government composition, Ghannouchi highlighted the mission of the government, to ensure that the later elections take place in an atmosphere suitable to an election which reflects the will of the people. To this end the government would begin to reform the Fight Against Terrorism Act, the Press Code, the Electoral Code and laws regarding political parties to bring more openness into the election.⁵ Furthermore,

¹ "Tunisia swears in interim leader" *AlJazeera*. [Tunis] 15 Jan. 2011. Web.

² "Main assignment of NUG is resumption of all utilities' and preparation of Presidential election" *Agency Tunis Afrique Press* [Tunis] 20 Jan. 2011. *Syndigate.info*. Web

³ "RCD Politburo dissolved" *Agency Tunis Afrique Press* [Tunis] 20 Jan. 2011. *Syndigate.info*. Web

⁴ "Mr. Mohamed Ghannouchi: New government, fruit of national consensus and will to achieve democratic transition" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

⁵ *Ibid.*

Ghannouchi highlighted that the future election would be administered by an independent commission under the observation of international observers.⁶

In response to this reorganization and new orientation, the government headed by Ghannouchi won endorsements from the Tunisian General Labor Union, the Tunisian Agricultural and Fisheries Union, the Tunisian Union of Industry, Trade and Handicrafts, and the National Union of Tunisian Journalists.^{7 8 9 10} Winning these endorsements quieted down the protests and began to legitimize the governmental institutions in Tunisia, enabling these institutions to get back to focusing on gaining the conditions necessary for free and democratic elections. The government had established that the upcoming free and fair election was its primary political goal.

Meanwhile Ghannouchi's government was also able to go back to the business of governing in Tunisia. The government began to reassert its influence in security and economic development. On the security front, it finally took the action of bringing anti-riot squads to clear the Kasbah Government Square of sit in protestors by force.¹¹ This action took place without major clashes between the demonstrators and the security forces. This government began to assert security forces to bring stability to the country and even called up the military reservists, further expanding the size of security forces.¹² On the economic front the government was able to secure the support of European investors, gaining promises of low interest loans to help diversify the Tunisian economy and provide skilled employment for Tunisian youth.¹³

Though the government was able bring about security improvements and greater stability, Ghannouchi's government continued to grapple with establishing its own legitimacy as many

⁶ Ibid.

⁷ "UGTT endorses government led by Mohamed Ghannouchi" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

⁸ "UTAP endorses new NUG" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

⁹ "UTICA backs new government" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

¹⁰ "SNJT Chairman: new government has much work to do" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

¹¹ "Antiriot forces disperse Kasbah sit-in protestors" *Agency Tunis Afrique Press* [Tunis] 28 Jan. 2011. *Syndigate.info*. Web

¹² "Army reservists recalled" *Agency Tunis Afrique Press* [Tunis] 7 Feb. 2011. *Syndigate.info*. Web

¹³ "European parliament calls for energising of co-operation with Tunisia" *Agency Tunis Afrique Press* [Tunis] 3 Feb. 2011. *Syndigate.info*. Web

protests continued. Throughout February, the government continued to work towards the dual goals of stability and legitimization. Ghannouchi's government took steps to dismiss all Ben Ali's staff,¹⁴ permanently disband the RCD and prohibit it from participating in the upcoming election,¹⁵ and declare a general amnesty for all prisoners of the Ben Ali regime.¹⁶ At the same time, it condemned efforts to incite hatred or sow discord among Tunisians,¹⁷ and called on the security forces to protect the nation and its people.¹⁸ To attest to the efforts the security forces, on 17 February 2011 the first tourists to Tunisia since the revolution came to visit.¹⁹ Nevertheless, protests continued to be a major feature driving political change in the leadership of the government. By the end of February, in order to appease popular demand, Mohamed Ghannouchi resigned from government.²⁰

In his resignation speech Ghannouchi highlighted his government's efforts to avoid bloodshed, to govern with the consent of the people, to free political prisoners, to seize the assets of the Ben Ali regime, to ensure political openness in the upcoming elections. Almost as a final act, Ghannouchi confirmed the formation of a committee for the protection of the revolution, for political reform and democratic transition.²¹ In effect, Ghannouchi was able to institutionalize the revolution started by Bouazizi and the protest movements that followed. The revolution's voice was the people, but the revolution's progress was now in the hands of a government fully committed to the revolution's fulfillment while continuing to operate within the framework of the previous Constitution. To gauge Ghannouchi's success in this regard, one only needs to see the reaction of 2,000 protestors who called for his return to office and the goals of his successor to the office of

¹⁴ "All President's former staff dismissed" *Agency Tunis Afrique Press* [Tunis] 4 Feb. 2011. *Syndigate.info*. Web

¹⁵ "Interior Minister claims that RCD be dissolved" *Agency Tunis Afrique Press* [Tunis] 21 Feb. 2011. *Syndigate.info*. Web

¹⁶ "General amnesty at the weekend and appointment on Friday of FM, says Prime Minister Mohamed Ghannouchi" *Agency Tunis Afrique Press* [Tunis] 18 Feb. 2011. *Syndigate.info*. Web

¹⁷ "Interior Ministry calls upon security forces to be vigilant against any attempt to sow disorder" *Agency Tunis Afrique Press* [Tunis] 15 Feb. 2011. *Syndigate.info*. Web

¹⁸ "Interior Ministry condemns incitement to violence and hatred among Tunisians" *Agency Tunis Afrique Press* [Tunis] 15 Feb. 2011. *Syndigate.info*. Web

¹⁹ "First tourists arrive in Tozuer, after revolution" *Agency Tunis Afrique Press* [Tunis] 23 Feb. 2011. *Syndigate.info*. Web

²⁰ "Mohamed Ghannouchi resigns" *Agency Tunis Afrique Press* [Tunis] 28 Feb. 2011. *Syndigate.info*. Web

²¹ Ibid.

prime minister.²² The new prime minister Caid Essebsi stated that “We will see to it that this election be the first one in Tunisia's history to take place in total credibility and transparency, which is an important step on the path of democracy,”²³ and also stated that the government would take “continued action to further improve the security situation, which has already registered some amelioration, is part of the government's priorities in the coming period, insofar as security and stability remain the cornerstone to carry on economic activity and development effort.”²⁴ These goals are remarkably similar to those of Mr. Ghannouchi and reflect his success in getting the institutions of Tunisia to take over and lead the transfer to democracy.

II. THE JUSTICE SYSTEM [1.2]

In a similar fashion, the institutions of Tunisian justice system are visible in the process of democracy building. Already mentioned is the Constitutional Court's ruling on Ghannouchi's eligibility to be the interim president. However the justice system has a much wider influence on Tunisia's progress towards democracy than just constitutional rulings. Since the departure of Ben Ali, several individuals of the old regime have been arrested to be tried for such crimes as embezzlement and corruption. Many of those arrested have been prosecuted, however institutional justice takes time and only a few have been sentenced.²⁵ Furthermore many of those arrested including a former transportation minister and a former justice minister have been freed.²⁶ Some of those arrested have even been allowed to leave the country, although in one instance, it later led to the dismissal of the involved chief prosecutor.²⁷ All of this is not without controversy, and many

²² “Protestors demand return of Ghannouchi” *Agency Tunis Afrique Press* [Tunis] 27 Feb. 2011. *Syndigate.info*. Web

²³ “Mr. Beji Caid Essebsi: “We will see to it that this election be the first one in Tunisia's history to take place in total credibility and transparency”” *Agency Tunis Afrique Press* [Tunis] 4 Mar. 2011. *Syndigate.info*. Web

²⁴ “Caid Essebsi: “Government mission, making Tunisia reach safe heaven till Constituent Assembly election”” *Agency Tunis Afrique Press* [Tunis] 7 Mar. 2011. *Syndigate.info*. Web

²⁵ Jarboui, Ramy. "Anger at Slow pace of Tunisian Trials." *Institute for War and Peace Reporting* [Tunis] 25 Aug. 2011. Print.

²⁶ Ibid.

²⁷ Ibid.

protesters have demonstrated to express their more populist leanings towards justice. However, the slow pace of trials and prosecution, combined with the hesitancy to give in to populist demands, demonstrates the institutional stability of the Tunisian justice system as Tunisia moves down the road toward democracy. Trying Ben Ali officials for corruption is not the only task the Tunisian justice system is dealing with. It is also involved in reviewing the cases of those imprisoned under the Ben Ali regime to determine eligibility for amnesty granted to political prisoners.²⁸ These actions by the Tunisian Justice Ministry, seeking court based justice for corrupt former officials and seeking redress for the wrongfully imprisoned, highlight its institutional role in moderating the potential extremes of Tunisian popular justice and the potential extremes of the Tunisian revolution as well.

III. THE ELECTION [1.3]

However the key to the interim government's legitimacy lies in its ability to deliver the results the people demanded, the first of which was a free, fair and democratic election. On 23 October 2011, this election took place and the results of the hard work of the government and its institutions are impressive. The campaign season, which lasted 3 weeks, was free of government censorship and the media was free to pick candidates or pick them apart.²⁹ There were 81 parties that fielded candidates for the election, and reflecting the government's efforts to keep from denying any party an opportunity to compete.³⁰ None of the standing government officials were allowed to seek re-election, which included not only President Fouad Mebazaa, Prime Minister Caid Essebsi, but also former Prime Minister Mohamed Ghannouchi. To monitor the elections, there were 7472 accredited election observers, including 533 foreign observers.³¹ The purpose of these officials was to ensure that the election followed procedure, free of vote tampering, ballot stuffing or other

²⁸ "General amnesty at the weekend and appointment on Friday of FM, says Prime Minister Mohamed Ghannouchi"

²⁹ Price, Rob. "Tunisian Elections...It's The Real Thing This Time " *Support Democracy in Tunisia*. 28 Oct. 2011. Web

³⁰ Ibid.

³¹ Ibid.

electoral fraud. These developments highlight the government's commitment to completing the transfer to democracy in the fairest, most free, and most democratic manner possible. In addition to the scale of party participation and electoral infrastructure planning, the scale of popular participation was also tremendous. Out of 4.4 million registered voters, 90% participated in the election.³² In a country of 10.5 million this is a very sizable portion of the total population; men, women and children. Furthermore, Tunisians living abroad managed to participate in the election including about 10,000 eligible voters living in the United States.³³

The election produced victory for a plurality of parties, although the most successful parties were; the moderately Islamic Ennahda, the Congress for the Republic (CPR), and Ettakatol. Ennahda won about 45% of the vote and 90 of 219 seats. CPR gained about 15% of the vote and 30 seats, and Ettakatol gained 21 seats. All three of these parties had been outlawed and harassed during the Ben Ali regime, however only Ennahda was able to develop an underground party infrastructure and remain active on the fringes of society during the Ben Ali era.³⁴ During the campaign Ennahda and CPR were both subject to intense and critical scrutiny as the media deemed them beneficiaries of foreign support. These negative campaigns backfired as many voters identified them as reminiscent of the way Ben Ali used to demonize his opponents.³⁵ Negative campaigning against Ennahda and political Islam particularly backfired as Ennahda saw its support grow and the parties going negative were largely trounced in the election.³⁶ Considering the situation of the Tunisian electorate, these are the results one would expect from a free and fair election. This was a year when Tunisians demanded change, and as the election results show, they punished the parties that were too similar to Ben Ali's regime and rewarded his political opposition. Additionally as

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Chaouachi, Adnen "The Nation's Media and Propaganda" *Tunisia Information Services* [Tunis] 31 Oct. 2011 *AllAfricaGlobalMedia* Web.

³⁶ Price, Rob.

negative campaigning took an inappropriate turn, the campaigns simply rallied support to the victimized parties. The results and their reflection of general expectations are themselves a testimony to the free and fair election process of this election and of the independent election officials foreign and domestic.

Directly following the election, there were complaints among many of the voters that the results did not accurately reflect the will of the people. Many complained that the results were either too liberal or too radical.³⁷ However, it is important to note that this is the first of many elections and the pendulum of public opinion will swing back and forth as it works to find a match over several election cycles. For Tunisia to officially finish its transfer to democracy, it will need to conduct several elections. For now however Tunisia has managed an impressive start as it has completed the first free election under the leadership of the interim government. This interim government gave institutional stability and legitimacy to the process of its own removal from power. Completing the transfer of power to the newly elected government body, President Mebazaa in December 2011 stepped down peacefully to make room for the newly appointed by parliament President Marzouk of the CPR. This government institution continues to its next phase, as a newly elected body tasked with writing a new constitution headed by a pluralist legislature led by opposition parties and candidates. This institution is now a direct instrument in the hands of the new democratic-fledgling Tunisia, rather than merely an interim body overseeing the path to democracy.

Even as it embarks on the path to becoming an established democracy, Tunisia's institutions are there to manage the various populist outbursts that come with messy democratic politics. In January 2012, a full year after the departure of Ben Ali, several thousand people demonstrated in the streets. They were protesting the actions of a Salafist organization in Manouba. In an attempt to

³⁷ Chaouachi, Adnen.

force their ideology a group of radical Islamic Salafists conducted a sit in for weeks at a university, demanding that they be allowed to wear the niqab or full Islamic veil. For decades, this had not been allowed as the leaders of Tunisia sought to cultivate a secular society within a predominantly Islamic nation. Earlier that week the police finally shut down the weeks long sit in demonstration, but several thousand individuals were still disturbed enough by the incident to protest the Salafist agenda.³⁸ These events illustrate that Tunisia's government and institutions will continue to have to adjust its actions to meet the concerns of Tunisians even as it continues to deal with the issues of governance.

IV. DEMOCRACY BUILDING IN TUNISIA AND IRAQ [1.4]

Tunisia's experience is in stark contrast to another relatively recent attempt to build a democracy in the Middle East. While Tunisia was able to use its institutions to guide, direct and facilitate the development of democracy, in the Iraqi experience institutions were systematically dismantled as a part of the effort to bring about democracy. Clearly there are limitations to the comparison between democracy building efforts in Tunisia and those efforts in Iraq. Tunisia was a domestic operation while democracy was imposed by the United States on Iraq. However, despite these obvious differences in source, the implementation of democracy building measures with regards to the prodemocracy institutions is just as stark as are their results.

In both countries, the former ruling party was legally removed from power. In Tunisia, the officials had to resign from the RCD and then the party was dissolved. For a month and a half the interim government was led by a man who had simply resigned from the RCD and had set about governing for a new Tunisia. Those RCD members in the former government were forbidden to run for public office in the next election. Nevertheless in that election many of the former RCD

³⁸ "Thousands protest conservative Islam in Tunisia" *AFP* [Tunis] 28 Jan. 2012 *ALArabiya.net* Web.

officials ran for office anyways and a few were even elected.³⁹ Even at the most basic level of removing the former ruling party from power, the extent of de-RCDification was very light and forgiving.

By contrast in Iraq, Jerry Bremer, who led the American efforts at rebuilding Iraq, embarked on a harsh program of de-Baathification, eliminating the Baath party from all institutions in Iraq. The program of de-Baathification affected society's ability to function as a whole. De-Baathification meant "that thousands upon thousands of teachers, university professors, medical doctors and hospital staff, engineers and other professionals who are needed have been dismissed."⁴⁰ This process was extremely disruptive, because it not only removed people from government, but actually removed them from positions and professions, where they can serve society. This process, unlike the Tunisian case, created a group of people excluded from democracy. Although it is true that the Baath party was largely sectarian based, and that Tunisia lacks large sectarian or ethnic rifts, the Tunisian model is an example of changing the regime without actually excluding a segment of society. This distinction is crucial because Tunisia was capable of creating a democracy that seeks legitimacy from all its constituents, whereas Iraq would unfortunately struggle for several years with pacifying and incorporating the newly disenfranchised.

Additionally, the interim government of Tunisia began its term by increasing the size of the military and security forces available. The paper by Pavel Mantchev deals extensively with the role of the military in Tunisia's revolution. However, for the purposes of this paper, it is notable that the interim government in Tunisia called up the military reservists⁴¹ and made increasing stability an

³⁹ Byman, Daniel. *Elections and Reform in Morocco and Tunisia*. Proc. of The Brookings Institution, USA, Washington DC. Alexandria, VA: Anderson Court Reporting, 2011. Print.

⁴⁰ Diamond, Larry Jay. *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq*. Pg. 256 New York: Times, 2005. Print.

⁴¹ "Army reservists recalled"

explicit goal of the government.⁴² By contrast in Iraq, Jerry Bremer “dissolved not just the army, but the air force, the navy, the ministry of defense, and the Iraqi intelligence service.”⁴³ It was also clear at the time that the American security forces would not be large enough to run the security affairs of the new Iraqi state, let alone police the chaos of the transfer to democracy. While the Tunisian interim government sought to increase stability in Tunisia, the American led experience actively cut down the very institutions that would be able to keep stability in Iraq. The Iraqi experience would quickly become a violent arena with a very large disenfranchised segment of society, on the other hand the Tunisian experience has been a relatively peaceful and inclusive experience, and has quickly established a legitimate government to continue the process of democracy building because it has managed to use the institutions already present in Tunisia to advance the cause of democracy.

V. NATO [1.5]

Considering the importance that institutions play in maintaining stability in fledgling democracies, it is important that the Arab Spring countries are able to develop or maintain strong security forces in their countries. In Tunisia this need has largely been met by using the existing military structure and policing institutions. However this is not necessarily the case in all Arab Spring countries. Libya in particular suffers from a complete lack of institutions that both have national legitimacy and provide stability. NATO and its member states can help the Libyans train their military and police forces to maintain stability. This stability and governance can tremendously help the new government maintain legitimacy and allow the potential for economic growth. Some progress has already been made in this direction as the French have helped to train both the new Libyan military and some police forces.⁴⁴ Unfortunately, Libya continues to struggle with security

⁴² “Caid Essebsi: “Government mission, making Tunisia reach safe heaven till Constituent Assembly election””

⁴³ Chandrasekaran, Rajiv. *Imperial Life in the Emerald City: Inside Iraq's Green Zone*. Pg. 76 New York: Alfred A. Knopf, 2006. Print.

⁴⁴ “Libyan former rebels to get official recognition” *The Tripoli Post* 2 Dec. 2011 Web.

and stability, and more training and expertise will be necessary as Libya works towards developing its democracy. Egypt and potentially Syria or any other new Arab Spring nations will need to ensure stability as they make their own transitions. As these nations make that transition to democracy, NATO can help them, by providing training and expertise for security forces to ensure stability.

Expertise in institution building does not need to end with security institutions alone. NATO and its member states can help the Arab Spring nations, most particularly Libya, develop the full range of institutions needed for governance. Advisors can be sent to help set up structures for the judicial system, government services and communication between the new governments and the people they represent. These new governments will have to prove themselves responsive to the demands and needs of their people in order to maintain their legitimacy and NATO advisors can ensure that the new governments have all the expertise needed to quickly develop the institutions of basic governance.

One of the best ways that NATO and its member states can help the Arab Spring nations is to provide assistance to them ensure that their new elections proceed smoothly and fairly. In the Tunisian experience, foreign nationals, many of them from NATO member states, were quickly invited to help observe the planning of the new election which eventually took place in October 2011. These observers were able to help the Tunisians plan appropriately for the challenges of holding elections and provide oversight of the actual elections to give the elections credibility and legitimacy. As both Libya and Egypt prepare to hold their own elections, they can benefit from the expertise of foreign observers in the same manner as Tunisians did. This will give the elections better preparation for any challenges it might face and lend the results greater legitimacy by allowing foreign and impartial oversight to determine the fairness and level of freedom in the elections. Any election deemed fair and free by foreign observers will give greater legitimacy to the electoral

process and the newly elected body, compared to an election without an objective third party. This foundation of electoral legitimacy will help foster the transition to democracy.

Finally, the institutions of NATO and its member states should develop direct ties with the institutions of the Arab Spring nations. In Tunisia this was done quickly, as Germany sent a Federal Commissioner to Tunisia to discuss judicial cooperation between the two countries with Tunisia's Justice Minister.⁴⁵ These ties strengthen not only the international cooperation between the two countries, but also can increase information and expertise sharing, enhancing the capabilities of the Tunisian judicial system, and giving the Tunisian judicial system international recognition increasing its own domestic legitimacy. As these international ties are established, they will show the Tunisians that their government has the support and confidence of NATO and the international community. As the Arab Spring nations continue their transition to democracy they will continue to need foreign expertise and they will need to continue to enhance their legitimacy in the eyes of their own people. International ties between similar institutions of the NATO member states and the Arab Spring nations will help these new democracies manage their transition to full democracy smoothly and with the full foreign recognition and support.

The role of institutions in providing stability during a nation's transition to democracy is very important and provides the new government with the legitimacy needed to carry itself to full democracy. NATO and its member states can play an invaluable role by assisting the Arab Spring nations develop their institutions and maintain the stability needed for these new governments to respond to the needs and demands of their people. NATO and its member states should provide observers and advisors to help plan and oversee elections to ensure that they are carried out smoothly and are free and fair. They should also provide training to the security forces of the Arab

⁴⁵ "Justice Minister confers with German Federal Commissioner for Human Rights Policy and Humanitarian Aid" *Agency Tunis Afrique Press* [Tunis] 11 Mar. 2011. *Syndigate.info*. Web

Spring states to ensure that these countries can maintain stability, and develop ties between their own institutions and those of the Arab Spring nations to help provide expertise and legitimacy not only to the international community, but also to their own citizens as these nations continue on the path towards full democracy.

Chapter 2

THE MILITARY & FOREIGN INFLUENCE IN THE DOMESTIC AFFAIRS OF TUNISIA

The political upheavals that took place in the Middle East and North Africa (MENA) last spring constitute a turning point in the history not only for the countries directly concerned, but also for the Muslim world in general. Indeed, the MENA region was one of the last geopolitical platforms where authoritarianism was still present. The austere regimes in place have been mainly ‘sponsored’ by the West for economical and political reasons. The natural resources available in these countries are the most vital for the West, thus securing low prices for the resource was the primary objective. Politically, these regimes were collaborating with the West to combat terrorism and allowing an indirect yet nonetheless strong foothold in the region. These facts explain the relative delay of NATO to respond to the uprisings. Some of the member states of NATO have supported the dictators for several decades and decided not to turn their back on them until the very last moment. In Tunisia, the reactions of the West occurred only after Ben Ali had fled the country; until then, the West maintained its neutral role.

The Tunisian army sided with the popular uprisings and played a major role in the overthrowing of Ben Ali. In Tunisia, the army was one of the only institutions in place working separately from the government. The necessity of such a player in the ousting of a dictator is crucial. Considering the army’s status and the external influences on the army and the country, what is the role of the military institution in the Tunisian society? How are the foreign actors/institutions going to respond to the restructuring of the political landscape?

In the first place, I will provide the necessary background to understand the role of the army in the Tunisian society as well as to emphasize the foreign influence on the institution and on the country pre-revolution. In the second place, I will analyze the role of the army during the revolution and its role in ousting Ben Ali, as well as provide the reaction of international institutions and individual

countries, to the upheavals. Finally, I will present the role of the army post-revolution and consider NATO's different possibilities for intervention.

This paper will make the following recommendations: 1) Provide peace keeping forces to help the police and the army monitor the Tunisian society during the transition which is subject to turmoil due to Tunisia's economic condition. The goal is to provide individual and societal security; 2) Help the army and the police secure the rule of law and respect the constitution by creating a national intelligence service fitting the country, and facilitate a deeper dialogue between the army and the police for domestic cooperation and avoid further political crimes; 3) Help the local intelligence prevent Tunisia from becoming a site for terrorist organizations through NATO partnership and programs. Tunisia is already part of some international partnership but it could join new programs and play a more important role.

I. BACKGROUND AND ROLE OF THE ARMY IN SOCIETY [2.1]

Although Zine el-Abidine Ben Ali has been the dictator since 1987, the political structure recognized in Tunisia was not put in place by him. Habib Bourguiba, the first president of the Tunisian Republic and the founder of the Neo-Destour political party, was the figure who institutionalized this paternalistic and monopolistic party ruling after the Tunisian independence. Over three decades, Bourguiba kept his party in power and cultivated a cult of personality. He was supported by the Tunisian people in the first few years due to his fight for independence. Although he was a francophone lawyer, he saw the future of Tunisia as an independent country. In 1987, when Ben Ali arrived in power and ousted Bourguiba in a bloodless coup, the new president was seen as a political figure with new ideas and a strong will for change in contrast to the last few years of Bourguiba that were characterized by serious economic mismanagement. His first major action was to ban the Ennahda party of a mild Islamist ideology. He forced its leaders into exile or jailed them and more or less eradicated the party. However, quickly after his arrival to power, the new president

started to conduct austere politics by infiltrating his own Rassemblement constitutionnel democratique (Rally for Culture and Democracy/RCD) party members in all the important fields of society (education, police, trade unions, universities, etc.). People quickly realized that Ben Ali was following Bourguiba's steps with his fake elections and his obsession with security. Tunisia "came to have more police than France, a country with six times more people."⁴⁶ Ironically, Tunisia is considered as being one of the most homogenous countries in the Maghreb region as well as in the Arab world with a population of 98% Arabic and Sunni Muslim. Consequentially, the police force was mainly used to blackmail the opposition and enforce the "Ben Ali doctrine" or Benalism⁴⁷ according to the Tunisians, which consists of farcical elections, absurd media coverage on the president and the vengeful nature of the security forces.

The Armée Nationale Tunisienne/Tunisian National Army (ANT) was founded in 1956, most officers at the time had served in the colonial army and were relieved from their duty once the country had gained its independence: the navy was created in 1959 and the air force a year later, in 1960.⁴⁸ During the first decade of independence, the army remained modest in both its size and importance. At the time, Tunisia was not facing any threats to its sovereignty and unlike other newly independent countries, the army was not in charge of managing domestic affairs, which was the responsibility of the growing police force and National Guard. "Indeed, Tunisia's armed forces have never been called upon to defend the country's territorial integrity, and they have only a limited capability to do so."⁴⁹ In the region, Tunisia was never able to, and never wanted to assert itself as a major military power. The country is considerably smaller than its neighbors, in terms of surface as well as in population, and simply could not afford an imposing military force. The only reason for its expansion over the years was in reaction to the building tensions with the neighboring countries.

⁴⁶ The Economist: "*Ali Baba gone, but what about the 40 thieves?*"

⁴⁷ Ibid 1.

⁴⁸ *A Tragedy of Arms: Military and Security Developments in the Maghreb*, Anthony H. Cordesman. p264.

⁴⁹ Ibid, p264.

In the Arab world, the Tunisian army is one of the few armies that has never played a constant role in the national politics—seized power or threatened the regime. Its size throughout the last few decades is an argument for its passiveness, but its composition in terms of structure and manpower is essential in understanding it. Over the early 2000s, the total active military strength was about 35,000; however, 23,400 of these men were conscripts that served only 12 months.⁵⁰ Moreover, the country did not provide effective training in combat or a reasonable pay for its conscripts, making it harder to retain the needed and most skilled junior officers. The army was thus mostly characterized by a turning and temporary enrollment of the youth and an insufficient training that limited its societal influence and role. The very fact that the army was disorganized, underpaid and lacking in manpower limited its popularity among society as well as among soldiers, affecting the number of men enrolling in the institution. The army's primary role was border defense, internal security and protection of key economic facilities.⁵¹ The army lacked significant forces, which resulted in the inability to deploy considerable strength on either side of the border, thus forced to focus its power near urban centers. All these factors contributed to the relative unpopularity and weakness of the army and partly explain its decentralized position in politics.

In the 1980s, the Tunisian government started a renovation and modernization of the army to address the security concerns caused by the Israeli raid and the worsening relations with Libya. Although this modernization improved the military, the place of the institution in the country remained decentralized. The regimes in place after the independence never had to use military power to unify the country, since the majority of the population is ethnically Maghrebini Arab.

In terms of domestic paramilitary forces, the National Guard and the police shared responsibility for internal security. They cooperated or divided areas of jurisdiction but both were under the control of the Minister of Interior and the President. The police presence was heavy

⁵⁰ Ibid, p265.

⁵¹ Ibid, p265.

throughout the country and was involved in surveillance as well as law enforcement. However, its close ties to the president made it a corrupt institution which main goals were surveillance and apprehension of Islamists and extremists and of political opponents to Ben Ali. The implicit re-orientation of the institution has been the focus of many claims of human rights violation. The law authorized the police to arrest individuals without a warrant in the cases of suspected felons or crimes in progress.⁵² According to the Economist Intelligence Unit, Tunisia was ranked 144 out of 167 countries studied in their democracy index (in 2010) pre-revolution, showing its limits in electoral process and pluralism, functioning government, political participation, political culture and civil liberties.⁵³

II. FOREIGN INTERESTS ASSISTANCE TO THE LOCAL ARMY [2.2]

[2.2a]

United States

The varying ties between Ben Ali's Tunisia and the West assured the dictator to stay in place. The United States has supported and considered Ben Ali as an ally since 1987, the year that he came to power. Until his ousting, the USA and Tunisia worked closely for political and military reasons. On America's War on Terror, Tunisia provided a perfect platform for counter spying activities. As a matter of fact, the Tunisian Constitution prohibited the establishment of political parties based on religious beliefs and the proselytizing of Muslims. Officially, it kept a relatively secular society by allowing the Hijab/veil only in government buildings, and discouraged women to wear it in public. Men were also encouraged not to portray 'Islamic appearance' referring to beards. The United States supported the counter-terrorism activities by financing the programs and has given \$349 million

⁵² Ibid 3. p271.

⁵³ Economist Intelligence Unit, *Democracy Index 2010*.

during Ben Ali's entire reign.⁵⁴ In the 1980s, the Tunisian government started a renovation and modernization of the army to address the security concerns caused by the Israeli raid and the worsening relations with Libya.

The reasons for the US support are different but all are crucial in understanding the outcome of the revolution and the influences of the external actors. The US policies have focused on the Maghreb region considerably due the possible alteration of European stability, which constitute the extension and complement the Western doctrine. In order to balance the Mediterranean region, the US worked closely and often “relinquished its role as a key player to France, the major former colonial power in the region.”⁵⁵ However, the relations between the US and Tunisia has always been good; the only crisis was the 1985 Israeli bombing of the PLO (Palestine Liberation Organization) headquarters in Tunis,⁵⁶ which caused considerable civilian casualties. The US had information about the bombing but refused to prevent it for ideological reasons involving its strong alliance with Israel. Nonetheless, over the next decade, the US policy makers depicted Tunisia as a success story in terms of economic development and free-market reforms. Investments had been made in Tunisia through the foreign-assistance program defined by the US Agency for International Development.⁵⁷

Economic and development policies aside, the US mostly favored Tunisia for security reasons. The two countries have held joint military exercises—amounted on average of eleven per year—which was greater than with any other countries in the Mediterranean. In addition, the Algerian civil war of the 1990s—oppositional Islamist guerillas against the Algerian government after cancelled election—forced the US to watch over its main allies Morocco and Tunisia in order to prevent any intra-continental spills. The Department of Defense focused on the maintenance of stability in North Africa and the removing of terrorism expansion into Tunisia and Morocco. As of

⁵⁴ *The Arab Awakening: America and the transformation of the Middle East*, Kenneth M. Pollack p115.

⁵⁵ *North Africa: State, Society and Economic Transformation in the 1990s*, Yahia H. Zoubir p227.

⁵⁶ *Ibid*,10. p238

⁵⁷ *Ibid*,10. p238

2009, the ‘Nonproliferation, Anti-terrorism, Demining, and Related Programs - Humanitarian Demining (NADR-HD)’ for Tunisia was estimated at \$425,000 and other programs such as ‘International Military Education and Training (IMET)’ amounted to \$5, 7 million from 2008 to 2010. Nevertheless, the US intervened indirectly in the military affairs of Tunisia through ‘Foreign Military Financing (FMF)’ and financed arms deliveries of about \$35.3 million between 2008 and 2010,⁵⁸ to ensure that its interests in the region were secured. In the 1990s, the US was the main arms trading partner of Tunisia but in the past decade, it has shared this role with France.

In order to defend its interests, the US has closed its eyes on some other issues such as human rights. Although fully aware of the violation occurring in the country perpetrated by the domestic security forces, the US always avoided publically critiquing such acts of violence. According to the State Department’s annual reports on human rights violations, the level of incivility was leveled with that of Algeria.⁵⁹

[2.2.b]

Europe

The major trading partner of Maghreb is Europe due to the historical ties with the region. However, the European Union is facing problems due to its internal structure that limits it to promote foreign policy in the name of the supranational institution. Each member states have different interests, which do not necessarily correspond. Analyzing the situation from the EU perspective, the political and security policies are relatively weak since promoting a singular foreign policy presents a challenge, entirely due to internal structure—the institution lacks a constitution or any text on which it can build something else than economic ties. These instabilities are actually perceived in the foreign programs created by the EU and mostly focus on economic purposes to keep stability within the European market. The past programs have been developed for two major

⁵⁸ U.S. Department of State, Tunisia Security Assistance.

⁵⁹ *North Africa: State, Society and Economic Transformation in the 1990s*, Yahia H. Zoubir, p239.

reasons: the first being the concerns over migration into Europe due to strong unemployment and domestic pressure, and the second being the need for Europe to address the geopolitical and economic implications of its regional role among its periphery.⁶⁰ The institution thus focuses on the development of the region to strengthen its status quo and to prevent domestic conflicts of immigration. Under Ben Ali, “Tunisia promoted liberalization of trade policy to encourage foreign trade and direct foreign investments.”⁶¹ The country signed several agreements in the 1990s with the EU which focused on free trade and association and were the first accords established between the EU and its Mediterranean neighbors. The Barcelona Process, which later evolved into the Union for the Mediterranean, represented the limits of the EU policymaking. The declaration of 1995 provided incentive for three main objectives:

political and security dialogue, aimed at creating a common area of peace and stability underpinned by sustainable development, rule of law, democracy and human rights; Economic and Financial partnership, including the gradual establishment of a free-trade area aimed at promoting shared economic opportunity through sustainable and balanced socio-economic development; and social, cultural and human partnership, aimed at promoting understanding and intercultural dialogue between cultures, religions and people, and facilitating exchanges between civil society and ordinary citizens, particularly women and young people.⁶²

With the introduction of the European Neighborhood Policy (ENP) in 2004, the Barcelona process became a forum for dialogue and cooperation between the EU members and the Mediterranean states. In the years following its implementation, the ENP policies had different repercussions: as of 2010, the budgetary deficit remained at 3% of the GDP—notably thanks to domestic privatization and foreign aid—and the public debt stabilized at 43.1% of the GDP, but inflation increased to a level of 4.8% mainly due to the rise of food prices. The balance of payments worsened and reached 4.5% of the GDP in 2010, and the brut reserves of US dollars slightly diminished from 2009 to 2010—to the equivalent of \$9.5 billion.⁶³ However, since the actions and influence of the EU are

⁶⁰ *North Africa: State, Society and Economic Transformation in the 1990s*, Yahia H. Zoubir. p245

⁶¹ *A Tragedy of Arms: Military and Security Developments in the Maghreb*, Anthony H. Cordesman. p253

⁶² European Union External Action, *The Barcelona Process*.

⁶³ Commission Européenne, *Document de travail conjoint des services. Mise en œuvre de la politique européenne de voisinage en 2010. Rapport pays: Tunisie*. p8 and 9.

limited, individual member states' interests and their foreign policies need to be analyzed in the general scope of European and North African relations.

Since the countries have gained their independence, the trade between the ex-colonizers and the ex-colonies has stayed strong. On average for the entire region, about 17% of the exports are directed towards Europe; these numbers are even higher for some individual countries.⁶⁴ The support of Europe for these regimes was based mainly on the liberalization of economic interests for both spheres. The example of France is the most prominent for Tunisia for their trade partnership, and the Tunisian Civil Law is based on the French Civil Law. Similar trends have been seen in France; the government supported Ben Ali until the very end and supported the upheavals only after he fled the country. According to The Bureau of Arms Control in the US State Department, Tunisia took delivery of \$465 million worth of arms during the regime transition (1985-1989) mostly divided between the US and France. France constitutes the biggest exporter of arms and weapons in the “Conseil de l'Europe” (which encompasses 47 states, the majority of the European continent). According to the Minister of Defense of France, pre-revolution, Tunisia had ordered 70.9 million euros from 2005 to 2009. In 2009 alone, the amount expected to be delivered was 38,520,210 million euros—this constitutes the authorization of military weapons importation from France—but only a very small amount was delivered⁶⁵. The weight France played in the arms trade considerably increased over the past decade, sharing the task with the US; nonetheless, it seems to have taken a slight advantage over its transatlantic partner in the trade.

On the other hand, France also saw Tunisia as a stronghold against radical Islamism in North Africa thus explaining another reason for the support of Ben Ali. If the regimes in Algeria and Morocco had to follow the example of Tunisia, the French diplomacy in the Maghreb region would be greatly hurt since it has supported all the Maghreb austere regimes. In Algeria, France fears the

⁶⁴ *The Arab Awakening: America and the transformation of the Middle East*, Kenneth M. Pollack. p285

⁶⁵ Rapport au Parlement , Aout 2010, *Les exportations d'armement de la France en 2009*

arrival of a radical Islamist party if the government is challenged.⁶⁶ The French politicians have to act carefully with their recommendations and their support for these regimes since the immigration from this block constitutes a considerable minority in French society with a North African Diaspora of about 10% of the total population in France.

Although the Ben Ali regime did not follow the ideology of the West—US, EU and France—it remained as a western ally due to its geopolitical importance. The interests that were protected by the western powers appeared significantly more important than the domestic issues faced by Tunisia. For these western powers, supporting an autocratic regime permitted easier control over that regime and opened a window for corruption through military or economic bribe—vices practiced by the West. Ben Ali was seen as a puppet for European and American stability as well as an easy character to influence for economic agreements.

III. ARMY IN THE REVOLUTION AND THE GOVERNMENT TRANSITION [2.3]

The role of the army in the Tunisian revolution characterizes the last but crucial part of the uprisings: the ousting of Ben Ali. Rachid Ammar, head of the Tunisian army, was the last element in the revolution that pushed Ben Ali into exile, but was a crucial actor in sustaining the popular protests. When the army officially declared its refusal to militarily engage the unarmed protestors, Ben Ali saw his future as a political figure in Tunisia collapse. In his speech in the streets of Tunis on 24 January⁶⁷—where he decided to immerge himself in the popular crowd for direct contact—Rachid Ammar declared that the army will stay loyal to the Constitution and thus support the uprisings and defend the protestors against the police and National Guard, which at the time was still loyal to Ben Ali. The will of the army was to see the revolution of the ‘youth’ culminate towards the popular demands and avoid hijacking from Ben Ali’s cronies or rising political parties.

⁶⁶ "Africa Research Bulletin" *NORTH AFRICA: Tunisia's 'Jasmine Revolution'*. p3

⁶⁷ JeuneAfrique, "*Le General Ammar l'homme qui a dit non*"

The military also played the role of mediator between the people and the interim government. It emphasized the need of time that the new government required to organize and start building up a new state. Under the last few hours of Ben Ali's regime, Mohammed Gannouchi occupied the role of prime minister, a position he had held for eleven years. Following the uprisings, he remained prime minister and altered the composition of his government to meet the demand of the people; he however kept two ministers who—although not members of the RCD party—were old Ben Ali cronies. He also renounced his RCD membership and declared that all the RCD real estate became the propriety of the state. But he still kept RCD members in key roles of the political structure and as a result, new demonstrations occurred in the streets within 24 hours. He reacted by presenting a new government the very next day and declared that he will retire from politics once the transition is over (which he estimated at six months). But the populace demanded more and especially the dissolution of the RCD, which led to his demission on 27 February 2011.⁶⁸ Along with his demission, the dissolution of the Parliament and the survey commission post-revolutionary strongly purged the judiciary from the 'Benalists.'

The role of the army in this political disorder was to protect public buildings and assure public safety without harming the protesters following confrontations with the police forces loyal to Ben Ali, which prevented bloodbaths in several cities. It presented itself as the protector of the revolution but nonetheless, General Rachid Ammar, chief of the armies, claimed that if calls for the overthrowing of the government kept happening, the alternative could be a dictatorial regime; a risk he depicted as a possibility coming from the ex-partisans of Ben Ali.⁶⁹

Another factor that can explain the choice of Rachid Ammar is the considerable diminution of investment by the government in the institution. The total share of military expenditure, including civil services—such as the police—has fallen abruptly over the past years; after Ben Ali's arrival to

⁶⁸ *Les Etats-Unis et le gouvernement d'interim conspirent contre les masses tunisiennes*, Ann Talbot

⁶⁹ *Ibid*, 23.

power in 1988, the total share of GDP for military purposes was 2.31%, in 2011, it was only 1.22%.⁷⁰ This reduction can be also be interpreted through the overall fiscal health of the country, which preferred investing in more important sectors for development such as education (22.74% of the government expenditures source: tradingeconomics.com), health (about 3% of GDP) and tourism (1.23% of GDP) rather than to finance the army.⁷¹ On the other hand, the perpetual political separation of the Tunisian military from the government also depicts the relationship between the two institutions. In comparison with the Algerian army for example, the generals in Tunisia never had enterprises in the state apparatus or even the security apparatus of the country. Domestically, politicians assured their positions and status with enterprises benefitting directly from the political structure, and the police assured order and repression to keep the landscape stable.

IV. FOREIGN REACTIONS TO THE REVOLUTION [2.4]

[2.4.a]

Europe

The challenges observed since the Revolution have mainly concerned the major polarization of the Tunisian society with the strengthening of conservative ideas and parties such as Ennahda and the Salafis.⁷² The new support from the European Union (EU) for democracy in Tunisia is not entirely positively endorsed by the population, considering the previous EU support of Ben Ali. The challenge faced by Europeans is to establish once more good relations that will benefit both sides. Tunisia is a part of the European Neighborhood Partnership Instrument (ENPI) which focuses on strengthening democracy and relations with countries neighboring the enlarged Union. Tunisia's head of the state Hamadi Jebali has traveled to Brussels for his first official visit abroad and met with

⁷⁰ *Military expenditure (% OF GDP) in Tunisia*, Trading Economics

⁷¹ *Tunisia – National Statistical Data*, Trading Economics

⁷² New York Times, *Tunisia Faces a Balancing Act of Democracy and Religion*, Anthony Shadid.

the President of the European Commission José Manuel Durão Barroso.⁷³ The negotiations were primarily based on political cooperation and support for democratization, liberalization of commerce, the establishment of a common economic space and the mobility, migration and security between the two agents.⁷⁴ The main points of focus seem to be the ones secured under Ben Ali: the EU is acting fast in order to reestablish a strong connection with the region; however, it has also expressed in its “Programme Indicatif National 2011-2013 de la Tunisie” (2011-2013 Indicative National Program of Tunisia) that a main point of focus is also civilian security.

The EU has reacted to the Arab Spring by reconsidering its past policies towards its southern neighbors. Although the European institution is aware that supporting the popular sovereignty in the region might provoke unwanted and uncomfortable outcomes for the European interests, notably a combination of politics and religion, and that the results might be less beneficial for their partnership, it still stands for societies that mirror popular demands.⁷⁵ (cf. Hae Suh section on governance and religion). Moreover, even if direct benefits can be lost, indirect ones—such as Tunisia joining the International Criminal Court—can help a re-normalization of the relations. However, due to the economic situation in Europe and the change in the political landscape of Maghreb, the EU cannot offer direct financial help nor comply with the concessions on trade and visa liberalization in which the southern countries are interested.⁷⁶ The EU will most likely use conditionality through their European Neighborhood Policy (ENP) and provide close partnership with Tunisia and the other countries of the region if they embrace political reforms through the ENP. However, the EU has lost its pre-eminence and image of political ideal in the region due to the implementation of its economic and modernizing programs under Ben Ali which had no real political

⁷³ European Union External Actions, website

⁷⁴ *Déclaration du Président de la Commission Européenne José Manuel Durão Barroso suite à sa rencontre avec le Premier Ministre de la Tunisie, M. Hamadi Jebali*, Point presse Bruxelles, le 2 février 2012

⁷⁵ European council on Foreign relations, *Europe and the Arab revolutions: a New vision for Democracy and Human Rights*, Susi Dennison and Anthony Dworkin p2

⁷⁶ *Ibid* 30, p2.

agenda but purely served the economical interests of the Western countries. As a result, the EU is not able to strongly intervene in the political restructuring of these countries. According to the European Council, the new trend in the ENP seems to target popular empowerment and self-determination rather than a convergence of a fixed political model designed by outsiders. Here lies the problem the EU member states are facing. In the case of Tunisia, where popular elections already took place and the majority of the votes benefited Ennahda, the main trading partners—France, Italy and Germany—need to support democracy as well as support their commercial interests. However, the visit of the head of the state Hamadi Jebali with the EU representatives, for his first official meeting abroad, shows a sign of positive diplomacy between the two regions and more importantly future collaboration on concrete projects.

[2.4.b]

France

France has had a major influence on the country's economy by holding the largest share of foreign-owned enterprises;⁷⁷ thus, the European program aiming at establishing a free-trade zone with Tunisia is a positive project for French interests. Moreover, President Sarkozy has insisted to the EU to declare Tunisia as having the “Statut Avancé” (Advanced Status) that would permit more direct economic exchanges.⁷⁸ President Sarkozy said in a speech that France had previously underestimated the anger of the Tunisian people: “Behind the emancipation of women, the drive for education and training, the economic dynamism, the emergence of a middle class, there was a despair, a suffering, a sense of suffocation. We have to recognize that we underestimated it.”⁷⁹ France was trying to protect its interests since it is the primary benefactor of Tunisia's external trading policies. According to the Central Bank of Tunisia, the country exports 81% of its products to Europe, and France is the main benefactor with about 32% of Tunisian exports. The main exports of

⁷⁷ World Socialist, *French government in crisis over its support for Tunisian Dictatorship*

⁷⁸ Conférence de Presse de Nicholas Sarkozy a L'Élysée, 24-01-2011 Conférence G20 – G8

⁷⁹ Ibid, 33.

Tunisia are raw material according to the (French) national institute of Statistics (INSEE). According to the French government, the French exports to Tunisia reached 3 billion Euros, and Tunisian imports in France stood at 3.1 billion Euros in 2006.⁸⁰

[2.4.c]

United States

The reaction of the United States to the uprisings was fairly slow due to the links between the two governments. Indeed, three days before Ben Ali was forced to leave the country, the Secretary of State Hilary Clinton declared the neutrality of the United States, and the Obama administration condemned regime violence only after Ben Ali was gone. The financial support offered by the United States for a smooth democratic transition has been considerably low: The Obama administration has offered the sum of \$20 million with an additional 12 million dollars from other U.S. institutions. According to the interim government, the country's unemployment rate could rise by 7%, bringing the total unemployment rate to 20%. The revolution brought the economy to a halt and paralyzed any economical assets and plunging the country into deep recession. It is believed that Tunisia needs \$125 billion to boost unemployment and revive the economy. Consequently, the sum offered by the Obama administration appears meager and does not provide a clear anticipation of the economical status of Tunisia in the near future.

On the other hand, the Foreign Minister of Tunisia Mohammed Mouldi Kefi and Hillary Clinton signed a joint political and economic partnership on 22 Sept 2011 depicting the new relationship between the two countries. The statement shows the different levels of near future collaboration in different fields; defense and security sectors:

To demonstrate our mutual commitment to Tunisia's construction of a new society governed by the rule of law and respect for human rights, the Governments intend to conclude negotiations [...] for a foreign assistance program to support the development of more transparent, responsive, and accountable criminal justice institutions.⁸¹

⁸⁰ France-diplomatie, *Presentation de le Tunisie*.

⁸¹ *Joint Statement on the U.S.-Tunisia Joint Political and Economic Partnership*, U.S. Department of State, September 22, 2011

The US is also resolved to assist in reinforcing the defense capacities of Tunisia through military training. The US is thus reestablishing its position in the North African region to meet its interests of national security and fight against international criminality and terrorism.

Another *terrain d'entente* (mutual ground of understanding) is based on socio-economic policies to benefit Tunisia in the long term:

To reinforce our mutual commitment to creating broad-based economic opportunity for Tunisia's citizens, the Governments resolve to deepen and broaden their cooperation on creating an environment conducive to business and entrepreneurship. That cooperation includes providing regulatory, legal and institutional support to advance transparent governance and combat corruption, and to develop more effective financing for entrepreneurs and small-to-medium enterprises (SMEs) in Tunisia.⁸²

To stimulate growth and trade partnership as well as enhancing productivity and spurring high quality jobs opportunities, the governments are also working on an "Open Skies" Air Transport Agreement. Jointly, they also are also aiming at improving the fiscal discipline in tax collection through the Domestic Finance for Development (DF4D) initiative introduced by President Obama and Secretary Clinton, which focuses on improvements in tax administration, reduction of corruption and an increase in fiscal transparency.

Even through the economic partnership, the goal is to limit corruption and thus legitimize the actions of the government. As the US advisers take an important role in this process, Tunisia will continue to occupy an important place in US foreign policy agenda. Furthermore, the army will remain sponsored and trained by the US and will acquire more strength and possibly more political power.

⁸² Ibid, 38

V. POST-REVOLUTION ROLE OF THE ARMY [2.5]

On 23 Oct. 2011, the elections for the Constituent Assembly of Tunisia took place across the country under the supervision of the army. The army was in charge of transporting the election equipment from the 27 central depots to the delegations in the different regions of the country. In addition, the army assured the security of the votes by gathering a force of about 22,000 soldiers dispatched throughout the country and assured security at each polling station.⁸³

With the new role given to the military after the revolution and the strengthening of partnership with the US, it is possible to see Tunisia becoming a 'second Turkey'. While Turkey played a key role for the US in its fight against Communism during the Cold War, Tunisia could become an equal partner of the US in its fight against terrorism. By giving more importance to the military and forming it with expertise of US training programs, the US can reestablish itself in the region and act indirectly to serve its interests.

VI. NATO [2.6]

NATO member states such as France and the US have already put in place policies—political, economic and military—in order to maintain stability in Tunisia but are mainly acting in accords with their own domestic interests or the interests of an interregional institution (such as the EU for France). By establishing new dialogues with the new government, the member states have tried to limit their loss, due to their support for the previous regime, and re-legitimize themselves as main partners for Tunisia. However, NATO could still help in the state-building process that Tunisia is facing today. Indeed, since the country is still facing major economic issues, and the transition still being fresh, the internal stability can be questioned. Although the elections depicting the voice of the people have occurred, it is not a synonym of stability, especially in these harsh economic times. As

⁸³ *Tunisie/Elections: L'armée assurera la sécurité le jour du vote*, Français, 19.10.2011

stated by General Rachid Ammar, the status of the revolution can shift towards a dictatorship if people rebel once more to protest the regime in place, thus NATO could still intervene on different levels to strengthen the newly established democracy.

The first task would be assuring the security of the individuals and their human rights. Similar to some policies (to a lesser extent since the societal situation in Tunisia is a lot more peaceful) of the Stabilization Force (SFOR)⁸⁴ in Bosnia Herzegovina acting within the frame of the Dayton agreements at the time, NATO could help the local military and police to patrol and secure stability. The country needs time to assimilate its new constitution and improve the socio-political and economical situation. The issue is that the actual situation is truly difficult and the revolution happened at a time where economic support from foreign agents will be limited, thus the country is still vulnerable to manifestations of violence and instability. One of the primary reasons for the upheaval was unemployment and human rights violation, but based on the state of the economy, unemployment will not decrease in the near future. The country will thus improve with time and stability, which could be implemented with the help of peace keeping forces from NATO.

NATO and member states could also provide assistance in training the police forces to respect the rule of law and the constitution according to standards fitting Tunisia, not necessarily based on a Western model. Due to the diversity of the NATO member-states, there is a possibility of creating domestic forces and intelligence unique to Tunisia which would collaborate with other member-states' intelligence. This policy could also increase the dialogue between the police and the military in order to apply a coherent partnership between the two institutions. Cooperation for domestic missions could be put in place to lessen the influence of the police in the society and increase the military role in its support of the people, as seen during the Revolution. Consequently, perpetrators of political crimes could be arrested and judged for their doings over the past decades.

⁸⁴ NATO – Topic: Bosnia Herzegovina, Peace and Support operations.

Last but not least, NATO could implement policy to monitor and fight any developing terrorist threats. With an efficient intelligence put in place, NATO could share its knowledge and help monitor and prevent terrorist forces from manifesting in Tunisia. The institution provides training and education in the field of counter-terrorism in establishments based in the member states. Tunisia is already member of the NATO Mediterranean Dialogue which is mainly political and has goals to promote regional security and stability through NATO policy. Tunisia could eventually become a partner and join the Partnership Action Plan against Terrorism (PAP-T): “The Action Plan defines partnership roles as well as instruments to fight terrorism and manage its consequences.”⁸⁵ Some of the goals are the safety of the air space, “security of energy infrastructure, border security as well as financial aspects of terrorism and disruption of terrorist organizations’ sources of finance.”⁸⁶

NATO could have a stronger role than it has today in Tunisia. It has the resources to help the country in some of the difficulties it is facing; however, this help can only be implemented if Tunisia requests it. Self-determination is the driving force of the Revolutions and the people believe in creating a society encompassing the Tunisian nationalism and culture, therefore the West cannot intervene forcefully in the region and put in place a democracy traced from the occidental picture. For some of these countries, democratic elections have never taken place thus it is a major event for society because it can finally write its own history without the influence of ex-colonizers or interest-based partners.

Tunisia was the precursor for popular uprisings in the region and inspired its neighbors and other Arab countries to emulate it. The austere regime supported by the different international actors could no longer sustain the societal pressure, due to unequal economic policies and human rights violation, and with the help of the military the masses were able to obtain the demission of Ben Ali. The military played an important role in the revolution by protecting it and by acting along the lines

⁸⁵ NATO: Counter terrorism

⁸⁶ Ibid. 40.

of the Tunisian Constitution. The US, the EU and France had to find a new place in the country in order to protect their interests and are now facing a dilemma of reasserting their image as equal partners instead of interest-based powers. NATO can help the Tunisian society in the post-revolution problems it is facing nowadays but only if the people demand it and agree with the policy suggestions. Tunisia is still facing major issues especially economic and political but it can now act as a fully sovereign power. People finally had the opportunity to write their history instead of it being dictated to them hence the difficulties faced by the West to retrieve a role in the region.

Chapter 3

ISLAMIC DEMOCRACY? **THE ROLE OF ISLAM AND ISLAMISM IN THE STATE BUILDING PROCESS OF TUNISIA**

The concept of an Islamic democracy is a topic that has been frequently debated in academic and political circles for the past decade. However, with the events of the Arab Spring Uprisings, where the collaboration of the people ousted their longtime dictators, the reality of true democracies, even Islamic democracies, is a possible future direction for many of the countries. Although the tumultuous revolution in Syria occupies much of the media and international community's concern and surely is a crucial topic to observe, it is equally important to keep in mind that the seemingly bygone revolution of Tunisia is far from over. As the catalyst of the uprisings, Tunisia will set a trajectory for the ultimate success of the revolution as the nation rebuilds itself from the authoritarian regime of Zine al-Abidine Ben Ali. After 24 years of single dictator rule with no opposition parties, the nation lacks much political experience, the results of which have been reflected by the somewhat turbulent interim government process. However, with the October 2011 election of the Constituent Assembly, Tunisia is beginning the slow process of democratic state building. But the question remains, what form of governance will the newly democratic nation adopt? Specifically, what will be the role of Islam in the state building process? How will Islamic law (Shari'a) and Islamist political parties shape the new democratic government?

Unlike the previous revolutionary nations that have focused on the secularity of state and society (e.g. France, United States, China), Tunisia is characterized by the largely homogenized religious affiliations with Islam. Islamism, a political ideology based on the belief that Islam and Islamic law should play a prominent role in public policy.⁸⁷ According to Fred Halliday, a crucial point of emphasis is that Islamism is “an assertion of the relevance of religious belief to politics, not

⁸⁷ Hamid, Shadi. “Islamists and the Brotherhood: Political Islam and the Arab Spring.” *The Arab Awakening*. Ed. Kenneth Pollack. 1st ed. Washington DC: Brookings Institution Press, 2011. p. 30

a revival of faith. In the face of secular, modern and European ideas, Islamic values should play a dominant role in political and social life and should define the identity of the Islamic people.”⁸⁸ The October 2011 elections portrayed a level of civilian preference to incorporate religion in the government with the Islamist Ennahda party winning the plurality of the seats in the Constituent Assembly. Ennahda and the Muslim Brotherhood of Egypt will certainly redefine the role of Islamist politics in the region (Josiah Surface provides an in-depth scrutiny of the politics of the Muslim Brotherhood in his paper. However, it is important to note that the Islamism of Ennahda is much more moderate than the political agenda of the Muslim Brotherhood). Does this phenomenon offer opportunities for the establishment of an Islamic democracy in Tunisia?

In order to answer these questions, I will first examine the theory of Islamic democracy addressed by various scholars and politicians. Many scholars and theologians have proven that the process of democratic governance is embedded in Islam itself; therefore the two ideas are compatible. Through an examination of the theological background of Shari’a law and case studies of nations that integrate religious law into their jurisprudence, I will establish that secularism and the notion of separation of church and state are westernized ideas. In this sense, an Islamic democracy is a viable—albeit not the only possible—form of government in the Middle East. For the specific case of Tunisia, the study of the Islamist political party Ennahda will illustrate the developing and modernizing course of Islamic political discourse and demonstrate the direction of the future of Tunisian politics.

This paper will make the following recommendations: 1) NATO should respect the self-determination of the Tunisian people in building a government that most suits their nation; 2) NATO should assume an engaged, but not assertive role in the state building process of Tunisia and other Arab Spring nations. NATO and its member states should provide assistance and advice for

⁸⁸ Halliday, Fred. *Nation and Religion in the Middle East*. Boulder, CO: Rienner Publishers, 2000. p. 132.

the drafting of the Constitution and the election process; 3) Turkey as an advisory actor in the state building process: as a NATO member state that has the most cultural and ideological commonality with the Arab Spring nations, the role of Turkey will be integral in NATO and its other member nations providing resources; 4) NATO member states should recognize the Constitution and the new government that emerged from the democratic process as legitimate, no matter what form it takes; 5) NATO member states should quickly build diplomatic relationships with the new government of Tunisia as well as those that emerge from the post Arab Spring transition process. NATO should host a convention for the nations of the Mediterranean Dialogue to demonstrate its commitment to facilitating the regional security discussion.

I. THE THEORETICAL FRAMEWORK OF ISLAMIC DEMOCRACY [3.1]

In many democracies, mainly those of the United States and Western Europe, one of the major components of the government is the separation of church and state, an idea argued by many western political scholars to be the foundation of democratic governance. Furthermore, some scholars have argued that the notion of Allah as the supreme ruler of all aspects of life as stated in the Qur'an is fundamentally incompatible with the ideas of sovereignty in democracy. However, an analysis of the Qur'an and the structure of Islamic law suggest that the goal of Islam is to ultimately develop society and to guide human life for goodness and prosperity through the participation of the people. Moreover, secularism is not a prerequisite for a democratic state, as proven in the case of Israel, a democracy that provides for a special privilege for Judaism, a topic discussed by Jake Lustig.

Addressing the compatibility of Islam and democracy, Noah Feldman states that a vital force in the realms of politics and society is embedded in Islam's language of justice, morality, hope and commitment.⁸⁹ He further compares democracy and Islam under the lens of "mobile ideas": ideas

⁸⁹ Feldman, Noah. "Shari'a and Islamic Democracy in the Age of al-Jazeera." *Shari'a: Islamic Law in the Contemporary Context*. Ed. Amanat, Griffel. Stanford, CA: Stanford University Press, 2007. p.6

that have the capacity to appeal to many different kinds of people in many places due to their universality, flexibility and simplicity.⁹⁰ It is these three qualifications of mobile ideas that make Islam and democracy compatible and applicable worldwide. Below, I summarize Feldman's arguments regarding the commonality of Islam and democracy through the scope of mobility of ideas:

First, universality requires the presentation of an idea as relevant and true transcending time and space; it has the ability to change in order to be relevant to a wide variety of people. The notion of universality in democracy comes from its insistency that everyone has the right to participate in government and possesses equal rights before the law; Islam has a similar view on human equality derived from the belief that God requires the same demands on all people, whom he created equal. Second, in order to have flexibility, an idea must be able to accommodate itself to a wider variety of situations, cultures and environments. The worldwide adaptation of Democracy conveys its capacity for flexibility; democracy has maintained its principle values while modifying details to accommodate the different cultural and societal conditions of various nations. Similarly, Islam has maintained the core beliefs and texts while transforming itself to become applicable to the diverse languages, family structures, economic systems and cultural values of its international believers. Third, simplicity suggests that an idea has to be elegant and easily comprehensible in order to have extremely broad appeal. Like any form of government and religion, both democracy and Islam delve into great detail about specific rules and laws; however, the core beliefs and ideas are very simple. Democracy is a form of collective self governance through free elections. The central belief of Islam is: the concept of *shahāda*: "There is no god but God, and Mohammad is his prophet." Feldman states that as long as these values are maintained and transferred, the foundation of democracy and Islam is upheld. Due to these three factors, mobile ideas come into contact with a vast amount of adherents, "when mobile ideas meet, they can conflict, but that is hardly the only possibility. People can take on

⁹⁰ Ibid. p. 32

different parts of disparate ideas for themselves, mixing and matching to come up with arrangements that work for them, even if they are not perfectly coherent.”⁹¹

The famous Egyptian theologian Yusuf al-Qaradawi’s recent fatwa states the compatibility of Islam and democracy when he further discusses the concepts held in democracy and Islamic law. Democracy is a system of governance whereby the people choose who will govern and represent them. Specifically, they are not ruled by a ruler or regime that they reject; the law limits the ruler; and the people are not governed according to economic, social, cultural, or political principles on which they have not agreed or which are preferred only by a minority. Elections and referenda are institutional practices that correspond to these procedural aspects of democracy and embody the principle of majority rule.⁹² The concept of *shūrā*—consultation—in Islamic law prescribes the desirable form of governance as that whereby the ruler is described as a delegate of the community, from whom the people may withdraw their delegated power.⁹³ From these main concepts, al-Qaradawi draws the points of commonality between democratic and Islamic law and politics: first, he compares the fundamental aspect of democracy—voting—to *shahāda*, attestation or bearing testimony. Both voting and *shahāda* are conceptualized as duty with open participation; just as voting is a fundamental cornerstone of democracy, the idea expressed by *shahāda* encapsulates the essence of Islamic belief. Secondly, al-Qaradawi uses the concept of sovereignty to illustrate the parallels of the binding forces on the rulers, which translates to the ultimate rejection of tyrannical or autocratic rule. The essence of democracy is the absolute sovereignty of the people; thus, a ruler in a democratic government is bound by the constitution to serve the people following the law. In Islam, the sovereignty belongs to Allah, and the Qur’an (the Holy Scripture) is the divine law that an Islamic ruler must follow. The ruler must be in ordinance with the divine sanctions imposed by God (which

⁹¹ Ibid. p. 34

⁹² Ibid. p. 110

⁹³ Ibid. p. 111

al-Qaradawi states as being similar to the Constitution of a state), and for him/her to overthrow this sanction is a form of a tyrannical rebellion.⁹⁴

This notion of sovereignty in Islam has been of much debate. Some scholars argue that since Islamic law states that sovereignty belongs to God, this limits the human authority to choose their governance, a requirement of democratic governments. However, upon an examination of Qur'anic verses, one can see that sovereignty is a complex concept: "Lord, sovereign of all sovereignty. You bestow sovereignty on whom You will, and take it away from whom You please; You exalt whomever You will and abase whomever You please. In your hand lies all that is good; You have power over all things."⁹⁵ In this sense, sovereignty in Islam signifies God's ultimate legal and governmental authority over the universe, life and humanity. This is quite different from the western notion of sovereignty. In essence, the western sovereignty refers to human governmental and legal authority, which implies a multiplicity of authorities that creates a varying set of rules and laws.⁹⁶ These differing authorities of sovereignty often perplexes scholars and raises the question of the ability of self governance in Islamic law; if the authority to rule rests upon God, then are humans sanctioned by the divine to create their own rule of law?

This concept of divine sovereignty and authority of governance is addressed by Sayed Khatab and Gary Bouma in *Democracy in Islam*. First, Bouma and Khatab establish that "government in Islam is not a kind of absolute government...it is a government limited to a Constitution," whereby the Qur'an and the Shari'a compose "a Constitution establishing the concept of sovereignty and its relevant issues as well as the rules that regulate the relationships between all members in the state."⁹⁷ On the other hand, there exists a Constitutional polity that refers to the methods and the means that explain the limitations of governmental power, ascertained by the process of scholarly and popular

⁹⁴ Ibid. p. 113

⁹⁵ *The Qur'an*. Trans. M.A.S. Abdel Haleem. New York: Oxford Univ. Press, 2008. 3:26.

⁹⁶ Boudin, Gary and Sayed Kahtab. *Democracy in Islam*. New York: Routledge, 2007. p.14

⁹⁷ Ibid. p.15

consultation. This human authority of governance is further emphasized through the concept of *shurah*, consultations required by the Qur'an. Similar to the form of amendments in democratic constitutions, many scholars often regard *shurah* as an application of continuous temporal legislation to the Shari'a.⁹⁸ From this concept, Islamic law requires a constant evolution of the law to suit the needs of a developing society following the will of the people. By these definitions of Constitution and Constitutional polity, there is a distinction between the source of authority and the administration of the said authority. This differentiation is critical to Islamic political theory since it explains the concept of sovereignty and elucidates the nature and identity of the government. It signifies that humans are to facilitate the application of God's law and will through governance and administration, implying the human authority to political sovereignty, or the commitment to the will of the people.

Although Islamic democracy does not mandate a specific model of governance or the degree to which Shari'a has to be incorporated, there are three contemporary alternatives of Islamic jurisprudence⁹⁹:

First is an adoption of Islamic law as the exclusive legal system, where the legislature enacts a code of rules that corresponds to Shari'a. Used in Saudi Arabia¹⁰⁰ and Afghanistan, this form of governance often raises criticism regarding democratic rights of citizens and increases the likelihood of authoritarian governance. The issue of human rights violation, especially concerning women's rights, is pertinent in both Saudi Arabia and Afghanistan. A second form of more modernized form of jurisprudence calls for the declaration of Shari'a law as a legitimate source of civil code but only

⁹⁸ Ibid. p.19

⁹⁹ Feldman, Noah. *After Jihad: American and the Struggle for Islamic Democracy*. 1st ed. New York: Farrar, Straus and Giroux, 2003. p. 57-61

¹⁰⁰ Millicent Haas, Lecture: Saudi Arabia lacks a formal Constitution. Basic Law articulating government's rights and responsibilities issued by King Fahd in March 1992. Includes provisions declaring Islam official state religion and Qur'an and *sunnah* the Constitution; that "[t]he state protects the rights of the people in line with the Islamic shari'a; and assert independence of the judiciary; and that administration of justice is based on "shari'a rules according to the teachings of the holy Qur'an, the sunnah, and the regulations set by the ruler provided that they do not contradict the holy Qur'an and sunnah

apply it to personal status law; a measure taken by Pakistan¹⁰¹ and Egypt¹⁰². The last and the most liberalized form is the fusion of Shari'a with modern principles of democracy and human rights, namely, the guarantee of equal rights and freedom of religion to all its citizens, a measure adopted by Iran;¹⁰³ although the actual practice of Islamic law and governance in Iran is a topic of controversy especially regarding women's rights.

The most critical feature one must draw is that an Islamic democracy does not equate a theocracy. By the literal definition of Islam—submission to God—the governance in Islam requires the submission of both the ruler and the ruled to the ultimate sovereignty of the law, the framework of which was established by the divine sanctions of the Qur'an and the Sunnah. But Islamic democracy leaves room for modern modifications by the people, who also have the power to elect their own governmental officials. An Islamic democracy must maintain the delicate balance of the majority rule and minority rights. As portrayed by the above three cases, a variant of practical options are available for the establishment of an effective Islamic democracy.

II. SHARI'A LAW [3.2]

Shari'a, or Islamic law, refers to the rules and regulations that govern all aspects of human existence. Shari'a does not represent a set of theories and rules for governance, but signifies a comprehensive way of life, which is similar to the path leading to water.¹⁰⁴ Three primary sources

¹⁰¹ Pakistan: Constitution adopted 10th April 1973, suspended in 1977 and reinstated in 1985 and has been amended several times, and was suspended in 1999. Article 1 of current (3rd) Constitution declares that Pakistan's official name shall be the Islamic Republic of Pakistan, and Article 2 declares Islam the state religion. The Objectives Resolution of the preamble of the Constitution was made a part of its substantive provisions by the insertion of Article 2A in 1985, thereby requiring all laws to be brought into consonance with the Qur'an and *sunnah*.

¹⁰² Egypt: Constitution adopted 11th September 1971; Article 2 affirms Islam as state religion; amended in 1980 to add recognition of the principles of Islamic jurisprudence as the principal source of legislation.

¹⁰³ Iran: Current Constitution adopted 2nd-3rd December 1979; significant revisions expanding presidential powers and eliminating prime ministership in 1989. Article 4 provides that all civil, penal, financial, economic, administrative, cultural, military, political, and any other laws must be based on Islamic criteria; Article 12 provides that official religion is Islam and the twelver Ja'fari school; other schools of law to be accorded full respect and freedom of religious practice, including matters of personal status.

¹⁰⁴ Kramer, Gudrun. "Justice in Modern Islamic Thought." *Shari'a: Islamic Law in the Contemporary Context*. Ed. Amanat, Griffel. Stanford, CA: Stanford University Press, 2007. p.35

compose Shari'a: the Qur'an, Sunnah and Ijtihad. The Qur'an, the Islamic holy book, is considered the ultimate word of the Divine, which indicates the significance of textual authority in Islamic jurisprudence.¹⁰⁵ The Sunnah, the other divine source of Shari'a, refers to the words ascribed to the Prophet Muhammad that designate a norm of tradition. In the context of Shari'a, the Sunnah enacts its rulings in three capacities: reiteration or corroboration of a ruling of the Qur'an, an explanation or clarification of the Qur'an, or rulings on which Qur'an is silent.¹⁰⁶ The last source, the Ijtihad (human reasoning) is a compilation of scholarly and legal commentary and consensus whose practice was closed during the 10th century. In contemporary context, the process of qiyās (system of legal precedence) and fiqh (academic discussion) are used to incorporate new cases and issue not covered by the three primary sources.¹⁰⁷ Although Shari'a derives its laws from divine sources, unlike the Qur'an and the Sunnah, it is not divine in itself. The establishment of Shari'a is a distinctly human enterprise that requires its own kind of scholarship. This "human nature" indicates that Shari'a is a body of jurisprudence whose application will continue to evolve as societal and governmental needs and expectations change.

In the contemporary context, the application of Shari'a as the sole source of jurisprudence is realistically improbable. In order to remain relevant to today's legal needs, the pre-modern Shari'a legislation has to be enriched, or in some aspects, replaced by Western legal tradition.¹⁰⁸ Religion by itself cannot possibly address or provide answers to all of today's issues. The strictly Islamic governments of Saudi Arabia and Afghanistan unfortunately illustrate the problems of modern adaptability and human rights concerns brought on by exclusively religious governance. In today's legal context, many modern Islamists and liberal Muslims focus on the general principles and values encrypted in Shari'a rather than specific rules and regulations detailed by the Qur'an or the Sunnah.

¹⁰⁵ Izzī Dien, Mawil. *Islamic Law, from Historical Foundations to Contemporary Practice*. Edinburgh: Edinburgh University Press, 2004. p.35.

¹⁰⁶ Haas. Lecture

¹⁰⁷ Izzī Dien, Mawil. *Islamic Law, from Historical Foundations to Contemporary Practice*. p.53

¹⁰⁸ Amanet and Griffel. "Introduction." *Shari'a: Islamic Law in the Contemporary Context*. Ed. Amanet, Griffel. Stanford, CA: Stanford University Press, 2007. p.15

The Five Golden Values of Islam—justice, freedom, equality, consultation/participation, and accountability/responsibility—is an example of such macro-structure of Islamic ideal that provides overarching guidance.¹⁰⁹

III. THE HISTORY OF ISLAMISM IN TUNISIA [8.3]

Now that I have established the theoretical compatibility of Islam and democracy and illustrated the application of Islam and Shari'a in the contemporary political sphere, we can now examine the specific case study of Islamism in Tunisia. Although a diverse range of Islamist political parties exist in Tunisia today, the Ennahda party is the longest existing and the most prominent one. It is not an exaggeration to state that the history of Ennahda party and the changes in its political agenda pre- and post-Ben Ali reflect the development of Islamism in Tunisia. The Islamic Tendency Movement (MTI, later changed to Ennahda/Al-Nahda, meaning the Renaissance) was founded in 1981 by Rachid Ghannouchi and Abdel Fattah Moro and quickly gained wide grassroots popularity, contributing to the undermining the authority of the Bourguiba administration. According to reports at the time, the Ennahda party was "the single most threatening opposition force in Tunis. One word from the [group] will close down the campus or start a demonstration."¹¹⁰ Due to its popularity, the Ennahda party was the largest victim to Ben Ali's extremely secular authoritarian agenda in his campaign to eradicate the group and all signs of conservative Islam. The Tunisian government denied legal status of the political party due to its religious nature and violently attacked its activists.¹¹¹ In 1992, the government claimed the discovery of an Islamist plot to assassinate Ben Ali,

¹⁰⁹ Kramer, Gudrun. "Justice in Modern Islamic Thought." *Shari'a*. P. 23

¹¹⁰ Wright, Robin. *Sacred Rage*. Simon and Schuster, 2001.

¹¹¹ Arief, Alexis. United States Congressional Research Service. *Political Transition in Tunisia*. Washington DC: Congressional Research Service, 2011.

and Tunisian military courts convicted 265 Ennahda members of treason. The case was critiqued by human rights advocates for its political bias and the lack of due process.¹¹²

IV. ENNAHDA TODAY [3.4]

Ennahda and Islamist politics in general, took a new role in Tunisia after the revolution. In the October 2011 elections to select the National Constituent Assembly, which will write the new Constitution, the Ennahda party won the largest plurality of the 217 total seats; the results of the election are displayed below:¹¹³

Ennahda: 89 seats, 41%
 Congress for the Republic: secular moderate-left: 29 seats;
 Al-Aridha al-Chaabia (Popular Petition): populist, conservative, and fractious independent coalition:
 26 seats
 Ettakatol (Democratic Forum of Labor and Liberties): secular, center-left: 20 seats
 Progressive Democratic Party: leftist, secularist: 16 seats
 22 other parties and independent groups with at least 1 seat each

Although this victory of Ennahda certainly does not imply a homogenous preference for an Islamic democracy or Islamic governance, the election carries undeniably significant implications for the future of Tunisian politics. As the Constituent Assembly composes a new Constitution, the wide variety of voices—both Islamic and secular—within the group will decide on the crucial question of to what degree religion will impact society and government. The main political parties have agreed not to significantly alter Article 1 of Tunisia’s current Constitution: “Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic and its type of government is the Republic.”¹¹⁴

The preservation of Article 1 will provide a key implication for the framework of the new Constitution and politics. With the declaration of Tunisia as an Islamic nation, the government and the parties are able to propose and implement legislation based on the Qur’an and Shari’a, which is a

¹¹²Ibid.

¹¹³ Ibid

¹¹⁴ Ibid

concern for internal and external observers regarding the future of Tunisia's government. However, Ennahda's current platform suggests a form of moderate, pragmatic Islamism, showing goodwill and willingness to collaborate with the secular parties. Ennahda built an alliance with the two other most successful secular parties, the Congress for the Republic (CPR) and Ettakatol. Additionally, it yielded the majority of the ministerial positions within the Assembly to CPR and Ettakatol.¹¹⁵

At this point, it is reasonable to address the concern regarding the topic of religious, mainly conservative Islamist, governments. Many scholars and political experts (such as Halliday, Courbage and Todd discussed in this text) claim that in the midst of a rapidly changing, modernizing society, there is a tendency of nations to revert back to more conservative, religious politics as a backlash to such societal changes. Furthermore, particularly in nations with a history of negative Western influence, people are more likely to be inclined toward conservative, Islamic policies as a result of a cultural backlash against the more "Western" politics of the past. It is true that Tunisia fits the prerequisites of this framework. The Revolution brought about unprecedented changes to the previously stagnant political stage that was a result of the prolonged authoritarian regime, which was sustained by the West's alliance and support for the dictator. Easy parallels can be drawn from these conditions to the popularity of Ennahda, concerns regarding the nature and the legitimacy of this movement, and how the party will impact the future of Tunisian politics if this electoral momentum continues. But these views neglect to comprehend the core of Ennahda as a grassroots movement that also stood against Ben Ali's regime far before the Revolution. Apprehensions exist inside and outside of Tunisia about the potential for a radical Islamist agenda and the possible "double discourse" of portraying a moderate face in order to enter government and gradually introduce more conservative, restrictive laws and institutions.¹¹⁶ There certainly is conflict within the party regarding

¹¹⁵ Ottaway, Marina. "A Strong Start to Tunisia's Long Journey." *Sada*. Carnegie Endowment for International Peace, 29 Dec 2011. Web.

¹¹⁶ Arief, Alexis p.7

its religious platform as well as many newly recognized Islamist parties. The fundamentalist Salafi youth movement in particular reflects the phenomenon of a conservative “backlash”, creating much controversy regarding the dichotomy of secularism and Islamism. However, evidence of Ennahda’s political activities thus far suggests that the party is trying to emulate a style of pragmatic Islamism, similar to that of the Justice and Development Party (*Adalet ve Kalkinma Partisi*, AKP) of Turkey. It would be safe to state that Ennahda’s popularity is not a *backlash* to the modernization of society; it is a *part* of the movement.

Under these circumstances, Ennahda is likely to maintain its position as the largest political party in Tunisia and carry this momentum to the general elections post-Constitution. Continuing the moderate, pragmatic rhetoric will be the key to Ennahda’s success; demonstrating itself as an example of the first established government of the Arab Spring nations.

V. INTERNATIONAL EXAMPLES OF NON-SECULAR DEMOCRACIES [3.5]

As previously mentioned, the Justice and Development Party (*Adalet ve Kalkinma Partisi*, AKP) of Turkey has created a new model for a discourse of political Islam in a secular nation. The AKP achieved its electoral victory not for its ideological agenda but for its pragmatic politics: both the Prime Minister and the President are from the party and in the June 2011 parliamentary election, the AKP won 49.9% of the total votes.¹¹⁷ The theme of moderate Islamic ideology is reiterated in this case. The AKP gained its political success by avoiding the controversial branding as the Islamist party and emphasizing its moderate tendency and commitment to democracy.¹¹⁸ The Turkey model can provide guidance to the emerging democratic nations of the Arab Spring, whether rooted in secularism or a national religion. For the emerging political parties and Western observers alike, Islamism should not be a single-dimensional political ideology based on religious faith alone.

¹¹⁷ “Turkey.” *Bureau of European and Eurasian Affairs*. U.S. Department of State, 9 Dec. 2011. Web. 15 Feb. 2012.

¹¹⁸ Ghanim, David. “Turkish Democracy and Political Islam.” *Middle East Policy Council*. (2008). Web. 12 Feb. 2012.

Undeniably, Islamist politics have its root in religious belief and may apply Shari'a law to aspects of personal and civil law, as is the case in Israel with religious courts (as discussed in depth in Jake Lustig's paper) and has proven itself as a valid form of governance. However, modern Islamism should not and cannot limit itself to faith-based rhetoric. Although the topic of national religion and secular vs. Islamic nation will be a key issue in the Constituents Assembly, religious ideology should take a more moderate backseat to more pressing economic and national security issues—an important notion for both the new governments and the Western counterparts that harbor apprehension regarding non-secular states, let alone an Islamic nation.

VI. NATO [3.6]

1. Respect the self-determination of the Tunisian people in establishing a government that most suits their nation.
2. NATO and member states should assume an engaged and committed, but not an imposing role in the state building process of Tunisia and other Arab Spring nations by providing NATO assistance and advice for the drafting of the Constitution and the election process.
3. Turkey as an advisory actor in the state building process: as a NATO member state that has the most cultural and ideological commonality with the Arab Spring nations, the role of Turkey will be integral in NATO and its other member nations providing resources.
4. NATO member states should recognize the Constitution and the new government that emerged from the democratic process as legitimate, no matter what form it takes.
5. NATO member states should quickly build diplomatic relationships with the new government of Tunisia as well as those that emerge from the post Arab Spring transition process. NATO should host a convention for the nations of the Mediterranean Dialogue to demonstrate its commitment to facilitating the regional security discussion.

For the Arab Spring nations, Turkey has a larger role than as an ideological model. As a NATO member state, Turkey's role in establishing a solid diplomatic relationship with the new governments will be integral to the relationship between the Arab Spring states and NATO. As my recommendation suggests, Turkey should become an advisory actor in the state building process of Tunisia. With the anti-West rhetoric present in many of the Middle East and North African cultures, Western nations should take caution in their assistance to the emerging states and emphasize their respect for the self determination of the Tunisian people. As the goal of NATO's Mediterranean

Dialogue suggests, the regional security and stability lies foremost in the domestic security and the establishment of a government that effectively represent and resolve the needs of its own people. In this sense, the NATO nations must continue to “respect and take into account the specific regional, cultural and political contexts of the respective partners [of the region].”¹¹⁹ The member nations of NATO should encourage each other to recognize and build relationships with the new governments of the region, which will crucially impact the development of not only domestic but regional security. Furthermore, NATO should provide a friendly and effective environment for the Arab Spring nations and NATO member nations to discuss the future political rhetoric of the new states.

VII. CONCLUDING STATEMENTS

The 2010 uprisings in Tunisia after the self immolation of Mohamed Bouazizi quickly became the fire seen around the world. Since then, the world saw an unprecedented phenomenon of mass mobilization of citizens against their long term dictators. While the revolution is very much at large in many nations, prominently in Syria, Tunisia has successfully ousted its dictator Zine al-Abidine Ben Ali and set out to establish a new democratic state. As the first nation of the Revolution, the path to democracy Tunisia builds will become an indicator and an example for the region as a whole. And during this transition process, the topic of Islamism has received much attention as the Ennahda party emerged as the forerunner in the October 2010 election. As I have examined in this paper, the theoretical and theological framework of Islam and Islamic law affirms the compatibility of Islam and democracy, contrary to many western beliefs. Undeniably, there has been, and are forms of Islamism that promote a more fundamentalist approach to politics. Even politics of the Muslim Brotherhood of Egypt are producing controversial reactions from the Egyptian citizens and outsiders alike, a topic which Josiah Surface addresses in depth. However, the Ennahda party of Tunisia has been working vigorously to recreate their image and agenda as a

¹¹⁹ “NATO Mediterranean Dialogue.” *North Atlantic Treaty Organization*. n.date. Web. 16 Feb. 2012.

moderate form of Islamism, emulating the Justice and Development Party of Turkey. Despite the interregional and extra-regional apprehension regarding Islamist politics, the Ennahda party thus far has reflected its strong commitment to democracy and upholding the spirit of the Revolution. As demonstrated, the Arab Springs provides a new opportunity for redefining Islamism for both its participants and observers. As important as it is for modern Islamism itself to actively advocate democratic ideals and practice moderate and pragmatic politics, it is equally crucial for the rest of the world to change their perceptions of Islamism.

PART II

EGYPT

To say that no one saw the fall of Hosni Mubarak's regime coming is quite an understatement. One of the United States' closest allies in the Arab world looked steady in the region even as Tunisia was convulsing with violence. But as the uprisings spread and seized the Egyptian spirit, the United States was quickly confronted with the revelation that long standing dictator was completely out of touch with the will of his people. From the time of its independence, Egypt has been ruled by a succession of military generals, the last of which favoring a strong autocratic regime.

Now the most populous Arab country is left with a large question mark hanging over the top of everything: the military, the economy, foreign relations, democracy and governance. With so much at stake and no crystal ball to predict the future, this section of the Task Force focused heavily on the future of Egypt and what the next steps are not only for its new government but for how the international community as a whole should approach a post-Mubarak nation.

The first paper deals with the overarching lessons that can be gleaned from supporting dictators such as Mubarak. The United States has a dark history of supporting regimes that benefit their economic, security and political interests. Thus by drawing comparisons between support for the Shah of Iran and Mubarak, lessons from past foreign policy mistakes in the region can guide the US and NATO towards greater success and understanding in the future.

Much of US aid in Egypt was sent directly to the military, so the second paper deals with the Egyptian military structure and its future place in the new government. As of when this paper was published, the military remains at the helm of the state which flies in the face of the sweeping changes demanded by the revolution. Whether or not the military will be

PART II **EGYPT**

willing to peacefully transfer power as of June 2012 is greatly complicated by their previously held superiority in Egyptian society.

In all likelihood, the majority of the new parliament elected will be members of a group previously marginalized under Mubarak, the Muslim Brotherhood. The third paper explores the history of the Muslim Brotherhood and what their parliamentary gains mean for the future of the country. This parliament will be the one tasked with the duty of drafting a new constitution for Egypt. Not only is a constitution an extremely difficult document to conceive, but what the new constitution will look like is troubling for anyone to predict. Given the Muslim Brotherhood's Islamic stance, it remains unclear what kind of state will be engineered: a theocracy or a democracy?

Lastly, the type of constitution drafted in Egypt will have perhaps the most profound effects on the country's minorities; namely the Christian Copts. This sizable minority group has long been on the sidelines of Egyptian society, yet participated equally in ousting Mubarak. The fate of Copts' status in Egypt rests on the constitution, and this last paper demonstrates the past experiences of the Copts under Mubarak and what steps the new government should take to end their discrimination.

Overall, these papers work in concert to show that all of the issues facing Egypt rest on the decisions to be made in the coming months. Will the military step aside and how can that be achieved? What type of government will come to power and what effect will this have on Egyptian minorities? Can the US and NATO member states start a new era of fruitful relations with Egypt that does not support government-run human rights violations? This section aims to answer all these questions and create productive policy recommendations for the US and NATO.

EGYPTIAN REVOLUTION

TIMELINE¹

January 25

On national Police Day thousands marched to the offices of the National Democratic Party in downtown Cairo. Police and demonstrators clashed in Tahrir Square, with the police using tear gas and water cannons. Alexandria, Mansura, Tanta, Aswan, and Assiut also see protests. The interior ministry issues a statement blaming the Muslim Brotherhood for the protests, the Muslim denies the charge. The interior minister states that three protestors and a police officer have been killed. Facebook and Twitter are used by protest organizers.

January 26

55 protestors and 15 police officers are reported dead by medical workers in Suez.

January 27

Mohamed ElBaradei, former head of the UN nuclear monitoring agency, arrives in Egypt and joins the protests. Police and protestors continue to clash in Cairo, Suez, the northern Sinai, and Ismailia. Facebook, Twitter, and Blackberry Messenger are disrupted.

January 28

Eleven civilians killed in Suez and 170 injured. Countrywide 1,030 injured. Troops ordered into Cairo, Suez, and Alexandria but do not act in clashes between police and protestors. Mubarak dismisses government.

January 29

Mubarak announces cabinet has been dismissed but he refuses to step down. Military secures Egyptian Museum from looters. National Democratic Party headquarters set on fire by protestors.

Mubarak appoints first vice-president, Omar Suleiman.

January 31

250,000 gather in Tahrir Square. Hundreds march in Alexandria. Suleiman promises dialogue with opposition parties on constitutional reforms. EU calls for fair elections in Egypt. Mubarak names new cabinet.

February 1

Mubarak announces on television that he will not stand for re-election but he will not step down. Mubarak promises constitutional changes. More than a million people are in Tahrir Square. Thousands more protest in Alexandria and Suez.

February 2

Clashes between anti-government and pro-Mubarak protestors take place in Alexandria. Estimated 1,500 people are injured in Tahrir Square.

February 3

Heavy gunfire bursts in Tahrir Square leaves at least five dead. Sustained automatic weapons fire and single shots begin at 4am and continue for over an hour.

February 4

Protestors gather for "Day of Departure" in Tahrir Square.

February 5

The thousands remaining in Tahrir Square fear an approaching evacuation by the military. Egyptian health minister reports 11 dead. UN estimates 300 deaths country-wide.

February 7

Thousands are camping in Tahrir Square. Egyptian government approves 15 per cent pay raise. Google executive and facebook organizer Wael Ghonim released from jail.

February 9

Labor unions join protestors calling for better pay and Mubarak to step down.

¹ "Timeline: Egypt's Revolution." *Al Jazeera English*. Al Jazeera, 14 Feb. 2012. Web. 27 Feb. 2012. <<http://www.aljazeera.com/news/middleeast/2011/01/201112515334871490.html>>.

February 10

Mubarak gives a televised speech saying he will remain in power until elections in September.

February 11

Omar Suleiman announces that Mubarak has resigned and handed power over to the military.

February 12

Celebrations take place in Tahrir Square.

Protestors begin cleaning the square.

Military rulers pledge to hand over power to elected, civilian government and honor all international treaties, understood as an acknowledgment of the 1979 peace treaty with Israel.

Travel bans are imposed on several former ministers.

February 13

Soldiers remove remaining protestors and their tents. Traffic allowed through Tahrir Square again.

Cabinet spokesman say the cabinet appointed while Mubarak was still in power will stay to oversee political changes.

An estimated 2,000 policemen protest outside the interior ministry for better wages and against their bad reputation.

February 14

Protestors leave Tahrir Square only to have a few thousand people return to protest against the police.

Military leaders issue "Comminique No. 5" in a call for national solidarity and against strike action in order to revive the economy.

Chapter 4**WHAT THE DICTATORS TAUGHT US
LESSONS LEARNED FROM PAST FOREIGN POLICY MISTAKES AND
SUGGESTIONS FOR THE FUTURE**

During the Cold War, the pattern of foreign policy in the United States followed a very simple rule; the ABC. “Anyone But Communists” was used several times in justifying the overthrow of democratically elected governments in the third world. The US ambassador to Guatemala proposed the ‘duck test’ stating; “Many times it is impossible to prove legally that a certain individual is a communist; but for cases of this sort I recommend a practical method of detection – ‘the duck test’... [If a] bird certainly looks like a duck. Also, he goes to the pond and you notice he swims like a duck. Well, by this time you’ve probably reached the conclusion that the bird is a duck, whether he’s wearing a label or not.”¹²⁰ This reference may seem outdated, but it is quite the opposite.

The United States has continued to use the ‘duck test’ rule of thumb beyond the Cold War, and the word ‘communist’ has been replaced with ‘terrorist’. This ABT attitude is evident in the US involvement with Middle Eastern governments. Perhaps the most striking, and disastrous, example is the case of Iran and the overthrow of the popularly elected Muhammad Mussadiq in 1953. Seen as a threat in British and American interests in the region, “Iran is perhaps the quintessential case of both superpowers not only failing to promote, but actually undermining, Middle Eastern democracy in their headlong pursuit of their strategic and economic objectives.”¹²¹

As the events of the Arab Spring have been unfolding across the Middle East, ABT and the duck test policy were brought into the light as regimes began to topple. The fall of Hosni Mubarak in Egypt had perhaps the biggest implication in terms of the United States and the application of ABT foreign policy. After examining the relationship between the two nations, parallels between Egypt

¹²⁰ Jentleson, Bruce. "Beware the Duck Test." *Washington Quarterly*. 34.3 (2011): 137-149. Print.

¹²¹ Khalidi, Rashid. *Sowing Crisis: The Cold War and American Dominance in the Middle East*. Boston: Beacon Press, 2007. Print, 167

and Iran began to arise in terms of mistakes and misjudgments by the American policy makers. While the United States did not facilitate the assassination of Anwar Sadat that put Mubarak in power, it is the attitude the US adopted after that bears a striking resemblance to that of the attitude adopted towards the Shah of Iran. Both are cases of the United States throwing their economic and military support behind a dictator in order to protect strategic interests in the region.

This poses an interesting moral conundrum, along the lines of ‘does the end justify the means?’. Did the White Revolution reforms under the Shah serve US interests in keeping communism out of the Iran? Was the intelligence acquired under the interrogations held in Egypt worth propping up Mubarak, a known human rights abuser? While the case in Iran has the benefit of hind sight, it is more difficult to come to a conclusion about Egypt. The backlash of supporting Mubarak is still unfolding; however there are lessons to be learned from the Iranian case that can be applied to how the US and NATO approach Egypt and the broader Middle East in the future.

In this paper I will explore these parallels of the past and use them to analyze the future. By doing this, I aim to craft a preliminary answer to the question: What lessons can be learned from supporting unsavory dictators and what policies should the United States adopt towards Egypt in the light of the Arab Spring? By examining and comparing the history of US foreign policy in Iran and Egypt, this paper will suggest a new direction for US foreign policy that eliminates ABT and duck testing.

This paper will make the following recommendations: 1) Elimination of previous held biases towards new regime leaders; 2) recognition and acceptance of newly elected regimes; 3) adopt a facilitating role in the state building process.

I. PILLAR OF STABILITY: IRAN [4.1]

For the scope of this inquiry, the story of US interest in Iran goes back to the end of World War II. It became clear that the United States “must have secure access to foreign oil supplies to

offset its depleted domestic reserves”¹²² and the Roosevelt administration looked to the Persian Gulf. The looming Soviet presence so close to Iran put pressure on ensuring said resources. Therefore, Truman stressed the need for the Soviet Union to pull out of Iran, but they initially refused. With support from the United States, the Iranian prime minister traveled to Moscow to petition troop removal and was eventually successful in 1946.

At the same time, political unrest and resentment was growing towards the Anglo-Iranian Oil Company (AIOC), a British company that had a monopoly over Iran’s oil industry. This movement was backed by the Tudeh Party, which was pro-Soviet communist party. Leaders from Tudeh formed a group called the National Front, which pushed for political reforms and the nationalization of AIOC. The National Front was led by Muhammad Mussadiq, and under great popular pressure, “the shah appointed Mussadiq prime minister on April 29 and signed the oil nationalization bill into law”¹²³. British operations to eliminate Mussadiq churned more political turmoil in Iran, resulting in a brief resignation of Mussadiq, only to have him be reinstated several days later.

When Eisenhower took office in January 1953, the administration was looking for a more aggressive way to contain the Soviet threat. “An important element of this effort was a decision to strengthen pro-Western countries located along the Sino-Soviet periphery...with its proximity to the Soviet Union, and Mussadiq’s failure to resolve the oil crisis, Iran was a crucial pawn in this new strategy...”¹²⁴ Eisenhower’s Secretary of State John Foster Dulles and his brother, the new CIA director Allen, looked at Iran with grave concern in terms of containing the Soviet Union and they came to the conclusion that he must be removed from power.

¹²² Little , Douglas. *American Orientalism: The United States and the Middle East since 1945*. Chapel Hill: University of North Carolina Press, Print, 51

¹²³ Lesch, David, ed. *The Middle East and the United States*. Boulder: Westview Press Inc, 1996. Print, 55.

¹²⁴ Lesch 59

The British and American governments began plotting the coup in February of 1953, and in August Mussadiq had been replaced by Mohammad Reza Shah who was sympathetic to US oil interests. For the moment this was viewed as a positive step forward in the containment of communism. Unfortunately, “the strategic considerations that led US policy makers to undertake the 1953 coup and then build-up the shah’s regime therefore helped set in motion a chain of events that later destroyed his regime and created severe problems for US interest.”¹²⁵

Under the Shah, modernization of Iranian society became the number one priority. According to Ali M. Ansari, author of the article “The Myth of the White Revolution: Mohammad Reza Shah, ‘Modernization and the Consolidation of Power’”, the revolution served a very distinct purpose. “The ‘White Revolution’ was... a strategy for legitimization, through the use of rationalization, universalization and externalization. Socio-economic benefits were emphasized in an effort to disguise the real political gains...”¹²⁶ These political gains mentioned were to be gained from the United States.

The modernization reforms enacted by the Shah only increased domestic tensions. In an effort to pass his sweeping reforms, “political parties that resisted the shah’s absolute consolidation of power were silenced and pushed to the margins. In 1961 the shah dissolved the 20th Majles and cleared the way for the land reform law of 1962” (Britannica). Under the law, land owning peasants had to give up their farms so the land could be redistributed. Robbed of their property and without political representation to lend them a voice, Iran’s growing middle class began to resent the Shah’s autocratic regime. This growing resentment was also directed towards the Shah’s close relationship with the West, specifically the United States.

¹²⁵ Lesch 63

¹²⁶ Ali M. Ansari (2001): The Myth of the White Revolution: Mohammad Reza Shah, 'Modernization' and the Consolidation of Power, Middle Eastern Studies, 37:3, 3

Ayatollah Ruholla Khomeini spoke out harshly against the reforms put in place by the Shah, condemning the land reform and women's emancipation. His violent language quickly made him the symbol against the Shah's regime for thousands of Iranians. This led to several riots in Qom and Tehran, and eventually Khomeini's arrest days later. "By 1964, Khomeini had been forced into exile after having launched a vitriolic attack on the Shah following the announcement of legal exemptions for all US personnel working in Iran..."¹²⁷ Although the charismatic Khomeini was out of the country, the unrest in Iran continued. Unfortunately,

misreading the implications of Khomeini's movement, the Kennedy administration and its successors encouraged the Shah to press on with his White Revolution. Dismissing the recent disorders as the product of 'demagogic discontent' that would fade away in the face of concerted program of land reform, women's suffrage, and public education, the State Department's Phillips Talbot told a congressional panel on 17 July 1963 that the Shah's initiatives 'truly constitute a peaceful revolution'¹²⁸

Heeding the Kennedy's administration's guidance, the Shah proposed rigid, top-down social reform to appease Iranian citizens that wouldn't limit his authority. The United States chose to work with Iran and the reforms, and the Secretary of State Dean Rusk stated in a report that doing so would "preserve and keep Iran free from all foreign domination, with a stable government oriented toward the West and an economy capable of self-sustaining economic growth."¹²⁹

Public discontent, however, was masked by Iran's illusion of progress. According to the Encyclopedia Britannica, "these reforms eventually redistributed land to some 2.5 million families, established literacy and health corps to benefit Iran's rural areas, further reduced the autonomy of tribal groups, and advanced social and legal reforms that furthered the emancipation and enfranchisement of women. In subsequent decades, per capita income for Iranians skyrocketed, and oil revenue fueled an enormous increase in state funding for industrial development projects." Coupled with the dramatic increase in the price of oil in the 1970s, Iran was awash with cash and the

¹²⁷ Ansari 20

¹²⁸ Little, Douglas. *American Orientalism: The United States and the Middle East since 1945*. Chapel Hill: University of North Carolina Press, Print, 221

¹²⁹ Little 220

Shah had a desire to spend it. Therefore, “in exchange for Iran’s serving as ‘the guardian and protector’ of the Gulf, the Nixon administration extended virtual *carte blanche* to the Shah to go in for American arsenal.”¹³⁰ The Shah engaged in drastic amounts of government spending focusing on external threats to Iran, but spent little time acknowledging his internal threat: his own people.

The growing pains of the Shah’s rapid modernization created a false sense of prosperity thus when the government failed to deliver all that was promised, there was a harsh backlash of dissatisfied Iranians. The United States, only seeing Iran’s outward appearance of progress, hailed the Shah and his White Revolution; Henry Kissinger regarded the Shah as “a pillar of stability in a turbulent and vital region who despite the travesties of retroactive myth was really a dedicated reformer.”¹³¹ In reality, Iran was experiencing high inflation due to the Shah’s military spending that eroded the earnings of his people. “Moreover, his close ties with Washington let him vulnerable to charges leveled by middle-class students and disgruntled mullahs that he was fast becoming an American stooge. The Pahlavi regime responded with a fresh round of repression, jailing its leading critics and stepping up surveillance by its secret police.”¹³² Washington was left feeling uneasy by the Shah’s move, however little was done to put actual pressure on the regime to change its autocratic ways, and few appreciated the potential for an explosive response until it was too late. Instead, President Ford applauded the Shah’s ‘wise leadership’ and that he had enabled Iran to make ‘extraordinary strides in its economic development and in its relationships with other countries of its region.’

In January of 1978, thousands of students reacted to what they believed was slanderous marks against Ayatollah Khomeini and took to the streets in protest. They were joined by others who were dissatisfied with the Shah, many of which were unemployed middle class citizens. The Shah

¹³⁰ Khlaifat, Riayd, and Ali Bashayreh. "Consequences of US Intervention." *European Journal of Social Sciences*. 16.3 (2010): 327-339. Print, 333

¹³¹ Little 221

¹³² Little 222

responded by open firing on the crowds, killing two dozen demonstrators and further creating anti-Pahlavi sentiments. Demonstrations by angry citizens continued into the summer, and troops loyal to the Shah continued with deadly force. “By the end of the month William Sullivan, the US ambassador in Tehran, was insisting that the ‘massive firestorm directed against the Shah’ had been ‘brought on to a considerable extent by the frustrations, inequities, corruption, and rising expectations engendered by the shah’s program of economic development and westernized social reforms since 1963.’”¹³³ What was occurring in Iran was unintended consequences of US foreign policy of containment. This planted the seeds “of a US-Iranian hostility that continues to the present day at the cost of much anxiety for both Washington and Jerusalem.”¹³⁴

II. A WELL UNDERSTOOD VALUE: EGYPT [4.2]

Following the assassination of Anwar Sadat, the need to reward Egypt for signing a peace treaty with Israel was brought into relief quite violently. Hosni Mubarak stepped into power during a time of high Cold War tensions in the region, from the Iranian revolution to US hostage crisis to the Soviet invasion of Afghanistan. “Sadat’s murder by extremists demonstrated that a serious response could not wait any longer. The most obvious answer, of course, was to provide Cairo with a reliable source of arms now that it had severed military ties with the Soviet Union.”¹³⁵

Mubarak presented Washington with another chance at a strategic ally in the Middle East in the fight against Moscow, and Mubarak was well aware of his valuable status. “In exchange for military aid that would total 1.5 billion over the next three decades, second only to the aid extended to Israel, Mubarak would keep the peace treaty Sadat had signed in 1979, provide the United States

¹³³ Little 224

¹³⁴ Saikal, Amin. "Authoritarianism, Revolution and Democracy: Egypt and Beyond." *Australian Journal of International Affairs*. 65.5 (2011): 530-544. Print, 535

¹³⁵ Gardner, Lloyd G. *The Road to Tahrir Square*. New York: The New Press, 2011. Print, 149

with a number of other valuable assets, such as his contact with the PLO's Yasser Arafat..."¹³⁶

Knowledge of his leverage over the United States gave Mubarak a large bargaining chip, which can be summed by the phrase: "He may be an SOB, but at least he's our SOB."

In response to the terrorist attacks that killed former President Sadat, Mubarak enacted emergency laws that included stepped up surveillance, arrests, torture and secret trials. This focus on military control over society did not leave much room to focus on economic and social progress within Egypt. The leader was against any kind of reform that would shake up public order or stability. So instead, Mubarak relied on American security guarantees and "in return, Egypt would be rewarded with increased foreign direct investment, a leading place in an emerging system and continued international support; its successes in the effort would be measured by investment dollars, trade surpluses, and regime continuity rather than any true internal regeneration..."¹³⁷

This point held true, and Egypt stagnated and declined under Mubarak. The large population was severely underemployed, and many young people were growing resentful that their education and skills were not being put to use as they were unable to find work. According to a study conducted by Solava Ibrahim entitled *A Tale of Two Egypts: Contrasting State-reported Macro-trends with Micro-voice of the Poor*, "In the past decade, the absence of accountability mechanisms and increasing levels of corruption simply led to the absence of justice in Egyptian society. The perception among many poor people was the 'the powerful'...could simply get away with any crime."¹³⁸ Ibrahim also cites that 85 percent of the rural population still did not have adequate sewage access as of 2005 and that "the dominant rent seeking behavior among government officials (at all levels) and their indifference towards serving the public showed not only the limited state capacity, but also the

¹³⁶ Gardner 151

¹³⁷ Gardner 161

¹³⁸ Solava Ibrahim (2011): A Tale of Two Egypts: contrasting state-reported macro-trends with micro-voices of the poor, *Third World Quarterly*, 32:7, 1347-1368, 1349

absence of state will to respond to public demands”¹³⁹ (Ibrahim, 1350). From the macro view point, Egypt was growing. But not unlike Iran, this wealth was not trickling down to the people who needed it the most. In the past few years poverty in Egypt has in fact risen yet again from 17% in 2002 to reach 20.16 in 2005 to 21.6 in 2009. “Despite designing a Poverty Reduction Strategy for Egypt, 30 years after Mubarak took power 42.8 per cent of Egyptians are still living on \$2 a day or less...These poverty trends indicate the unsustainable nature of poverty reduction strategies under Mubarak’s regime...”¹⁴⁰

Throughout his reign, Mubarak was constantly reminding the United States of his value to their strategic security interests. Several US administrations applied pressure to Mubarak to open up Egyptian society; to make it more democratic, and every time they were rebuffed. “In reply to American efforts to prod him toward political reform, Mubarak used to great advantage US fears of Muslim radicalism, pointing to what happened in Iran, and, after the Second Gulf War, the chaos Iraq caused, he asserted, by the efforts to install democracy in that country.”¹⁴¹ Mubarak was clever in coupling Washington’s fear of Muslim extremism with his own strategic advantage: Egypt allowed torture. If the United States wanted an ample supply of information on Al-Qaeda and other terrorist actions, Egypt would deliver.

“Mubarak’s resentment toward American insistence that he move forward with reforms and ease up on political opponents appears highly ironic in light of the infamous CIA ‘rendition’ plan devised in the mid-1990s and operated with Egypt’s close cooperation over more than a decade.”¹⁴² Essentially CIA operatives were allowed to use ‘enhanced interrogation techniques’ that were banned under US and UN law in a ‘host country’ aka Egypt. While this may have been swept under the metaphorical rug, a vast amount of intelligence about Al-Qaeda was collected. “During the Cold

¹³⁹ Ibrahim 1350

¹⁴⁰ Ibrahim 1351

¹⁴¹ Gardner 171

¹⁴² Gardner 167

War, wrote one terrorism expert at Georgetown University, Bruce Hoffman, the United States had a window into the Soviet Union through Iran. ‘We have the same kind of window into Iran and other countries via the Egyptians’ he said after Mubarak’s fall. ‘Whatever happens next, this will never be the same.’¹⁴³

The real test of Egypt-US relations came after September 11, 2001. After the attacks, the question of whether or not it was wise to invest so heavily in the military strength of the region came to the forefront of policy-makers minds. “The Cold War was over, after all, and the Soviet Union was no more. So on that level why was it necessary to go on supplying the militaries of those countries.”¹⁴⁴ Previously, the only concern for policy-makers had been balancing the power in the region; making sure it did not tip in favor of the Soviets/extremists. The attacks of September 11th brought up another aspect of US security: the backlash. “The United States had invested \$50 billion in arms for Egypt – and what had been the result? The result of supporting Middle Eastern dictatorships, it was argued, had been the attacks of 9/11.”¹⁴⁵

After the 9/11 attacks, the amount of military aid being given to Egypt raised a serious questions about Egypt’s ability to truly reform. Mubarak’s police state relied heavily on the loyalty of the military, and the flow of US dollars helped Mubarak keep them happy. The Bush administration recognized that if they were to truly protect American interests in the Middle East, real change needed to occur in Egypt. The pressure was again light, having Secretary of State Rice made a speech at American University in Cairo in 2005 calling for free and transparent elections, stating to Mubarak that “The people of Egypt should be at the forefront of this great journey, just as you have led this

¹⁴³ Gardner 169

¹⁴⁴ Gardner 171

¹⁴⁵ Gardner 172

region through the great journey of the past.”¹⁴⁶ Unfortunately, the elections held that September were a sham, and the opposition candidate Ayman Nour was arrested afterward.

Time and time again, Mubarak played into the “he’s our SOB” sentiment that the United States demonstrated. “The failure to persuade Mubarak to halt the human rights violations, let alone open up the political process, indicated both that he intended to run again for president in 2011 and that he could not change his policies under any pressure the United States dared to impose without endangering the ‘strategic relationship.’”¹⁴⁷ While American foreign policy had relatively stayed the course in terms of how Mubarak was handled, hopes to change the status of Egyptian-American relations were renewed with President Obama’s election in 2008. In a speech in Cairo in 2009, Obama acknowledged some of Washington’s past mistakes in its foreign policy towards the region, stating that during the Cold War “Muslim majority countries were too often treated as proxies without regard to their own aspirations.”¹⁴⁸ After the speech, Egyptians were filled with excitement towards the new Obama administration, hoping their policies would alter the Egyptian-United States dialogue.

For a while, it seemed as though this administration was looking to write a new chapter of American foreign policy towards the Middle East. The 2009 Cairo address was President Obama’s first international address, and it was delivered to a crowd of Egyptian youth. The President was speaking to issues that the people of Egypt cared about such as the legacy of colonialism and Western hostilities to Islamic culture. Obama also stated,

Violent extremists have exploited these tensions in a small but potent minority of Muslims. The attacks of September 11th, 2001 and the continued efforts of these extremists to engage in violence against civilians has led some in my country to view Islam as inevitably hostile not only to America and Western countries, but also to human rights. This has bred more fear and mistrust.¹⁴⁹

¹⁴⁶ Stacher, Josh. "Condoleezza Rice's Remarks from her Cairo Speech at AUC." *The Arabist*. N.p., June, 2005. Web. 22 Feb 2012. <<http://www.arabist.net/blog/2005/6/20/condoleezza-rices-remarks-from-her-cairo-speech-at-auc.html>>.

¹⁴⁷ Gardner 179

¹⁴⁸ Obama, Barack. "Obama's Speech in Cairo." *New York Times* [New York] 4 06 2009, n. pag. Web. 22 Feb. 2012. <<http://www.nytimes.com/2009/06/04/us/politics/04obama.text.html?pagewanted=all>>.

¹⁴⁹ Obama 2009

Here Obama is clearly drawing a line between the vast majority of the Muslim world and the few extremists that aim to cause great harm. This speech represented the voices in Washington that were not always heeded; the voices that called for applying real pressure to Egypt instead of choosing to maintain the status quo in the region.

Washington, however, had very little time to engage in a new formal dialogue with the Mubarak regime. In December 2010, fruit vendor Mohammad Bouazizi set himself on fire, after having his cart confiscated, in an act of frustration and protest. “Is there a more poignant portrayal of what ails that Arab world’ wrote Egyptian-born author Mona Eltahawy the day after Ben Ali fell, ‘than images of its young people killing themselves as their leaders get older and richer?’”¹⁵⁰ The protests that started in Tunisia quickly spread across the Maghreb, and Egypt was soon in the midst of a popular uprising against their leader, Hosni Mubarak.

The Obama administration was put between a rock and a hard place as the people of Egypt were protesting in the streets. “On the one hand, it did not want to intervene and be blamed for attempting to prop up a government that its people deserted; on the other hand, it did not want to be held responsible for deserting a government that had been a ‘cornerstone’ of US Middle Eastern policy.”¹⁵¹ Obama decided to take a step back from the events and chose to strongly urge Mubarak into carrying out promised reforms (the firing of his government) over a phone call. Mubarak made a few speeches promising reforms and that he would not seek reelection, but that he would stay in power until then. Shifting to a policy strategy that ordinarily lost in favor of some form of appeasement, the Obama administration ultimately sided with the Egyptian people stating that “We have discussed with the Egyptians a variety of different ways to move [the transition] process forward, but all of those decisions must be made by the Egyptian people.”¹⁵² On 11 February 2011, a

¹⁵⁰ Gardner 184

¹⁵¹ Gardner 186

¹⁵² Obama 2011

mere 18 days after protests started in Tahrir Square, President Hosni Mubarak's vice president Omar Suleiman announced that the leader had stepped down.

III. WHAT DOES IT MEAN?: EGYPT AND IRAN COMPARED [4.3]

While the Shah's reign in Iran came to an end almost 30 years before Mubarak's, the similarities surrounding US foreign policy towards the two dictators is evident. This pattern is somewhat troubling in light of the Arab Spring. While there is not charismatic leader at the helm of the Egyptian movement that resembles Khomeini, what post-Mubarak Egypt will look like is still unclear. Therefore, it is important to look into the past of US relations with Iran and see what lessons there are to extract for the future.

Iranian and Egyptian society before their US supported dictator was deposed look eerily similar. From a macro perspective, both appeared to be growing. The GDP was on the up in Egypt, and oil prices were increasing which was bringing wealth to Iran. However, closer examination showed that the vast majority of citizens in both nations were suffering. The Shah's American supported White Revolution ostracized many Iranians who believed these reforms were an affront to Islamic tradition. Under Mubarak, Egyptian discontent was growing towards their leader due to his inability lift them out of poverty. During his reign, the growth of ashwa'iyyat, or slums, grew considerably. "Although the data and scale of ashwa'iyyat in Egypt is highly varied and underestimated, depending on the definition of 'informal areas', the population living in these areas ranges from 5.7 million to 21 million. In Greater Cairo alone the number of people living in informal settlements accounts for almost 65.6 percent (about 10.7 million)." ¹⁵³ Clearly both regimes were operating under an inability to listen to their populations demands and respond to said demands properly. This lead to a growing domestic resentment of the United States in both nations. In Iran,

¹⁵³ Ibrahim 1349

the people felt as though their leader was an American stooge and in Egypt that the United States was unwilling or unable to help them enact real reform from the state.

During the Cold War, the Soviet threat was an ever present danger in Washington. In order to combat this, the US sought to keep the third world free of Soviet influence and any regime that looked to have communist sympathies had to be dealt with. The United States chose to overthrow the democratically elected President in Iran when he appeared to threaten US interests in the region. “Time magazine referred to Mussadiq as a fanatical nationalist whose obsession with martyrdom would ruin Iran. Newsweek characterized him as inconsistent, unreasonable, and irrational and warned against ‘the red threat.’”¹⁵⁴ With the gift of hindsight towards Iran, these fears are relatively unfounded and Iran ended up becoming a foreign policy nightmare for the US. How did this happen? The United States was providing unwavering support and military aid to a dictator that was becoming increasingly unpopular with his people because he aligned himself with the US’s foreign policy objectives: containing the Soviets.

Now if one takes the previous sentence and removes the word ‘Soviets’ and replaces it with the word ‘Muslim extremists’, one is left with US posture towards Egypt and Mubarak. He acted in similar ways as the Shah, touting success under the guise of economic progress that never trickled down to the rest of the population. “Contrary to promising a better and gentler government, [Mubarak] strengthened the authoritarian system of party-bureaucratic-security governance, which had been established to a large extent under his two predecessors...”¹⁵⁵ Both the Shah and Mubarak enforced an increasingly totalitarian regime that the United States supported because ‘they may be SOBs, but they’re our SOBs’.

The relationship the United States fostered with Mubarak was born right on the heels of the Islamic Revolution in Iran. The threat of extreme political Islam was fresh on Washington’s mind,

¹⁵⁴ Lesch 69

¹⁵⁵ Saikal 531

thus they adopted a similar approach they took with Communism: containment through alliances and rewards. “As well as the United States has protected its basic interests during the past, it has often done so by dealing with illegitimate regimes, a situation that still exists today and that is increasingly worrisome.”¹⁵⁶ It is worrisome because using the template of ‘if you scratch my back, I’ll scratch yours’ towards the threat of Communism and extreme political Islam is ineffective, and above all, hypocritical. The United States claims to be for freedom and equality everywhere, and yet it supported leaders such as the Shah and Hosni Mubarak because political and security interests are deemed more important.

This is not to say that the security threats the United States were not real or illegitimate. After 9/11, there was no doubt that terrorism was an ever present danger in the world and that Al-Qaeda was capable of causing a considerable amount of damage. But there comes a time when correcting past mistakes in foreign policy needs to be considered. As Bruce W. Jentleson points out, “No question there are terrorism risks amidst instability as well as regarding the shape successor regimes take. But what we’ve seen these past months is the risks of ABT strategies. And now potential opportunities are being opened up for alternative paths toward societal changes that help to counterterrorism and public diplomacy can.”¹⁵⁷

IV. WHERE TO GO FROM HERE: US AND NATO POLICY SUGGESTIONS [4.4]

Many countries in the Middle East are stepping onto a post-dictator world stage, and the United States is being presented with a unique opportunity. Now is the time to change foreign policy and attitudes towards the region in order to build a most trusting relationship between the US and Egypt. Fostering a strong relationship with the new Egyptian government would be the first step in establishing better relations with the region as a whole. The following three suggestions will steer US

¹⁵⁶ Lesch 417

¹⁵⁷ Jentleson 143

policy towards this goal: 1) elimination of ABT attitudes held by many policy makers, 2) recognition and acceptance of newly elected regimes, 3) adopt a facilitating role in the state building process.

The first suggestion comes from Jentleson, stating why these attitudes have become inappropriate: "...we have to stop substituting ABT (Anybody but Terrorists) for the Cold War Anybody but Communists. That approach has, in part, trapped the United States in the regional box it is now trying to escape – trying to avoid supporting unpopular, corrupt regimes whose principal claim to leadership is that terrorists will take over if they do not rule."¹⁵⁸ With the fall of Mubarak and a new Egyptian state on the horizon, the United States is being presented with an opportunity to at least begin wiping the slate clean of past mistakes in their approach to Middle Eastern policy.

This can be started by following the second recommendation or as Robin Wright, author of *Rock the Casbah*, stated: "To have credibility, [The United States] will have to acknowledge, if not enthusiastically embrace, any democratically elected leaders who renounce violence, play by international rules and honor democracy's practices."¹⁵⁹ The end of Wright's quote brings of the important point that may complicate the first recommendation. While the United States needs to engage in damage control over their past relationship with Egypt, it is important to recognize when these leaders do not respect international laws, democracy and the will of their people. The new government and constitution that is to come out of Egypt may not resemble what the United States would hope, but a measured response needs to be taken. Instead of jumping to the ABT attitudes from before, more extensive understanding of what these new political parties and leaders stand for is necessary. That is why I recommend reinvigorating NATO's Mediterranean dialogue. The stated goals here are to contribute to regional security and stability; achieve better mutual understanding; dispel any misconceptions about NATO among Dialogue countries. If the US and NATO member countries are truly to turn over a new leaf with the Middle East, a Mediterranean dialogue conference

¹⁵⁸ Jentleson 142

¹⁵⁹ Wright, Robin. *Rock the Casbah*. New York: Simon & Schuster, 2011. Print, 261

would be the perfect place to start once Egypt's military turns over power to the new government in June. The meeting can begin with talks on very small issues, such as tourism or energy, but the important thing is a fresh conversation between all involved parties begins. The Arab Spring has brought an unprecedented amount of change to the Middle East, as well as an opportunity for the Western powers of NATO to alter their past relationships with the region.

The third recommendation (taking a "hands off" approach to the state building process) can also be expanded to NATO member states, not just the United States. What is clear is that Egypt is embarking on a mission to build the Egypt the people desire, and the only way this state will have legitimacy with the people is if Western powers and their influences are kept at bay. Instead, the course of action that can be taken by the US and NATO member states is of a facilitating nature in which policy and economic advisors or constitution drafters from the International Republican Institute and/or the National Democratic Institute can be offered to help the transition process. By laying these experienced advisors and NGOs on the table, Egypt will have the opportunity to take the help or leave it. What is essential is that US and NATO members states do not appear to be meddling in the new Egyptian government's state building affairs, and they have so often in the past.

The element that will complicate the United States' role in the transition to the new Egyptian government is the military aid. According to a CRS report obtained by WikiLeaks, this problem of whether or not to cut off military funding to Egypt has been heavily debated for the past four years.

Some Members believe that U.S. assistance to Egypt has not been effective in promoting political and economic reform and that foreign assistance agreements must be renegotiated to include benchmarks that Egypt must meet to continue to qualify for U.S. foreign aid...The Administration, some lawmakers, and the Egyptian government assert that reducing Egypt's aid would undercut U.S. strategic interests in the area, including support for Middle East peace, U.S. naval access to the Suez Canal, and U.S.-Egyptian intelligence cooperation.¹⁶⁰

Due to the uncertain nature of exactly what the new Egyptian government would look like, eliminating this military aid would be highly unwise. On 16 February 2012, the New York

¹⁶⁰ (CRS-RL 33003)

Times reported that “The Islamist party that leads the new Egyptian Parliament is threatening to review the 1979 peace treaty with Israel if the United States cuts off aid to the country over a crackdown on American-backed nonprofit groups here.”¹⁶¹ Maintain the 1979 peace treaty is a top priority for US-Israeli relations, and jeopardizing said relations and peace is not an option.

These recommendations will allow NATO member states, and specifically the US, to build an entirely new foundation for future relations with Egypt. Instead of seeing this large Arab nation as a prize to be won and a friendship to pay for, Egypt’s emerging democracy represents a chance to right a past of wrongs.

¹⁶¹ Kirkpatrick, David D. "Muslim Brotherhood Threatens to Review Treat with Israel." *New York Times* [New York] 16 Feb 2012, n. pag. Web. 22 Feb. 2012. <<http://www.nytimes.com/2012/02/17/world>

Chapter 5

THE EGYPTIAN ARMED FORCES & THE REVOLUTION OF 2011

The Egyptian military has heavily influenced or controlled the leadership of the Egyptian government for over six decades. Since the independence of Egypt in 1952, the Egyptian military has played a pivotal role in legitimizing the state leadership. As in any revolution, the support of the state's military, to some degree, is a necessary condition for success and the Egyptian military was in support of the revolutionaries. Although initially hesitant, President Mubarak's orders to use lethal force to suppress protesters quickly confirmed the military's position among the rebels. Unwilling to fire on the protestors, the military opted to protect them and assumed control of the government on 10 February 2011. In understanding the role of the military in the revolution it is important to examine the relationship between past military rulers, Hosni Mubarak and the armed forces, as well as the influence and privileges they enjoyed. The Egyptian military's relation with political parties in Egypt is also a key element in predicting the future of democracy in Egypt.

Careful analysis and examination of civic-military relations in Egypt from its independence in 1952 to the present will help shed light on the military's role in the 2011 revolution and its goals moving toward a civilian elected government in the future. My aim is to develop an answer to the question: How will the newly elected government take into account the interests of the armed forces and what are the alternatives if those demands are not met? In consideration of the analysis, this paper will make the following recommendations: 1) NATO should remove itself from any engagement in internal political reform within Egypt; 2) NATO should reach out to the new administration in Egypt to reiterate the overall aims of the Mediterranean Dialogue and negotiate the future of regional security in the interests of both parties.

I. BACKGROUND [5.1]

Historically, Egypt has been ruled by a succession of military leaders since its independence from Britain in 1952. The 1952 Egyptian Revolution, led by colonel Gamal Abdel Nasser, overthrew the reigning monarchy of Egypt and Sudan and brought in a new period of modernization, socialist reform and pan-Arab nationalism. The Egyptian Revolution of 1952 was the result of a military coup d'état by the Free Officers Movement (FOM), a group of young army officers led by Nasser and Naguib, to create a republic and end British occupation. Spurred by the effects of the Great Depression and WWII on economic stability in the region and failed attempts at modernizing, the FOM grew from a modest background of young middle class officers.

The Free Officers Movement strengthened the 'new' middle class and gave an organized voice to Egyptian nationalism. The Movement was further supported by the United States and the Soviet Union as they both promoted the view that the Egyptian monarchy was corrupt and a puppet regime of the British Empire. In just a few days in July 1952 the FOM declared a revolution and took control of the government, giving King Farouk three days to leave Egypt into exile.

Following the revolution, the Revolutionary Command Council (RCC) banned all political parties and declared a three-year transitional period in which it would rule over. It also established the Liberation Rally (LR) to fill the political abyss and harness political energy in support of the regime.¹⁶² The RCC was crafted by the Free Officers to undertake daily administration duties. The RCC wrote a provisional Constitutional Charter with the intent of giving the RCC some legitimacy. On 18 June 1953, the RCC dissolved the

¹⁶² Harb, Imad. "The Egyptian Military in Politics: Disengagement or Accommodation?" *The Middle East Journal* 57.2 (2003): 269-90. Print.

monarchy and declared Egypt as a republic, appointing General Naguib as the first president and prime minister without any public elections.

In 1956, Gamal Abdel Nasser became the second president, announcing a new constitution, setting up a presidential government and paving the way for parliamentary elections. Unfortunately, parliamentary elections were essentially meaningless since the president had the power to appoint and dismiss ministers and the parliament rarely ever proposed its own legislation; it only acted on the proposals of the president. The Nasser regime characteristically staffed the cabinet, ministries, and state machinery with military personnel for two reasons: the military's belief that it alone had the bureaucratic organizing skills to run the affairs of the state and assuring control over a traditionally independent bureaucracy.¹⁶³

Along with the success of the FOM coup, Nasser grew into the iconic leader of Arab nationalism because of the Non-Aligned Movement and his push for a pan-Arab security pact within the framework of the Arab League. The nationalization of the Suez Canal was fundamental for Nasser in two respects: increasing Egypt's GDP and withdrawing from economic dependence on Western powers. Nasser challenged the dominance and influence of the Western world in the Middle East; the primary element of Arab nationalism. Arab states detested the imperialist actions of Western countries and sought to prove their strength independently. This ideology essentially fueled Nasser's military coup because of the public's unrest with the British presence in Egypt and its belief that the monarchy was a British puppet. While Nasser was heralded as a champion for Arab nationalism and strength, his successor fell short.

¹⁶³ Harb 11

As president, Nasser created a more centralized government and as mentioned, nationalized the Suez Canal and led the Non-Aligned Movement much to the distress of the United Kingdom and the US.¹⁶⁴ President Nasser used the Non-Aligned Movement to fight against foreign imperialism and occupation, specifically against influences from the United States and the Soviet Union. During his presidency, Nasser quickly lost support and aid from the US as a result of his recognition of the Communist People's Republic of China and his arms negotiations with the USSR. In his final years as president, Nasser tried to balance the role of the military within Egypt with the 'civilian' government but with little success. The military was more politically engaged than ever with nearly 37% of the government's cabinets staffed by military officers.¹⁶⁵

Anwar Sadat, also a key member of the Free Officers Movement, succeeded Nasser in 1970. Detested by his peers for inheriting Nasser's legacy and his outlook on military preparedness, professionalism and non-interference in politics, Sadat executed his own 'Corrective Revolution' to purge the regime of opposition.¹⁶⁶ Using military officers loyal to him, Sadat ousted his enemies and in 1981 the Egyptian military pledged allegiance and loyalty to President Sadat.

Similar to Nasser, Sadat used the military as a base for legitimacy and power but with a very different leadership style. Sadat feared his peers in power and he dismissed many of his top officials that dared to disagree with him. Consequently, "this policy of sidelining and dismissals finally made the Egyptian military totally subordinate to the civilianized leadership of the President. It also resulted in a more professional military dedicated to external defense".¹⁶⁷ With renewed confidence in the Egyptian military, Sadat ordered the military

¹⁶⁴ Harb 10

¹⁶⁵ Harb 11

¹⁶⁶ Harb 15

¹⁶⁷ Harb 15

into Golan Heights in October 1973 to retake land lost to Israel in the Six Day War of 1967. The Egyptians, along with a coalition of Syrian forces, lost the war against the Israelis but the very act of war made Sadat very popular domestically and in the Muslim world. Struck by deepening economic inequality and civil unrest at home, Sadat became convinced that peace with Israel would reap economic aid to lessen Egypt's internal strife and military aid to satisfy the demands of the armed forces. Quite immediately Sadat was seen as a traitor to Arab nationalism for his peace negotiations with US Secretary of State, Henry Kissinger, and Israel.

President Sadat signed the Camp David Peace Accords in 1978, agreeing to disengage Israel militarily. The 1979 Egyptian-Israeli Peace Treaty was widely popular among Egyptians but considered a betrayal of Arabism by the Muslim world. The military was increasingly disengaged from Egyptian politics as Sadat moved forward with liberalizing policies to open the Egyptian economy for development and decrease spending on the military.¹⁶⁸ Despite the smaller defense budget, the military-industrial complex was growing and becoming more self-sufficient. Anwar Sadat's policies were quickly modernizing Egypt, but they were overwhelming for many Egyptian Islamists.

A fellow Islamist army officer, motivated by discontent over the Egyptian-Israeli Peace Treaty, assassinated Anwar Sadat in 1981. Following the assassination of Sadat, vice president Hosni Mubarak became the fourth president of Egypt until the revolutions in 2011. President Mubarak was also the fourth ex-military leader of Egypt since the ousting of Muhammad Ali's dynasty. His accession to the presidency marked a continued trend toward decompression and institutional stability.¹⁶⁹ Although the National Democratic Party was still the dominant governing force, there was greater freedom for political parties to operate

¹⁶⁸ Harb 17

¹⁶⁹ Harb 17

publically and even form alliances with Islamic groups, like the Muslim Brotherhood, that were previously banned. In 2008, Egypt was one of the fastest growing economies in the Middle East with a better business climate as a result of Hosni Mubarak's liberalization policies.¹⁷⁰ Unable to lessen growing income inequality between middle class Egyptians, high rates of unemployment and rising demands for democracy, President Mubarak was forced out of power by a public mass movement supported by the Egyptian military.

Until the revolutions in 2011 the Egyptian armed forces had always been loyal and supportive of the ruling regime. Since Nasser's utilization of the military to overthrow the monarchy, Egypt has been led by a former officer and the military has held a privileged position within the National Democratic Party, exerting its influence and protecting its interests. However, unlike Nasser's revolution of 1952 led by a few young officers, the revolution in 2011 was led by young civilians and involved millions of Egyptians. The extent of political engagement by the military for the past sixty years established the military as the foundation for political leadership and support in the Egyptian Republic.

II. MILITARY INFLUENCE & PRIVILEGES [5.2]

The Egyptian military has established itself as a fundamental component of Egyptian culture. Socially, the army provides training for 12.3% of young males, giving them a sense of responsibility and identity, while also exposing them to modern technology and life styles.¹⁷¹ The military's socialization influence reaches millions of Egyptian families and reinforces its social base among civilians.

Economically, the military is involved in numerous industries from agriculture to national infrastructure and contributes more than \$500 million annually to Egypt's gross

¹⁷⁰ Enders, Klaus. "Egypt: Reforms Trigger Economic Growth." *IMF Survey Magazine: Countries & Regions* (2008). *International Monetary Fund*. Web. 11 Feb. 2012.

¹⁷¹ Harb 18

domestic product.¹⁷² Employing more than 100,000 people, Egypt's defense industries produce armed personnel vehicles, tanks, helicopters, aircrafts, engines, electronics and radar. Furthermore, the civilian production ranges from washing machines, heaters, clothes, construction materials, pharmaceuticals, and microscopes.¹⁷³ All of these products, from the defense and civilian industries, are exported to other Arab and developing countries. In an effort to become more independent, the Egyptian armed forces have their own companies that compete for public projects.¹⁷⁴

Already highly self-sufficient and quite financially independent, the military keeps all of its income from activities for its own purpose and it is 'off budget' from civilian oversight. Benefits of the military also flow into private life too since many officers receive higher salaries, better medical care, housing, transportation and access to scarce consumer goods that the conscript soldiers do not experience.¹⁷⁵

Many critics of the military's economic role maintain that it undercuts the Egyptian economy by drawing away from private initiatives. The military justification for this role is that it allows the military to be more financially independent and autonomous, freer from the government budget, which is limited by international institutions such as the IMF. By assuring an extra source of income, the military can operate more freely and avoid competing with other interest groups. The extent of the military's influence in Egyptian society is undeniably powerful and far-reaching.

The military's influence over civilians, in combination with its loyalty to the regime, led by a former army officer, are indicative of an uneasy relationship of accommodation in Egyptian politics. Without a doubt, the military supported the regime of Hosni Mubarak

¹⁷² Ibid.

¹⁷³ Ibid

¹⁷⁴ Harb 19

¹⁷⁵ Ibid

because it received a great deal of perks and privileges from the ex-officer and supporting him ensured that the military would retain those privileges. Despite the military leadership of President Mubarak, the 1990's marked an aggressive push for economic liberalization and restructuring within Egypt that would definitely hurt the economic role of the military and effectively jeopardize its financial independence and privileged life style. Up until the overthrow of Hosni Mubarak in 2011, the Egyptian military elite and the regime had experienced mutually beneficial relations in which the regime insured the interests of the institution and the institution protected the regime.

It goes to question then, if the relationship between the armed forces and the regime was so mutually advantageous, how did the Egyptian military end up siding with the revolutionaries to overthrow President Mubarak?

III. THE MILITARY ROLE IN THE REVOLUTION [5.3]

The Egyptian military's position on the road to revolution was not always black and white in favor of the protesters. During the first few weeks of Egypt's uprisings the military elites hedged their bets and quietly advanced their positions in the government while some army units were detaining and allowing the police to abuse protesters.¹⁷⁶ However, the armed forces never fired on the people, nor did they prevent them from public protest in Tahrir Square. It appears that the people and the military finally lost whatever loyalty they still held for Mubarak's regime when his loyalists and the secret police unleashed excessive violence against the demonstrators on 2 February 2011. The armed forces sided with the rebels and concluded that Mubarak's mix of concessions and repression had failed and that continued violence and disorder would only hurt the military's legitimacy and influence.

¹⁷⁶ Barany, Zoltan. "Comparing the Arab Revolts: The Role of the Military." *Journal of Democracy* 22.4 (2011): 28-37. Print.

On 10 February 2011, the Supreme Council of the Armed Forces (SCAF) assumed control of the country and persuaded Mubarak to resign. SCAF is the leading military authority within Egypt chaired by the President (formerly Hosni Mubarak) and consisting of twenty senior officers in the Egyptian military. It is quite clear that once the decision to support the revolution had been made on 31 January 2011, SCAF was quick to assume a position of power in which it would have a better chance of protecting the military's interests and privileges in the new government.

Zoltan Barany, professor of government at the University of Texas-Austin, provides four valid points arguing why the Egyptian military failed to come to rescue Mubarak's regime: 1) Military elites despised Hosni Mubarak's son as a 'state entrepreneur' who exploited his family's status for profit; 2) Top military officials were growing anxious over youth alienation, spreading Islamic radicalism, and economic stagnation; 3) Egyptian soldiers were not pleased to see the regime throwing more support onto the police and private security forces in the state and; 4) Egypt's conscript army has such a wide social base that even if Generals had been willing to shoot at demonstrators, many officers and enlisted soldiers would have refused to obey.¹⁷⁷ The fourth point gives the reason why Egyptian soldiers would not harm civilians, however; the first three points justify why the Egyptian military, at every level, chose to side with the revolutionaries in opposition of Mubarak. For the military elite, ousting Mubarak meant that Gamal Mubarak would not become president and exploit his position of power and that the military could move toward breaking up the police state Mubarak had built up in the past decades. Also concerning the second point, the military's decision to overthrow Mubarak addressed its anxiety about young Egyptian radicalism and helped fulfill their demands for change.

¹⁷⁷ Barany 33

As the SCAF continues its temporary rule over Egypt, it recognizes that its present authority does not satisfy the revolutionary demands of the people and promises it will hand over power to an elected civilian government as soon as a new constitution is drafted and elections are held. This prospect sounds promising but the very fact that the Egyptian military is overseeing the new constitution suggests that it will be campaigning heavily to retain its previous powers.

IV. THE TRANSITION OF AUTHORITY & THE FUTURE OF THE EGYPTIAN MILITARY [5.4]

As the world anticipates the Egyptian military to hand over power to an elected civilian government in June 2012 there are two possible outcomes for the Egyptian military: 1) The Egyptian military will be successful in its campaign for immunities and permanent political powers and will submit to the authority of the new government in June, or 2) The newly elected parliament will satisfy the protests of the people demanding the immediate transition of power to a coalition government and the Egyptian military will disengage from active political power. In either case the military will eventually return to the barracks, the question is the degree of political power and independence from civilian oversight it will retain and what immunities they will receive. Furthermore, if those expectations are not met, what will be the consequence?

Young Egyptians voted for the first time to elect a parliament representative of their political views in January 2012 with good attendance. The final results of these parliamentary elections confirm an overwhelming victory for Islamist parties in Egypt with about 47% going to the Muslim Brotherhood, making it one of the most powerful political groups in post-Mubarak Egypt. Bearing in mind the poor relations between the Egyptian government

and the Muslim Brotherhood in the past, their cooperation now is proving essential to moving toward a democratic government.

The ruling military council and the newly elected Muslim Brotherhood are showing signs of accord in the drafting of a new Egyptian constitution and potential grants of immunity for military officials. Quite recently, behind the scenes negotiations between the two groups has evoked a sense of resentment and resignation among liberals and human rights activists as they suspect agreements on military immunities and privileges are being made. On top of that, non-religious groups feel that they “have been robbed of a historic opportunity to go through a transformative, healing process of asking who we are as a country and what we want our constitution to look like”.¹⁷⁸ The outstanding victory of Islamist parties in the new parliament that will write the constitution has left secularists feeling disadvantaged and underrepresented. Experts on political transitions are concerned that following the military council’s timetable for transition gives the military undue control and input in the new constitution, which will likely give the military political powers similar to the liberties it enjoyed under Mubarak.

Although the military is said to be eager to return to its barracks, it hopes to maintain its interests and control of national security in and after the transition to democracy. One commentator on the role of the military in the revolution describes the SCAF’s temporary control and administration of elections as a tool for securing its own goals:

Elections would enable the military to return to its barracks but retain its grip on national security, including the right to intervene in politics to protect national unity and the secular character of the state; maintain its direct, unsupervised relationship with the United States; be shielded against civilian oversight and scrutiny of its budget; and keep control of its

¹⁷⁸ Kirkpatrick, David D. "In Egypt, Signs of Accord Between Military Council and Islamists." *New York Times*. 22 Jan. 2012. Web. 30 Jan. 2012.

economic empire. In effect, the military would continue to enjoy the privileged status it had under Mubarak.¹⁷⁹

This outcome cannot be ruled out as a possibility. One legal consultant for the ruling military council and a potential presidential candidate has proposed extensive independence for the military, including immunity from parliamentary scrutiny of its budgets and prohibitions on passing laws affecting the military without the generals' approval.¹⁸⁰ He even goes so far as to suggest the military have the power to intervene to protect basic democratic rights. All of which are extraordinary political powers for a state institution solely meant for national defense.

Former President Jimmy Carter met with Egypt's military rulers in early January 2012 and said that the military is unlikely to submit to full civilian authority in June.¹⁸¹ Since last February, the military has sought constitutional provisions to protect their budget from civilian scrutiny and to give them some permanent political powers. This does not come as a surprise since the Supreme Council of the Armed Forces has experienced a great deal of autonomy for the past six decades. Taking into consideration that the military has been Egypt's most powerful institution for sixty years, its military-industrial complex is very important economically and its social base among conscript soldiers reaches millions of Egyptian families, it is fair to predict that regardless of when the transfer of power takes place the military will retain some degree of power and autonomy because of its position in Egyptian society. The fundamental question that remains for the military and civilian

¹⁷⁹ Dorsey, James M. *Role of Arab Militaries in Popular Uprisings*. Commentary. Vol. 111. S. Rajaratnam School of International Studies, 2011. Print.

¹⁸⁰ Hendawi, Hamza. "Egypt's Military Seeks Future Political Role." *Associated Press*. Yahoo! News, 19 July 2011. Web. 10 Feb. 2012.

¹⁸¹ Kirkpatrick, David D. "Carter Says Egypt's Military Is Likely to Retain Some Political Powers." *New York Times*. 11 Jan. 2012. Web. 30 Jan. 2012.

leadership to decide are how much power the military will retain and what form they will take and at present it is still too soon to know.

As of 29 January 2012, Egypt's military rulers were seeking advice on how to hand power over to civilians before the scheduled time in June 2012.¹⁸² The announcement came after weeks of protestors demanding the immediate handover of authority. Military rulers had originally said that they would hand over power only after the ratification of a new constitution and the election of a president. SCAF is looking for advice from a civilian council created at the beginning of the military's rule last year that has since then broken up in condemnation of the military's crackdown on demonstrators calling for its ouster. The handover will likely go to the Muslim Brotherhood. Continued protesting and severe mismanagement of the economy since the ousting of Mubarak has left the ruling military council in state of paralysis, unable to resolve a number of crises now facing the government. In response, the Muslim Brotherhood has called for the replacement of the prime minister and cabinet with a new coalition government formed by the parliament.

Since the overthrow of Mubarak and the continued military control over Egypt, relations between the United States and Egypt have become strained. The US repeatedly calls for the handing over of power to civilians, which has yet to come to pass. On top of that, the military leadership has raided American democracy-building groups within Egypt and barred Americans from leaving the country. This has contributed to the resignation of three top Washington lobbyists as Egypt's representatives. This is the first time that US relations with Egypt have been less than agreeable since the regime of Gamal Nasser in the 1960's.

¹⁸² Kirkpatrick, David D. "Egypt's Military Seeks Advice on Early Handing of Power to Civilians." *New York Times*. 29 Jan. 2012. Web. 30 Jan. 2012.

As of February 2012, the United States has threatened to suspend its annual aid contribution of \$1.5 billion over disputed criminal charges of sixteen Americans in Egypt. At a time when Egypt's economy is suffering badly, the ruling SCAF needs to find a way to resolve this dispute, particularly since much of that aid goes directly to the Egyptian armed forces. Although it seems sensible for the Supreme Council of the Armed Forces to cooperate with the United States, it seems less likely that the Muslim Brotherhood will be as congenial.

V. US & NATO RECOMMENDATIONS [5.5]

In relation with the United States, Egypt has been a Major non-NATO Ally (MNNA) since the presidency of George H Bush in 1989.¹⁸³ MNNA is a designation given by the United States government to close allies who have strategic working relationships with the US Armed Forces but are not NATO members. This has allowed the US military and the Egyptian armed forces to engage in education and training exercises such as Bright Star, a major land and sea military demonstration for both countries. The Bright Star exercises for 2012 were delayed as a result of the political instability in Egypt since early 2011. Currently it is important that the United States remain distant from the internal affairs of Egypt and without knowing the future position of the Egyptian military it is unlikely that joint military exercises will resume anytime soon. However, it is important in the interests of the US to reestablish strong military cooperation with the Egyptian army by supporting it financially once it has disengaged from the political arena. Despite US concerns about the Muslim Brotherhood's commitment to Egypt's international treaties (particularly peace with Israel), the US should continue to encourage a measured transition to a fully civilian, democratic

¹⁸³ Clyde, Mark R. *Egypt-United States Relations*. Issue brief no. 93087. Congressional Research Service, 2005. Print.

government. In addition, the US should “rapidly begin offering quiet advice and technical support -- preferably through nongovernmental organizations dedicated to this purpose -- in order to support the consolidation of a truly pluralistic, democratic Egyptian political life”.¹⁸⁴

Although Egypt is not a NATO member, the North Atlantic Treaty Organization constructed the Mediterranean Dialogue (MD) in 1994 to contribute to regional security and stability, and achieve better mutual understanding between NATO and its Mediterranean Partners.¹⁸⁵ “The Alliance also intends to correct any misperceptions that may have arisen with regard to NATO activities. In particular, it wants to dismantle the myth of an Alliance in search of new, artificial enemies”.¹⁸⁶ Egypt and Tunisia are both partners in this dialogue with NATO. NATO has clearly stated that the political dimension of the MD is to provide political consultations to the appropriate authorities in participating countries to achieve security interests:

Taking into account changes in the Middle East and North Africa, NATO stands ready to support and assist those Mediterranean Dialogue countries undergoing transition, if they so request. Drawing on in-house experience and expertise, through Individual Partnership Cooperation Programmes the Alliance could provide assistance in the areas of security institutions building, defence transformation, modernisation and capacity development, civil-military relations, and defence-related aspects of the transformation and reform of the security sector.¹⁸⁷

By defining the goals and interests of NATO in the Middle East and North Africa it is clear that NATO’s response to the Arab Spring and Egypt in particular should be to reach out to the new Egyptian leadership to reiterate the overall aims of the Mediterranean Dialogue and negotiate the future of regional security in the interests of both parties. This can be done by bringing together the new leadership of these countries and facilitating a

¹⁸⁴ United States of America. The Washington Institute for Near East Policy. *Protecting Egypt's Evolving Democracy*. By Dina Guirguis and David Pollack. Washington Institute for Near East Policy, 2011. Print. Ser. 1764.

¹⁸⁵ Bin, Alberto. "Enhancing NATO's Mediterranean Dialogue." Rev. of North Atlantic Treaty Organization: Mediterranean Dialogue. North Atlantic Treaty Organization. 1 Jan. 2003. Web. 9 Feb. 2012.

¹⁸⁶ Bin 2

¹⁸⁷ Bin 3

balanced and mutually agreeable discussion about the objectives of each administration and what NATO's role will be.

Chapter 6

DEMOCRACY & THE MUSLIM BROTHERHOOD

Now that Hosni Mubarak is out of power, the revolutionary furor necessary to sweep him from office has subsided, Egypt can move forward. Most of the elections in Egypt have been concluded, all that remains undone is the barring of the military from political power, the writing of a constitution, and finally the election of a president.

Assuming that the military will accede to the wishes of its people, the newly elected Egyptian government, nearly 50 percent of which is controlled by a party called the Freedom and Justice Party, will be able to move forward in its attempt to create a democracy. Because the Freedom and Justice Party, the Political Arm of a Islamic group called the Muslim Brotherhood, won 47 percent of the seats in the parliament, this responsibility will fall primarily on the shoulders of the Muslim Brotherhood. The real question is can the Muslim Brotherhood establish a democratic government in Egypt?

Unfortunately, the answer to that question is no. At least not a Western styled democratic government. For a true democratic government or Western styled government is a government that at the very least ensures that all its citizens have the right to vote, the freedom of speech and expression, and the freedom of religion. However, many of these universal rights may be compromised in Egypt because the Muslim Brotherhood intends to use *Sharia* law, or Allah's divine law, as the new constitution. This would likely mean that Egypt's new government will fall somewhere between the strict, corrupt, and uber religious government of Iran and the also religious but far more secular and democratic government of Turkey. Unfortunately, there is wide range of governments that could fit in between those these two forms of government. Therefore, it will be necessary to more full examine Egypt's future and the Muslim Brotherhood's past, present, and future aspirations and goals. Also,

this paper will make the following recommendations concerning how the North Atlantic Treaty Organization (NATO) should respond to the events that have unfolded in Egypt 1) NATO or its members should work alongside the Egyptian government to ensure that the Egyptian military relinquishes all and any claims on political power in Egypt; 2) NATO or its members nations should work with the new Egyptian government to guarantee the safety of Egyptian minorities and religious minorities such as the Coptic Christians and to safeguard the rights of women; 3) NATO's member states and the IMF should invite the new Egyptian government to maintain its relationship with the global economy and in a limited way encourage the Egyptian government to establish an economy based on the ownership of private property and a limited government role in the economy.

I. EGYPT'S INFLUENTIAL ROLE IN THE MIDDLE EAST [6.1]

First off, to fully appreciate why the actions of the Muslim Brotherhood even matter, one should know a little bit about Egypt. First, Egypt is the largest Arab country in the world and has a population of over 82 million according to the CIA World Fact Book. Also, Egypt influences the popular culture of the Arab world because of the many movies it creates. Egypt also holds great sway over the politics of the Middle East. This is apparent because once the Egyptian government recognized the state of Israel and stopped attempting to push the Jews into the sea, the remaining Arab states had to more or less consent to Egypt's decision. Lastly, Egypt is important because of its geography. It controls the Suez Canal and what passes through it. Also, Egypt is in a way the midpoint of the Arab nations. It is like a bridge between the two clusters of eastern and western Arab nations. For these reasons and others, Egypt is somewhat of a bell-weather nation for the Middle East. Like California for the United States, because Egypt is the largest Arab nation, its actions, be

they societal or political, can affect the rest of the Arab world. Thus, if Egypt decides to establish a democratic government it may encourage the other newly liberated nations of the Middle East to consider democracy as well. If the Egyptians choose to protect their Christian minorities like the Copts rather than persecute them, it will also be sign that there might be hope for democracy in the Middle East. This is also confirmed by Kenneth Pollack, is a former CIA Intelligence analysts and expert on Middle East politics and author of *The Arab Awakening*. In his book he writes about Egypt,

It is also the Arab world's largest state, with more than 80 million people. This virtually means that one of every four Arabs is an Egyptian. And it was, along with Saudi Arabia, one of America's important allies in the Middle East, a second pillar to replace the Shah of Iran after he fell. Thus what happens in Egypt will have profound consequences for the entire region. If democracy win's out – if Egyptians succeed in building a stable, pluralistic system – then people across the Middle East will believe that they can and should do the same. By the same token, if Egypt's bid for democracy fails – if it ends in chaos or just a new form of autocracy – than many will conclude that democratization is impossible in the Arab world. Therefore, what happens in Cairo will not stay in Cairo. And Arabs will be the richer or the poorer for it.¹⁸⁸

If anyone needed proof that what happens in Cairo does not stay in Cairo, all they need do is consider the Muslim Brotherhood. In 1928 the Brotherhood was formed by an Egyptian schoolteacher named Mohamed Hassan Al-Banna. A few years after its birth, the organization moved from the northern outlying cities to Cairo. From there the Brotherhood movement has spread rapidly across the globe. Though the founding chapter of the organization, the Egyptian Brotherhood, has been repeatedly persecuted it remains strong and is looked to as the flagship for all the other disparate chapters throughout the world.

II. THE HISTORY OF THE MUSLIM BROTHERHOOD [6.2]

But before Muslim Brotherhood became a global organization it was a simple religious movement in Egypt. The founder, Hassan Al-Banna, was educated by his father

¹⁸⁸ Kenneth M. Pollack *The Arab Awakening: America and the Transformation of the Middle East*. Washington, DC: Brookings Institution, 2011. Pg. 102

until he reached high school. Al-Banna completed high school at a government school much to the chagrin of his parents who had desired that he would attend a prominent religious school. Despite his lack of education in a religious school, Al-Banna himself was very religious. This is confirmed by, Lorenzo Vidino, an academic and security expert who specializes in Islamism and political violence in Europe and North America and author of two books including, *The New Muslim Brotherhood in the West*. Writing about Hassan Al-Banna, Vidino states that, “Hassan al Banna was a twenty-two-year-old schoolteacher with a deep faith and a gift for oratory when he founded the organization in 1928”¹⁸⁹

Though he was the founder of the Muslim Brotherhood, Hassan Al-Banna did not spend his time writing books so as to put the ideology of the Muslim Brotherhood down on paper. Alison Pargeter, the author of two books and a political analyst of the Middle East and North Africa, specializing in political Islam and radicalization, writes in her book *The Muslim Brotherhood and The Burden of Tradition* that Hassan Al-Banna was content not to write any books. In fact, he said of himself, “I might have not left a lot of books with you but my job is to write men rather than to write books” and at another time he stated “In the time that I would waste in writing a book, I could write one hundred young Muslims. Every one of them would be a living, speaking influential book.”¹⁹⁰ Though Hassan Al-Banna seemingly refused to record the ideology or purpose of the Muslim Brotherhood, he did leave the world with one very succinct quote about the Muslim Brotherhood. He summed up the mission of the Brotherhood by saying that “Allah is our objective. The Prophet is our leader. Qur'an is our law. Jihad is our way. Dying in the way of Allah is our highest hope.” Such a view does not seem whole-heartedly compatible with Western Democracy. While some may want to dismiss this radical view as simply the belief of one man and not the

¹⁸⁹ Lorenzo Vidino *The New Muslim Brotherhood in the West*. New York: Columbia UP, 2010. Pg. 18

¹⁹⁰ Alison Pargeter *The Muslim Brotherhood: The Burden of Tradition*. London: Saqi, 2010. Pg. 21

consensus of the Muslim Brotherhood today, they should know that even now the Brotherhood believes that no matter what the problem may be, “‘Islam is the solution’ al-Islam huwa al-hal.”¹⁹¹

Considering Hassan al-Banna held these views, it is not altogether surprising that he also disliked European Colonialists and the way they behaved in his country. In addition to this, he simply disliked the fact that the British had colonized Egypt. Perhaps it was this very colonization of Arab and Muslim lands that led him to call for the restoration of the Caliphate after he had founded the Muslim Brotherhood. The idea of re-establishing the Caliphate is surely an alarming thought to many Westerners today. However, Hassan Al-Banna most likely stressed the need for restoring the Caliphate at that time, in order to drive out the colonial forces that occupied many Arab countries in North Africa and the Middle East.

Proof of this can be seen in the fact that Hassan al-Banna first proposed the restoration of the Caliphate shortly after it had been abolished. Dr. Zeenath Kausar is the author of six books and the editor of the book *Contemporary Islamic Political Thought*. Chapter six of the book notes that in 1924 when the leader of Turkey, Mustafa Kamal abolished the Caliphate, the prime minister of Egypt, Mustafa al-Nahhas Pasha praised him for doing so. Therefore, “‘Hassan al-Banna sent a letter to Mustafa al-Nahhas Pasha condemning the policy supporting the abrogation of the Caliphate’”¹⁹². We are also told later on that, “‘Hasan al-Banna proclaimed the voice of unity calling for the struggle of reviving the Islamic Caliphate.’”¹⁹³

¹⁹¹ Vidino *The New Muslim Brotherhood in the West* Pg. 18

¹⁹² Zeenath Kausar *Contemporary Islamic Political Thought: A Study of Eleven Islamic Thinkers*. Kuala Lumpur, Malaysia: International Islamic University Malaysia, 2005. Pg. 198

¹⁹³ Kausar *Contemporary Islamic Political Thought: A Study of Eleven Islamic Thinkers*. Pg. 211

Therefore, the restoration of the Caliphate was certainly an overriding goal for the Muslim Brotherhood in the early years of its existence and for many years after that. However, this strong desire to restore the Caliphate was likely driven by the perceived need to unite Muslims to expel the foreign European invaders and to overthrow the secular governments that they had established. Seeing as how both those goals have been already accomplished, it is highly doubtful that the Muslim Brotherhood feels that it is necessary to restore the Caliphate today.

In addition to the potentially problematic issue of the Caliphate, there was also the issue of political parties. Hassan al-Banna particularly disliked party politics, democracy, and the West. When contemplating the impact of democracy on the current leader and government of Egypt in the 1930s he “considered the replacement of *Sharia* with man-made laws not merely a symbol of the Muslim rulers’ cultural surrender to the West, but, most important, a heretical act. In al Banna’s view, God was the only sovereign and lawmaker, thus any other source of legislation was illegitimate.”¹⁹⁴ Hassan Al-Banna is not alone in this view by any means. Syed Qutb a prominent member of the Muslim brotherhood in the 1950s and a prolific writer held beliefs that were similar to what Hassan Al-Banna believed. In his book *Milestones*, Syed Qutb wrote “this means that religion is an all-embracing and total revolution against the sovereignty of man in all its type, shape, system, and state, and completely revolts against every system in which authority may be in the hands of man.”¹⁹⁵ When writing about Jihad, Islam, and peace, Qutb wrote that, “the peace, Islam desire is that the religion should be established in its entirety in the world. All people should bow in

¹⁹⁴ Vidino *The New Muslim Brotherhood in the West* Pg. 19

¹⁹⁵ Syed Qutb *Milestones*. Indianapolis: American Trust, 1990. Pg. 114

submission before One God and should not take their fellow men as lords in place of God.”¹⁹⁶

If Hassan Al-Banna and Qutb are to be believed, then the Muslim Brotherhood certainly is at odds with Western democracy. Despite his influential role in founding the Muslim Brotherhood, Hassan Al-Banna’s views are not held tightly by every member of the Muslim Brotherhood. The same could also be said for the views put forward by Syed Qutb. It is obvious today that many members of the Muslim Brotherhood have opinions concerning political parties and democracy that are sometimes in stark contrast to the ideologies of al-Banna and Qutb. To be sure of this all one need do is look at how the Muslim Brotherhood is so willing to participate in political parties and the elections for the parliament. If the Muslim Brotherhood rigidly towed the Qutb line, then they would likely have remained outside the political arena for much longer, or they might have forsaken politics for time immemorial.

III. THE BROTHERHOOD ENTERS EGYPTIAN POLITICS [6.3]

Despite the generally negative perspective of democracy and party politics that was put forward by the founder of the Muslim Brotherhood, his movement has become embroiled in the very center of Egyptian politics. Despite the best efforts of the Muslim Brotherhood’s notable visionaries and über conservative establishment members, the younger generation of Brothers, have intentionally dragged the organization kicking and screaming into the political arena.

¹⁹⁶ Qutb *Milestones* Pg. 122

Or so we are told by Mohammed Zahid, an independent researcher and consultant on Middle East politics, and author of the book *The Muslim Brotherhood and Egypt's Succession Crisis*. In his book he writes that:

Since the time of Al Banna the MB's old-guard leadership had focused on maintaining its own power, neglected the need to educate new leaders and worked to conserve the MB unchanged. This focus by the old guard meant that they were seen to care more about internal structure, to maintain their own position and power, than about a process of change that would allow the MB to construct a challenge to state power. However, after decades of domination within the MB this old guard was eventually challenged by the emergence of a new generation. This latter differed from the old guard on a number of key issues: how internal decisions should be made; how a leader should be elected; the state; the West; and the function of the movement. The new generation, with its blend of Islamic politics and pragmatism, facilitated the changing shape of the movement.¹⁹⁷

The efforts of this new generation led to the Muslim Brotherhood becoming politically active in the 1980s and throughout the following two decades. This transformation of the Muslim Brotherhood culminated in the creation of the Freedom and Justice party, or the political arm of the Brotherhood. The road to politics however caused the Brotherhood to make unlikely alliances with more liberal political parties in order to win elections. This has forced them to temper their religious rhetoric in public and slowly make the shift from spirituality to politics. This standard of emphasizing politics over spirituality was set by the very first contingent of Muslim Brotherhood representatives elected 1980s. Zahid writes that, "The conduct of the movement's representatives in parliament surprised many from the political opposition – where their behavior came to be viewed as very competent and professional, their opinions articulated without recourse to the religious rhetoric the secular opposition had feared."¹⁹⁸

¹⁹⁷ Mohammed Zahid *The Muslim Brotherhood and Egypt's Succession Crisis: The Politics of Liberalization and Reform in the Middle East*. London: Tauris Academic Studies, 2010. Pg. 93

¹⁹⁸ Zahid *The Muslim Brotherhood and Egypt's Succession Crisis: The Politics of Liberalization and Reform in the Middle East*. Pg. 98

This tendency to stress politics over spirituality gave the Muslim Brotherhood credibility in politics, while their emphasis of spirituality over politics when dealing with the citizens of Egypt gave them influence over the masses.

IV. THE FUTURE OF EGYPT AND THE BROTHERHOOD [6.4]

Thus, it is not surprising that with the old government gone, the Muslim Brotherhood has been given a new lease on life. Because now the actions of the Egyptian government will be determined by the Muslim Brotherhood and the Egyptian military. If everything goes according to plan, the military will be leaving in June and then the Muslim Brotherhood will be tasked with the responsibility of creating a new Egyptian government. To truly understand why the Muslim Brotherhood will be primarily responsible for this new government, one needs to understand the current political landscape of Egypt.

As of now, the political landscape is still very dominated by a military landscape. However, once the official and indefinite departure of the military from political power occurs in June, the next major hurdle will be the drafting and ratifying of a new constitution. The process of creating a new constitution would normally be difficult for any body of elected officials, but it may be particularly challenging for Egypt's bi-cameral parliament to do so. The reason being, that Islamists currently control nearly seventy-five percent of the seats in the lower house of parliament. In a little over a week's time the first 90 members of the upper house or (شاوور shaur) which translates as "consulting" will have been elected. All of the elections for the upper house will be completed by the end of February. This body will only contain 270 members whereas the lower house is comprised of 498 seats.¹⁹⁹ Also, the upper house is known for consulting or giving advice to the lower house, not dictating to

¹⁹⁹ Meital, Yoram. "The "Revolutionary Parliament" and the New Governmental Order in Egypt." *Canada Free Press*. 2 Feb. 2012. Web. 14 Feb. 2012. <<http://www.canadafreepress.com/index.php/article/44363>>.

the lower house. Thus, the lower house, the house that the Muslim Brotherhood already controls, seems to have the upper hand in both size and influence. Once the elections for the upper house have been concluded these two representative bodies will select 100 Egyptians to write the constitution.²⁰⁰

If the way the voting for the lower house went is any indicator of how the citizens of Egypt will vote in the elections for the upper house, than it is highly likely that the upper house will also contain a majority if not a plurality of members from the Muslim Brotherhood. Already the lower house has named Mohamed Saad Al-Katatni, the former general secretary of the Muslim Brotherhood's political party, as the speaker of the house. Taking into account the large influence the Muslim Brotherhood already has in the Egyptian government and considering that the party will likely increase their grip on power once the upper house elections are brought to a close, one must conclude that the Muslim Brotherhood will probably have a large influence in the writing of the new constitution, and by extension the legacy of a new government in Egypt. Thus it seems that the Muslim Brotherhood out of any other political party in Egypt is particularly poised to have a lasting impact on the new government in Egypt. Therefore, the responsibility of forming a new government in Egypt rest primarily with the Muslim Brotherhood.

In an attempt to carry out this responsibility the Muslim Brotherhood will use *Sharia* or Allah's divine law as the constitution for the new government. The second largest political party in the lower house, the Salafist party and the Muslim Brotherhood disagree on how *Sharia* should be interpreted. Primarily this because the Salafists in at least their ideology and zeal for the Muslim religion are like the Wahhbists in Saudi Arabia. Though the Salafists and

²⁰⁰ Meital, Yoram. "The "Revolutionary Parliament" and the New Governmental Order in Egypt."

the Muslim brotherhood disagree on a variety of other issues, they both agree that *Sharia* should be the law of the land. Once the president is elected in June and the government has been established it will be interesting to see if the law, *Sharia*, will be enforced in different ways depending on what party is in power at the time.

It is hard to predict exactly how each party will interpret and enforce the law. However, those nations that do use *Sharia* as the basis for their law or as a supplement to their own law tend to be fairly strict in its application. For example, women may not be able to go out in public without wearing a hijab, a full body covering. Also, the schools may all be segregated by gender so as to not allow the mixing of genders, which the many in the Muslim Brotherhood believe to be wrong. It could result in brutal punishments for adulterers, thieves, and homosexuals. To be more specific, “a December 2010 poll of Egyptians found that 82 percent favored stoning adulterers and 77 percent supported cutting off the hands of thieves.”²⁰¹ While the Muslim Brotherhood does not publicly support such forms of punishment, their much conservative political colleagues, the Salafists, might. Unfortunately, this poll makes it apparent that a majority of the Egyptian electorate believes these horrific punishments would appropriate. Thus it seems that the Muslim Brotherhood will have a hard time establishing a Western styled democracy simply because the people of Egypt would likely reject it. But for now the Egyptian people seem to trust the Muslim Brotherhood and their Freedom and Justice party, as evidenced by their clear majority in the lower house of parliament. Hopefully the Brotherhood will use this power to move the new Egyptian government and the people of Egypt toward advocating less lethal and maiming punishments for adultery and thieving. In addition to how it treats adulterers and thieves, the

²⁰¹ Pollack *The Arab Awakening: America and the Transformation of the Middle East*. Pg. 35

Muslim Brotherhood may have to fight the people of Egypt and its own party over restricting the political rights for women and Christians.

Compared to Saudi Arabia and the Salafists party in Egypt, The Muslim Brotherhood, it seems, will attempt to be rather measured in its application of *Sharia* when it comes to women and Christians. However, if the Salafists ever got their way women and Christians would certainly have a marginalized role in Egyptian society. Already most of the political parties in the lower house have agreed that women and Christians will be barred from holding the office of the presidency. This also makes one wonder how much the Christians in Egypt will be able to participate in the new government. Currently, there are women in the Egyptian Parliament but there are no Christians. But even the women ought to worry about how long they will be able to participate in the government.

Importantly, the Islamist “base” – the grass roots rank and file that form the core of most Islamist groups – has not been visibly supportive of its leaders’ reorientation away from a sharia-centric agenda. Specifically, the Brotherhood’s recent adoption of more “moderate” positions on women’s political participation and the rights of non-Muslims has been met with skepticism or indifference by the base.²⁰²

While women and Christian minorities may enjoy political liberty now, their ability to participate in the future political process of Egypt is uncertain. But these are the problems one will run into when they use a religious document as their constitution.

The use of *Sharia* as the constitution will likely keep the Muslim Brotherhood from being able to establish a Western styled democracy, primarily because Western styled democracies simply do not use religious texts as the sole basis for their constitutions. The reluctance demonstrated by Western democracies, to use a religious text for the constitution is due to the fact that in the West the separation of “church” or “religion” and state is a

²⁰² Pollack *The Arab Awakening: America and the Transformation of the Middle East*. Pg. 34

generally accepted fact of life. However, in Arab nations where the majority of the population is usually Muslim, the electorate usually sees no reason or need to separate the church from the state. The only real disadvantage caused by selecting a religious text as constitution is that the government may then become the sole owner of religious and political authority. This often results in the state being able to exert even more control over its citizens. For example, while all the citizens of Egypt may be able practice different faiths, the punishment for various crimes may all be determined by Islamic beliefs and not according to laws that have been passed by democratically elected leaders.

Whether the Muslim Brotherhood or the other political parties of Egypt will use the based constitution to exert more control over its citizens remains to be seen. However, thanks to a 2007 document entitled *Muslim Brotherhood Initiatives For Reform in Egypt* that was published by the Muslim Brotherhood, it is possible to know something about their designs for a new Egyptian government and how that government might act in the future.

First in regards to political reform, the Muslim Brotherhood believes that, “the people are the source of all authority. No individual, party, group or body is entitled to claim the right to be in power or to continue practicing power unless through sound, free public will.”²⁰³ Also, the Muslim Brotherhood has stated that, “power will transfer through free general election. People will possess the freedom to have individual beliefs. Citizens of Egypt will also be allowed the freedom of practicing religious rites for all acknowledged divine religions.”²⁰⁴ In addition citizens would be allowed “the freedom of opinion, expressing it peacefully within the framework of the public system, the general traditions, and the basic

²⁰³ "Ikhwanweb :: The Muslim Brotherhood Official English Website." *Muslim Brotherhood Initiatives For Reform in Egypt*. The Muslim Brotherhood, 10 June 2007. Web. 14 Feb. 2012. <<http://www.ikhwanweb.com/article.php?id=797>>.

²⁰⁴ Ibid.

foundations of society.”²⁰⁵ To this end, people will have the “freedom to possess and use various forms of media in order to express their opinions.”²⁰⁶ Some of these freedoms are worded in extremely vague ways. Take for example the freedom of religion, a freedom that if denied to the citizens of Egypt could have devastating impact on Egypt’s Coptic minorities. The freedom as outlined by the Muslim Brotherhood states that citizens will be “allowed the freedom of practicing religious rites for all acknowledge religions.”²⁰⁷ What exactly does that mean? What religions will be acknowledged? Who will be determining what religions are acknowledged and which ones are not? While the published beliefs of the Muslim Brotherhood in this 2007 document seem quite democratic and also extremely Western, because of their wording they should be taken with a grain of salt.

In addition to the already listed political freedoms, the Muslim Brotherhood would ensure that certain laws are rescinded and reforms made. More specifically, the Muslim Brotherhood is adamant that the Emergency Laws of Egypt should be revoked, the police must “serve the people”, and that the police must stop torturing people while they are in prison. Thus, it seems that in the short run if the Muslim Brotherhood gets its way, the people of Egypt will have more personal freedom. But because the last government ruled with such an iron fist, almost any changes would be an improvement.

Concerning the economy, the Muslim Brotherhood desires to have a fairly liberal economy in which the government would play a large role. First, the government would be in charge of providing a safety net for those unfit to work and for the poor. Second, the government would be in charge of “protecting the economy”. One can only guess at the

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

parameters the government will have in order to fulfill the second responsibility. Also, as is the case among other Muslim countries, interest would be banned.

Concerning women and Copts, the Muslim Brotherhood that women should be educated so as to stop the spread of illiteracy among Egyptian women. Also, women would be allowed to participate in elections and in the parliament. But of course women and Copts would not be allowed to hold the position of president or of the office of the grand Imam. According to the Muslim Brotherhood, the freedom of belief and worship is respected for all. Therefore, one would assume that the Copts would have the right to perform their religious Christian rites. Then again, if Christianity is not an “acknowledged” religion, then the Copts might not be permitted to worship freely.

Over all it seems that the Muslim Brotherhood means well. That is the group desires to provide better lives for the citizens of Egypt, odds are they will succeed in doing so in the short run. But there is still a struggle going on inside the Muslim Brotherhood, as some members believe that the party should become more secular while others believe that it needs to remain strictly Islamic. All the while there is and will continue to be a fight among the political parties of Egypt for control over the new government. The only sure thing is that *Sharia* will be the law of the land. But how it will be interpreted remains to be seen.

Hopefully when the dust settles, the Muslim Brotherhood will be able to move the government and nation of Egypt toward a more independent and free future, where citizens possess the right to govern themselves in numerous areas of society. But this can only happen if the Muslim Brotherhood continues to disavow some of its original ideological cornerstones and truly clings to the idea that citizens can choose for themselves, what to believe, what to worship, how to worship, what to say, and how to say it. This does not mean that the Muslim Brotherhood cannot create a constitution upon themes derived from

Sharia. However, it does mean that if the Muslim Brotherhood desires to build a true democracy it will most likely need to reject *Sharia* as the sole basis for its constitution.

V. RECOMMENDATIONS TO NATO [6.5]

In light of what has been shared so far concerning the Muslim Brotherhood, the nation of Egypt, and the future government of Egypt, the North Atlantic Treaty (NATO) would do well to consider the following recommendations. First and foremost, NATO or the member nations of NATO, especially the United States, should do whatever is diplomatically possible to ensure that the Egyptian army relinquishes all political power. Second, the member nations of NATO should diplomatically reach out to the Muslim Brotherhood as well as the other political parties of Egypt to encourage them to respect the rights of women and of minorities within Egypt. If the Arab states were to permit a greater centralization of their economic, military, and political resources, they might be better positioned to protect their states and their evolving democratic institutions. Lastly, the member nations of NATO should work with the International Monetary Fund or IMF to encourage the new Egyptian government to create a free and open economy for Egypt, and implement an economic system that allows for the greater integration of the Egyptian economy with the global economy.

Chapter 7

THE COPTIC QUESTION
WELFARE OF MINORITY GROUPS AS INDICATIVE OF DEMOCRACY

The world watched as Egyptian protestors in Cairo's Tahrir Square and around the country called for the end of the Mubarak regime and successfully overthrew the dictator in a matter of weeks. Images of Coptic Christians protecting Muslims as they prayed in Tahrir Square and crosses held up with Qurans were stirring demonstrations of unity, all the more impactful in light of the recent sectarian violence leading up to the beginning of the protests on January 25. On New Year's Day a bombing of a church in Alexandria killed 23 people and was the worst sectarian violence in a decade.²⁰⁸

The question of whether the unity shown between Muslims and Christians in Tahrir Square will translate to a new Egypt and a new constitution is central to the success of a democratic government. At the First International Coptic Symposium in Zurich in 2004 Paul Marshall asserted that Egypt's influential role as the "major intellectual and cultural center in the Arab Islamic world" and one of the largest recipients of US aid means that "the fate of the Copts" as the largest Christian community in the Middle East "is both an indicator and a factor in the future of other religious minorities in the region."²⁰⁹ Egypt's Coptic Christians make up about 8 to 12 percent of the Egyptian population of approximately 83 million, or about 6 to 10 million people. Copts are not the only minority group; about less than 1 percent of the population are Shi'a Muslims, an estimated 2,000 Baha'is, less than 200 Jews, and various Christian denominations.²¹⁰ As the largest minority group in Egypt, the marginalization of the Coptic Christians is test of how the Egyptian

²⁰⁸ Leyne, Jon. "Egypt on Alert as Copts Celebrate Christmas." *BBC News*. BBC, 01 July 2011. Web. 22 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-12125143>>.

²⁰⁹ Khalil, Magdi. "The Ordeal of Arab Christians." *Copts in Egypt: A Christian Minority Under Siege : Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006. 45-50. Print.. Page 49.

²¹⁰ "Egypt: International Religious Freedom Report 2007." *U.S. Department of State*. U.S. Department of State, 2007. Web. 22 Feb. 2012. <<http://www.state.gov/j/drl/rls/irf/2007/90209.htm>>.

constitution's provision for freedom of belief and religious practices is carried out. So in the Task Force's theme of analyzing the struggle for democracy a case study of the marginalization of and violence toward the Coptic Christians in Egypt will contribute an indicator for the future of other religious and ethnic minorities in the Arab Islamic world. Examining the historical marginalization of the Copts in order is useful for making informed recommendations for NATO to help Egyptians build the democracy demanded in Tahrir Square.

In this paper I argue that the rise of radical Islam in Egypt and the systematic discrimination against Coptic Christians from military and government jobs have marginalized this sizable minority and contributed to increased sectarian violence. By examining the underlying historical and socio-economic factors of the Islamization of the Egyptian state and the consequential marginalization of the Copts informed policy recommendations can follow that address root problems. Any lasting gains for Copts must come from Egyptians themselves and therefore cannot be imposed by an outside force such as NATO. My recommendations take this into account and focus on how NATO can help facilitate positive and lasting change in Egypt.

In the final section of this paper I call for NATO member hosted dialogues with constitution writers to encourage proportional representation for Copts and equal rights for all Egyptians to be clearly stated in the new constitution. As last resorts, should violence against Copts escalate and be allowed by the new government I recommend NATO member states to accept Copts as refugees and the use of sanctions on Egypt.

This paper will make the following recommendations for NATO: through NATO member hosted dialogues NATO ought to advocate for 1.) Proportional representation for Copts in parliament; 2.) The realization of equal rights for Copts by lifting legal

discrimination practices; and 3.) equal rights and political representation for women. This paper also recommends that NATO member states accept Copts as refugees and that the United States use sanctions provided by the 1998 US Freedom from Religious Persecution Act to limit foreign aid to Egypt should violence against Copts escalate on a large scale without adequate response from the Egyptian government.

I. HISTORICAL BACKGROUND OF THE MARGINALIZATION OF THE COPTS [7.12]

Conflict between Muslims and Copts cannot be reduced solely to religious tensions. Instead, the recent violence leading up to the Arab Spring and continuing in Egypt today can be better understood through the historic processes that brought about the Islamization of the Egyptian state. Islamization since the 1952 Revolution has had strong socio-economic impacts on Copts. Also, legal decisions have systematically marginalized the Copts, pushing them out of economic opportunity and labeling them as second-class citizens in their own country. At the First International Coptic Symposium Magdi Khalil quoted the contemporary Egyptian writer and human rights activist Galal Amin saying, “Evidently, the issue of Muslims and Copts is not a religious issue, it stirs up all our issues: education, freedom, rational thinking, justice, ethics, and development. If this argument is valid, then it is obvious that if we want to see Muslims freed, we need to free the Copts first.”²¹¹ The myriad of issues Amin describes means that violence between Copts and Muslims has complex root causes and so require multifaceted solutions.

Initially, Gamal Abdel Nasser’s plans for the Islamization of the Egyptian state sought to present a united front to the rest of the world. For the Copts, this false claim of

²¹¹ Marshall, Paul. "Egypt's Endangered Christians." *Copts in Egypt: A Christian Minority Under Siege : Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006. 24-29. Print. Page 24.

Islamic unity has had very real consequences. The rise of systematic discrimination of Coptic Christians in Egyptian society can be connected to the second article of the Egyptian constitution and several legal decisions since the 1952 Revolution, including land redistribution programs.

In 1980 the second article of the Egyptian Constitution, “Islam is the official religion of the state,” was Amended under Anwar al-Sadat to include the clause “and the principles of the Islamic sharia (law) are the major source of legislation,” further problematizing the status of the Copts.²¹² In *The Challenge of Political Islam: Non-Muslims and the Egyptian State*, Rachel M. Scott raises the question of how a constitutional commitment to an Islamic state means for non-Muslims “both as individuals and as members of religious communities.”²¹³ Scott goes on to suggest that defining the Egyptian state places Coptic Christians as second-class citizens with unequal rights despite the Egyptian constitutions promise of equality.

This inequality of citizenship is made more tangible with the legacy of Nasser’s land redistribution program. Thousands of hectares were taken from Copts as well as from the Coptic Orthodox Church, which was never compensated for the loss of its main source of revenue. The land was then “redistributed” to Muslims only. The 1961 nationalization laws which “transferred privately held industries to government control” also severely impacted the Copts who “had owned a substantial number of factories, companies and banks.”²¹⁴ The legacy of the 1952 Revolution is still felt economically by Coptic Christians in Egypt today.

²¹² Iskander, Milad. "The Coptic Struggle after the Revolution of 1952." *Copts in Egypt: A Christian Minority Under Siege : Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006. 36-44. Print. Page 40.

²¹³ Scott, Rachel M. *The Challenge of Political Islam: Non-Muslims and the Egyptian State*. Stanford, CA: Stanford UP, 2010. Print. Page 2.

²¹⁴ Iskander, Milad. "The Coptic Struggle after the Revolution of 1952." *Copts in Egypt: A Christian Minority Under Siege : Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006. 36-44. Page 39.

Next, in a presentation at the First International Coptic Symposium Adel Guindy argued that the “exclusion and marginalization of the Copts” must end in positions such as “senior cabinet members, governors, city executives, university and faculty deans, and high-ranking positions in the media, military, and police” in order for there to be a restoration of full citizenship rights for Copts. Also, typical limits of 1-2% are placed on the enrollment of Copts “into military academies, to teaching position appointments at universities, and to participation in the judiciary and diplomatic corps”²¹⁵ effectively keep Copts out of the political process. How can the Copts be politically involved in state institutions when the state purposefully excludes them? According to the US State Department’s Bureau of Democracy, Human Rights, and Labor the Egyptian Constitution “provides for equal public rights and duties without discrimination based on religion or creed” but there is “government discrimination against non-Muslims.” For example, Christians, while making up 8 to 12 percent of the population, “hold less than 2 percent of the seats in the People's Assembly and Shura Council” and are barred from studying at Al-Azhar University, a publicly funded university. Additionally, “university training programs for Arabic language teachers bar non-Muslims because the curriculum involves study of the Qur'an” and public funds are used to pay Muslim imams but not Christian clergy.²¹⁶ The lack of representation in the Egyptian government of Coptic Christians is extremely problematic and hinders efforts for equal rights for all Egyptians.

Aggravating the sense of injustice are the restrictions on repairing and building new churches coming from the use of an 1856 Ottoman law, *Hatti Humyun* “which stipulates that

²¹⁵ Guindy, Adel. "Towards the Restoration of Full Citizenship Rights to Copts in Egypt." *Copts in Egypt: A Christian Minority Under Siege: Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006. 133-141. Page 136.

²¹⁶ "Egypt." *Bureau of Democracy, Human Rights, and Labor*. U.S. Department of State, 11 Mar. 2008. Web. 22 Feb. 2012. <<http://www.state.gov/j/drl/rls/hrrpt/2007/100594.htm>>.

a presidential decree is required for building a church or even repairing a toilet in a church.” This restriction does not apply to mosques, which are “built and maintained with money from the state treasury, i.e. from taxes that were collected from Copts as well.”²¹⁷

Additionally, “divisive decisions by public servants and courts” hurt the Coptic community. In a “questionable measure against swine flu” in 2009 Egyptian authorities destroyed 250,000 pigs kept by Cairo’s Coptic zabaleen community who work as garbage collectors in the city and raise the pigs on the discarded food. This unnecessary cull of pigs was seen by “a veiled Muslim expression of disgust at pigs” and denied the zabaleen community an essential source of food.²¹⁸ The growing outrage and frustrations of Coptic Christians in Egypt is compounded by the government’s discriminatory practices.

II. Coptic Involvement and Response to the Arab Spring [7.2]

Despite the recent violence, especially the Alexandria bombing, the cooperation between Copts and Muslims during the protests may bring hope for the future of Egypt. In an interview for BBC News University of Cambridge lecturer on Egyptian politics and society Maha Abdelrahman said, “The united front which the pro-democracy protesters have used shows that Egyptians, once united, can see through and subvert the regime's manipulation.” According to Abdelrahman, the Egyptian government has been spurring on violence against the Copts and not a popular anti-Christian sentiment. Abdelrahman reaffirms that “systematic discrimination against the Copts has been common in some areas such as exclusion from top state and military positions,” but goes on to say that the state has “indirectly incited and fuelled sectarian tension between Muslims and Christians” through

²¹⁷ Ibrahim, Fouad. "The Human Rights of Copts in Egypt." *Copts in Egypt: A Christian Minority Under Siege: Papers Presented at the First International Coptic Symposium, Zurich, September 23-25, 2004*. Zurich, Switzerland: G2W-Verlag, 2006.142-148. Page 143.

²¹⁸ Knell, Yolande BBC. "Growing Fears of Egypt's Copts in Climate of Violence." *BBC World News*. BBC, 5 Jan. 2011. Web. 17 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-12121440>>.

“its complete control over the state-run media, education and religious institutions.”²¹⁹ This shows that the conflicts between Muslims and Christians were not only religious or cultural but were in part spurred on by the Mubarak regime.

In sharp contrast to this “legacy of state-sponsored religious discrimination” is a long tradition of unity in protest among Christians and Muslims. The symbol of the crescent and cross together, seen so often in Tahrir square, was the symbol for both the 1919 revolution that freed Egypt from British control and the nationalist Wafd party that was a dominating political force in Egypt until the 1950s.²²⁰ The displays of unity in Tahrir Square, both the crescent and the cross as well as groups of Muslims and Christians protecting each other as they prayed, connect to this legacy.

While these signs of unity are hopeful, the problems faced by the Copts did not go away with Mubarak stepping down. As the early election results for Egypt come in showing strong numbers for the Muslim Brotherhood and Salafist parties many Copts are worried about their future in potentially even more Islamized state. The hopes and fears of millions of Copts are pinned on a new constitution for Egypt.

III. Women in Egypt [7.3]

As a vulnerable population, perhaps more than anything the status of women of all faiths in post-revolution Egypt will be extremely telling of progress on human rights overall. The forced “virginity tests” carried out by the Egyptian military during the revolution exposed the world to the high prevalence of sexual assault in Egypt, where 83 percent of women have experienced sexual harassment and 53 percent of “blame women for ‘bringing

²¹⁹ Alexander, Anne. "Egypt's Muslims and Christians Join Hands in Protest." *BBC News*. BBC, 02 Oct. 2011. Web. 22 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-12407793>>.

²²⁰ Alexander, Anne. "Egypt's Muslims and Christians Join Hands in Protest." *BBC News*. BBC, 02 Oct. 2011. Web. 22 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-12407793>>.

it on” according to a 2008 survey by the Egyptian Center for Women’s Rights.²²¹

Furthermore, there are fears that the campaign against Female Genital Mutilation will suffer due to the success of the Muslim Brotherhood and the Salafists in the recent elections.

Nivine Rasmi, a doctor and women’s rights advocate said that “Of course we fear this new parliament won't tackle issues like FGM because already there are extremists who want FGM unlike the previous regime...We know that there will be a decline in women and children rights with this new government and parliament.”²²² Issues such as FGM, sexual harassment, and sexual assault affect all Egyptian women. For Egypt to succeed in its transition to democracy the rights of women need to be recognized.

Egyptian women were part of the Tahrir Square demonstrations and are active in the push for social change and democracy. In Robin Wright’s book *Rock the Casbah* she chronicles how the ‘pink hejab generation’ is influencing a cultural shift in Egypt. With colorful hejabs “highly visible on every Egyptian campus” Wright states that this generation of educated women using the internet is “one of the most dynamic forces in the current social and political upheavals.”²²³ That these empowered, female activists involved in the Egyptian revolution are centering their activism in an Islamic identity, as expressed by their embracing of hejab, is problematic for non-Muslim women and especially for Coptic Christian women who do not wear hejab. This dynamic may act to exclude Coptic Christian women even further and the growing number of young, educated, Muslim women wearing hejab in fact makes those who do not wear hejab all the more visible and separate.

²²¹ Topol, Sarah A. "Sexual Harassment in Egypt." *Views From Writers Around the World*. New York Times .com, 3 Feb. 2010. Web. 17 Feb. 2012. <<http://latitude.blogs.nytimes.com/2012/02/03/sexual-harassment-in-egypt/?scp=1>>.

²²² Lloyd-Roberts, Sue. "Female Genital Mutilation Rife in Egypt Despite Ban." *BBC News - Home*. BBC Newsnight, 15 Feb. 2012. Web. 17 Feb. 2012. <<http://news.bbc.co.uk/2/hi/programmes/newsnight/9696353.stm>>.

²²³ Wright, Robin B. *Rock the Casbah: Rage and Rebellion Across the Islamic World*. New York: Simon & Schuster, 2011. Print. Page 147.

Wright goes on at length to draw connections between wearing hijab and the counter-jihad, calling it both a “a declaration of activist intent” and “an instrument that makes a female untouchable as she makes her own decisions in the macho Arab world.” Furthermore, Wright asserts that wearing hejab gives a women protection against “extremism’s pull into the past” and makes a women’s demands for change more legitimate as “militants cannot criticize her for being corrupted by Western influence.”²²⁴ If Wright’s argument is true, then Coptic Christian women are made targets and excluded from the same activism and legitimacy.

Surely, the violence against women during demonstrations, including women wearing the hejab, shows that wearing hejab does not make a woman “untouchable” as Wright claims. Police brutality, torture, rape, and ‘virginity tests’ all show that women are still vulnerable. More importantly however, the persistence of women taking part and leading others in the upheavals across the Islamic world shows the intensity of their desire for change and their commitment.

With early election results for Egypt showing strong numbers for the Muslim Brotherhood and Salafist parties there is concern for how ideals expressed by the ‘pink hejab generation’ during the revolution will carry over into a new Egyptian government. The lack of women in political parties and parliament despite their involvement in the revolution is deeply troubling. In fact, concern is voiced in *Casbah* over the Muslim Brotherhood’s “draft manifesto that would prevent women and Christians from becoming president” and keeps the role of women within their party to a women-only branch.²²⁵ The election results make the question of women’s rights all the more urgent; protecting the human rights of all

²²⁴ Wright, Robin B. *Rock the Casbah: Rage and Rebellion Across the Islamic World*. New York: Simon & Schuster, 2011. Print. Page 145.

²²⁵ Wright, 147

Egyptian women and making use of their tremendous potential to contribute to a new Egypt will be critical to the success of the fledgling democracy.

IV. NEXT STEPS: HOW CAN NATO RESPOND? [7.4]

Based on these recent signs of cooperation, the NATO response ought to encourage equal rights for all Egyptian citizens in a new democratic state regardless of religion or gender. NATO member states ought to host dialogues between Egyptian leaders on how the Egyptian government can better serve minorities in a new, more democratic government. Embracing Egypt's diversity may prove an asset to the new government. In his book *Inside Egypt: the Land of the Pharaohs on the Brink of Revolution* John R. Bradley argues that the "vast gap between the [Mubarak] regime's claims and reality," between the false claim of unity and the reality of diversity, underlay the harassment and torture of Egyptian citizens. Bradley goes on to state that "the claim of unity is fundamentally inconsistent with the tenets of democracy, which are based on" the "legitimacy and value" of "the existence of diversity and differences."²²⁶ NATO member hosted dialogues ought to foster this value of diversity and encourage the writers of the new Egyptian constitution to include this value in the law.

As discussed earlier, much of the marginalization of the Copts stems out of the constitution and laws coming out of the 1952 Revolution. Emphasizing equal rights as citizens for all in the new constitution will be important to addressing this marginalization. Through NATO member hosted dialogues with constitution writers and Egyptian leaders NATO ought to encourage the following concrete actions to embrace Egypt's diversity as an asset; proportional representation for Copts in parliament, ensure the realization of equal

²²⁶ Bradley, John R. *Inside Egypt: The Land of the Pharaohs on the Brink of a Revolution*. Basingstoke: Palgrave Macmillan, 2009. Print. Page 83.

rights for Copts by lifting legal discrimination practices, and ending violence against women. Should violence against Copts escalate further and be either carried out or passively allowed by the new government or military I recommend that NATO member states accept Copts as refugees and that the United States use sanctions provided by the 1998 US Freedom from Religious Persecution Act to limit foreign aid to Egypt. It is absolutely vital that these changes come from within Egypt if they are to have lasting effects. No outside power, including NATO, can impose these actions on Egypt. Instead, I advocate that NATO members use their influence to help facilitate positive change in Egypt.

The demonstrators in Tahrir Square holding up Qurans and Crosses together were a symbol of the hope for unity of all Egyptians regardless of religion. In this spirit, my recommendations seek to promote Egyptian national unity based on equal citizenship. Equal rights and national unity must be the goal but as a transition to the acceptance of this I recommend more proportional representation for Copts. This is especially important for Coptic rights if the statement from Article 2 of the current Egyptian constitution, “Islam is the official religion of the state and the principles of the Islamic sharia (law) are the major source of legislation” or similar wording remains in the new constitution. I recognize that proportional representation for Copts in parliament may seem at odds with the concept of putting citizenship separate from religion; however, given the early successes of Islamist parties in the recent election it seems likely that the ideas of Article 2 will carry into the new constitution. While promoting unity based on national Egyptian unity is the goal of my recommendations, it is more realistic to increase Coptic representation in parliament in order to reduce their political marginalization.

I suggest NATO encourage several actions to ensure equal rights for Copts and lift legal discrimination; get rid of religious status on government identification documents;

address Coptic concerns over church building and repairs and remove the need for a presidential decree for these actions; and rapidly expand the economic, government, and military opportunities for Copts by removing ceilings on enrollments to military academies, university teaching positions, and judiciary. Removing religious status from government documents will also benefit other minority groups in Egypt such as members of the Baha'i faith whose religion is not recognized by the state and are consequently denied "civil documents, including ID cards, birth certificates, and marriage licenses" and "face great difficulties in conducting civil transactions, including registering births, marriages and deaths, obtaining passports, enrolling children in school, opening bank accounts, and obtaining driver's licenses."²²⁷

Finally, NATO ought to exercise its influence in a dialogue on violence against all women in Egypt by encouraging the involvement of all women in politics and civil society. As a vulnerable population, perhaps more than anything the status of women in post-revolution Egypt will be extremely telling of progress on human rights overall. These issues and more, including political representation for women ought to be addressed in NATO member facilitated dialogues with Egyptian leaders.

The Egyptian people's triumph in bringing down their dictator has brought them to the center of the world stage. The influence of Egypt in the region has the opportunity to be a leader establishing a democratic government that respects the equal rights of all its citizens, regardless of religion or gender.

²²⁷ "Egypt: International Religious Freedom Report 2007." *U.S. Department of State*. U.S. Department of State, 2007. Web. 22 Feb. 2012. <<http://www.state.gov/j/drl/rls/irf/2007/90209.htm>>.

PART III

LIBYA

The 2011 NATO coalition intervention in Libya was without precedent. For the first time in history, the UN authorized a humanitarian intervention that—save for the barring of ground troop deployment—was limited by neither scope nor time.

The operation was largely successful in preventing the slaughter of tens of thousands of civilians in eastern Libya, and allowing Libyans to take ownership of their revolution. Yet a half a year after the death of Muammar al-Qaddafi, and one full year after NATO's involvement, Libya is in a state of disarray. Despite admirable efforts by the National Transitional Council, the administrative body is finding it difficult to manage disparate militias as it attempts to unify the country down the path towards a representative government. With an abundance of arms throughout the country, and a complete lack of any institutional foundation, Libya has many challenges ahead of creating a peaceful and stable government.

While Muammar al-Qaddafi had few friends by the end of his 42-year rule, his departure, greatly facilitated by NATO's military operations, reignited a debate over the proper use of the Responsibility to Protect (R2P). The first chapter of this section focuses on the principle of R2P as it applies to the NATO led coalition intervention in Libya. It is a defense of both the principle of R2P, as well as a defense of the Libyan intervention as a whole. The chapter first focuses on R2P's maturation as an international norm intended on preventing mass atrocities. Using Libya as a case study, the paper then defends the use of military force applied to humanitarian intervention. By observing the operation in Libya, the study then makes projections as to what the future of R2P will look like.

The subsequent chapter offers a forward-looking view at Libya by presenting the current challenges that face the newly liberated country. By looking at its demographics,

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economy, and lack of institutions, the chapter probes at what possible role NATO might have in Libya's future. Having the largest oil reserves in Africa, Libya can either fall victim to the "oil curse" or use the oil to drive economic growth and diversification in other sectors of the economy. With a youth bulge that translates into about half of the population being minors, Libya must develop other parts of its economy if it hopes to reduce unemployment and put its educated youth to work. Libya has the highest Human Development Index on the African continent, and can manifest a positive future if it draws on its existing human capital while protecting its political process from the corrupting influence of its natural capital. Libya now has the opportunity to create an exemplary representative government from scratch, but must quickly learn to unite its populace to this end. The chapter takes a distinctly optimistic view of the future as it follows the roadmap set forth by the National Transitional Council. The paper argues for NATO's continued engagement in Libya only as it pertains to their demands and a respect for their self-determination. To this end, the chapter suggests that NATO and its member states facilitate the transition through a capacity building advisory role.

Prominent human rights lawyer arrested along with several protesters showing support for him
Feb 15

Lawyer Fathi Terbil represented 1,200 prisoners massacred by Libyan security forces in Abu Slim prison in 1996

"Day of Rage" sparks nationwide revolution
Feb 17-25

Peaceful pro-democracy protests turn into armed rebellion after government clampdowns; 1000+ reportedly killed in Benghazi, Tripoli, and Misrata alone

Formation of the NTC
Feb 27

National Transitional Council formed with new flag adopted

Arab League votes unanimously to request NFZ
Mar 12

Coalition begins enforcing UNSCR 1973
Mar 19

UNSCR 1973 was passed on 3/17

NATO takes full command of operations
Mar 31

U.S. recognizes NTC as Libya's legitimate gov.
Jul 15

Britain recognizes NTC
Jul 27

NTC Defense Minister killed
Jul 28

NTC passes interim Constitutional Declaration
Aug 3

declares statehood, basic rights, and provisions for the transitional phase

Battle for Tripoli
Aug 20-23

UN releases \$500 million in frozen assets to NTC
Aug 25

IMF recognizes NTC
Sep 10

March 1

April 1

May 1

June 1

July 1

August 1

September 1

October 1

Libyan Revolution of 2011

Chapter 8

THE RESPONSIBILITY TO PROTECT & LIBYA A CASE STUDY

On October 30th of 2011—shortly after the death of Muammar al-Qaddafi on August 23rd—NATO’s operations in Libya officially ended. With the final arrests of the Qaddafi circle, the people of Libya liberated themselves from a dictatorship that spanned over four decades. As Libyans now begin a new chapter in building a legitimate government of their own, some are still debating whether intervention in Libya was ever justified. Although Libyans took ownership of their revolution from the beginning, these efforts would have been fruitless were it not for the internationally backed NATO-coalition intervention. Indeed, the use of military force to protect civilians is an extremely delicate process with a highly contentious history. While most would agree that the recent international recognition of humanitarian norms has positively contributed to the reduction of mass atrocities, military force justly remains a last resort option in the scope of foreign policy prescriptions. When used, these emergency responses necessitate essential legal, political, and operational preconditions before becoming a viable humanitarian effort.

The following chapter is a defense of the principle of the Responsibility to Protect (R2P), as well as an attempt to make the case for military force applied to humanitarian intervention. Using the 2011 NATO-coalition intervention in Libya as a case study, we argue that military force must be part of the full range of mechanisms available to the international community in order to effectively react to unfolding mass atrocities. Our study begins with a look at the evolution of R2P, explaining why the principle is important, as well as how its “three pillar” framework adds to the civilian-protection regime. This is followed by a selected review of R2P’s applications since its inception in 2005, highlighting the comprehensiveness of the doctrine and the multitude of peaceful tools that comprise the

initiative. We then consider R2P's application in the Libyan case, first by evaluating the successes of the NATO-coalition's operation at length. The study concludes with an assessment of where the concept of international responsibility stands after Libya.

I. WHO'S RESPONSIBLE? [8.1]

Injustice anywhere is a threat to justice everywhere.

We are caught in an inescapable network of mutuality, tied in a single garment of destiny.

Whatever affects one directly, affects all indirectly.

-Martin Luther King Jr., *Letter from a Birmingham Jail*, 3.16.1963

The recent international military intervention in Libya has reengaged the fundamental question of whether the Westphalian sanctity of state-sovereignty supersedes the moral imperative to protect civilian populations from mass atrocities. While the international community has overwhelmingly embraced the *principle* of Responsibility to Protect (R2P),^{228*} there remains a lively debate over the *tactics* that should be used for its practical implementation. Criticism of R2P has been almost exclusively reserved for its “third pillar,” the so-called “sharp edge” of the principle's framework. While the third pillar draws on a wide range of peaceful diplomatic and political tools, it leaves the option of collective military action open as a last resort in cases where *all* available peaceful measures have previously been exhausted. Yet for all of the criticism over how military force was applied in NATO's intervention in Libya, there remains a lot of misunderstanding over what R2P is and how it works. To some critics, military intervention and R2P have become synonymous. Many unfamiliar with the normative principle have conflated this last resort set of military tactics reserved for emergency response, with a humanitarian doctrine backed by a full range

^{228*}Edward Luck, UN Special Advisor to Secretary-General Ban Ki-moon said: “We don't have any challenges anymore on the principle. A lot of challenges on the tactic, a lot of challenges about regime change, about people misusing R2P, which is a worry. But not on the principle.”

"International Responsibility After Libya." [P.30] Washington D.C.: *The Brookings Institution*, 2012. Web. 22 Feb. 2012. <<http://bit.ly/Axli84>>.

of preventionary and reactionary tools available in the context of multilateral atrocity prevention.

In the following section we intend to clarify this distinction between R2P's *principles* and its *tactics*. We begin by tracing the evolution of R2P, recalling how the principle emerged from history's tainted conscience. A subsequent analysis of its application then illustrates how R2P is a much more comprehensive doctrine than its extreme response of military intervention. We point to the broad international consensus around R2P as an international norm, and respond to the reservations some have had over its emerging *tactics*. From consistency in application, to the fear of unilateral action, we will acknowledge the major criticisms of R2P in implementing theory to practice. The section concludes by arguing that for the framework to be both effective and flexible, military force—albeit rare and not in any way the main tool of R2P—must remain a last resort option available to the international community.

[8.1.a]

The Principle of R2P

During the post-WWII reconstruction era, the international community, compelled by the horrors of the Holocaust, took first steps towards developing worldwide standards for human rights. In writing the 1945 UN Charter, member states declared through Article 55 & 56 under Chapter IX, a universal commitment to “human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”²²⁹ The UN again reaffirmed this commitment through the Universal Declaration of Human Rights (1948), the Convention on the Prevention of Genocide (1948), and the subsequent Geneva conventions that outlined the proper treatment of civilians in wartime. While the push for international

²²⁹ United Nations. General Assembly. Charter of the United Nations: Charter of the United Nations: Chapter IX: International Economic and Social Co-operation. 1945. Web. <<http://goo.gl/e3fXG>>.

humanitarian law was moving forward, the violent proxy conflicts of the Cold War revealed the changing landscape of armed conflict. Where civilians were once a minority of casualties in the days of large inter-state wars, a shift to internal conflicts (Figure 1.1) revealed that non-combatants were now the vast majority of casualties. According to a report by the European Union’s Institute for Security Studies: “Since 1990, almost 4 million people have died in wars, 90% of them civilians.”²³⁰ After the complete failure of the international community to respond to the genocides of Cambodia (1975-9), Rwanda (1994), and Srebrenica (1995), it became evident that an effective framework for prevention and response had to be developed. These large-scale losses of civilian life were the impetus for an international push to begin prioritizing the protection of people, rather than just the protection of states.

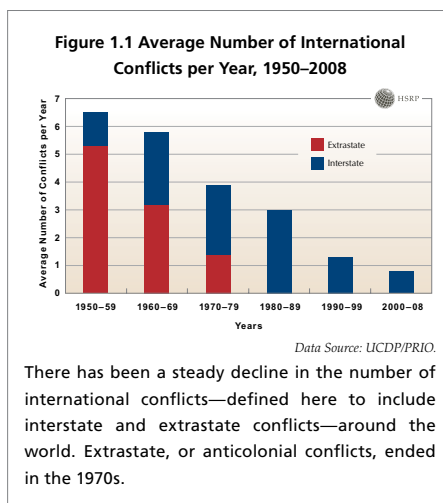


Figure 1.1: Average Number of International Conflicts per Year, 1950-2008²³¹

At the 2005 UN World Summit, the largest gathering of heads of state to date, world leaders vowed to outline a framework intended on “never again” allowing man-made mass

²³⁰ “A Secure Europe in a Better World: European Security Strategy” [P.5] *European Union Institute for Security Studies*, 2003. Paris. Web. <<http://www.iss.europa.eu/uploads/media/solanae.pdf>>.

²³¹ Human Security Report Project. *Human Security Report 2009/2010: The Causes of Peace and the Shrinking Costs of War*. New York: Oxford University Press, 2011.

atrocities to be repeated. Building off of former UN Secretary-General Kofi Annan's detailed reports on sovereignty, security, and human rights, as well as the African Union's "Constitutive Act" (2000),^{232*} what emerged was the initiative of R2P. In drawing up R2P, world governments made a political commitment built on *already existing* international laws intended on preventing four mass atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. Secretary-General Ban Ki-moon clearly outlined the "three pillar" framework of R2P in his 2009 report, *Implementing the Responsibility to Protect*:

- 1) The enduring responsibility of the State to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.
- 2) The commitment of the international community to assist States in meeting those obligations.
- 3) The responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.²³³

By consolidating the international community's tools of mediation, early warning mechanisms, economic sanctioning (Figure 4.6), and military intervention, R2P thus created a powerful political tool that unified long-standing regional and international humanitarian laws. In adopting R2P, world leaders therefore agreed that sovereignty came with the responsibility to protect the people within its territory. By recognizing a state's sovereign responsibility to protect its populations, it gets at the very essence of what state sovereignty encompasses. In stressing the State's individual Responsibility to Protect, it seeks to strengthen that sovereignty through legitimacy. When UN member states approved the initiative, the international community thereby agreed to its collective duty in strengthening the State's will and capacity to protect its populations.

²³² * The initiative reflected the AU's efforts to move from "non-interference" to "non-indifference." The *Constitutive Act* declares member states' "respect for democratic principles, human rights, the rule of law and good governance". It also calls for the "condemnation and rejection of impunity," and states that it is the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." African Union, "Constitutive Act of the African Union". Lomé, 2000. Web. <http://www.au2002.gov.za/docs/key_oau/au_act.htm>.

²³³ "Implementing the responsibility to protect: report of the Secretary-General". *UN General Assembly*, 12 January 2009, A/63/677, <<http://www.unhcr.org/refworld/docid/4989924d.html>>

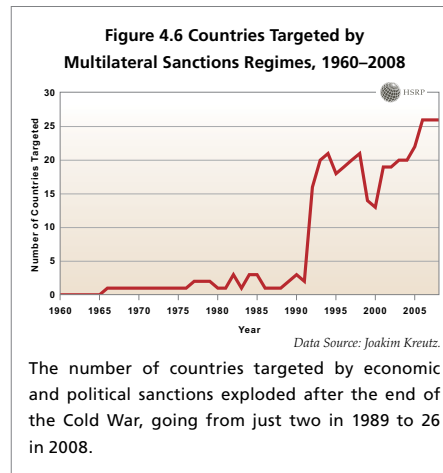


Figure 4.6: Countries Targeted by Multilateral Sanctions Regimes, 1960-2008²³⁴

Since the UN World Summit in 2005, R2P has gained significant ground and been reaffirmed as a core principle in international circles. That same year the African Union adopted the “Ezulwini Consensus,” a “common African position” that embraced R2P, stressed the role of regional organizations in protection, and reasserted the Security Council’s authority to decide on the use force in the four mass atrocity cases.²³⁵ According to Edward Luck, Columbia Professor of International Relations and UN Special-Advisor to Ban Ki-moon, there has been: “a real reluctance on the part of member states to vote against a resolution that has R2P in it.” Mr. Luck believes this is because member states are accepting human security as a central concern of the UN and its member states.²³⁶ In July 2009, the UN General Assembly held a plenary debate highlighting widespread international support for the principle. Out of the 180 member countries in attendance, only four—Cuba, Venezuela, Sudan, and Nicaragua—sought to “roll back the R2P principle from the agreement already reached.”²³⁷ Notably, China’s representative said that the World Summit

²³⁴ Human Security Report Project. *Human Security Report 2009/2010: The Causes of Peace and the Shrinking Costs of War*. New York: Oxford University Press, 2011.

²³⁵ African Union. Executive Council. *The common African position on the proposed reform of the United Nations: The Ezulwini Consensus*. Addis Ababa: Ethiopia, 2005. Ext/EX.CL/2 (VII). Web. <<http://goo.gl/pKPjm>>.

²³⁶ “International Responsibility After Libya.” [P.30] Washington D.C.: *The Brookings Institution*, 2012. Web. 22 Feb. 2012. <<http://bit.ly/AxLi84>>.

²³⁷ “The Responsibility to Protect” Oxfam, n.d. Web. 25 Feb 2012. <<http://goo.gl/LdV0g>>.

Outcome Document “gave a very prudent description” of R2P.²³⁸ Among the key areas of consensus that arose were agreements on: 1) the 2005 World Summit outcomes not being up for renegotiation; 2) R2P’s legal legitimacy in accordance with existing international law; and 3) the renewal of a commitment to the “three pillar” concept for mass atrocity prevention.²³⁹ In budgeting debates over UN R2P funds, the pro-R2P side won in 2010 by a 4-to-1 margin, and in the following year won by an even greater margin of 6½-to-1.²⁴⁰ Lastly, while Secretary General Ban Ki-moon has always been a staunch supporter of R2P there have been no major efforts to unseat him or stymie his leadership on the issue. The Secretary-General invoked R2P on four separate occasions throughout 2011 (Cote d’Ivoire, Libya, South Sudan, and Yemen), and was still unanimously reelected in June (when the success of NATO’s Libyan mission was still very much in question) by the 192-nation UN General Assembly.²⁴¹

[8.1.b]

The Tactics of R2P

I don't think the responsibility to protect as a standard, as a doctrine, as a principle was being tested in Libya. I think everyone agreed that it applied very appropriately in the Libyan situation. The differences really were about tactics

-Edward Luck, Special Advisor , 6.16.2011

R2P consolidates a wide range of tactics from the UN Charter: 1) the peaceful measures of Chapter 6 include negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement; 2) Chapter 8 outlines regional and sub-regional mechanisms for resolving disputes; and finally 3) Chapter 7 traces the proper procedure for the enforcement of coercive measures. If R2P is to make a lasting difference in the realm of human security, it

²³⁸ "Implementing 'responsibility to protect' must not contravene state sovereignty." Xinhua News Agency 25 Jul 2009. Web. 25 Feb. 2012. <<http://goo.gl/3jE9A>>.

²³⁹ GCR2P. Global Centre for the Responsibility to Protect. *Implementing the Responsibility to Protect The 2009 General Assembly Debate: An Assessment*. 2009. Web. <<http://goo.gl/hkTJa>>.

²⁴⁰ "International Responsibility After Libya." [P.6-7] Washington D.C.: *The Brookings Institution*, 2012. Web. 22 Feb. 2012. <<http://bit.ly/AxLi84>>.

²⁴¹ "Ban Ki-moon re-elected UN chief." *Al Jazeera* 21 Jun 2011. Web. 25 Feb. 2012. <<http://goo.gl/GC4mH>>.

cannot simply exist in the theoretical world. While the *principle* of R2P is no longer in question, its *tactics* continue to be tested as appropriate calls for its implementation arise. Since a chief goal of R2P is a flexible and timely response, the international community agreed to a case-by-case basis for tailoring its prescriptions to specific evolving needs on the ground. Without precise guidelines that dictate the tactics used for implementing its broadly defined pillars, there continues to be differences in opinion over how best to respond in times of crises. In this section we address some of the most significant concerns over its practical application.

1) The Danger of Unilateral Coercive Intervention

Concern regarding unilateral action has been voiced by a small minority of member states and reflects a misunderstanding of R2P as per the 2005 World Summit Outcomes Document. Indeed, R2P was developed to *prevent* unilateral interventions, since it specifically outlines “collective actions” in accordance with the UN Charter. In paragraph 77 of the consensus World Summit Document, under the section entitled *Use of force under the Charter of the United Nations*, member states declared that they are: “...determined to take effective *collective* measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace...”²⁴² The language here is unambiguous and if insufficient is again restated unequivocally in paragraph 139, under the section entitled *Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity*:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, **in accordance with Chapters VI and VIII of the Charter**, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to

²⁴² United Nations, “General Assembly Resolution 60/1”, October 2005, [P.21] Article 77, <http://mdgs.un.org/unsd/mdg/Resources/Attach/Indicators/ares60_1_2005summit_eng.pdf>

take collective action, in a timely and decisive manner, **through the Security Council, in accordance with the Charter, including Chapter VII**, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, **bearing in mind the principles of the Charter and international law.** ²⁴³

By stressing the importance of complying with the UN Charter as well as with international law, R2P clearly *cannot* be used to legitimize unilateral intervention because it falls outside of the parameters agreed to by UN member states. It is for this reason that when Russia duplicitously cited R2P when unilaterally invading Georgia in 2008, the international community widely condemned its actions and pointed out their direct violations of numerous UN Security Council resolutions.²⁴⁴

2) UN Security Council Reform & Enhancing the Role of the UN General Assembly

While arguments for reform of the UN Security Council have been around since the very beginning of the UN, there remains legitimate reason for expanding membership. Security Council reform and greater inclusiveness of the General Assembly was debated in every year there has been dialogue on the subject of R2P. Many member states have voiced their concerns over the frequent lack of consensus between the permanent members (P-5) of the UN Security Council. To this end, the Secretary General has repeatedly warned P-5 members to use extreme caution in exercising their veto in the context of mass atrocity situations.²⁴⁵ Fearing that this might lead to inaction, the UN General Assembly can still convene under the “Uniting for Peace” procedure. Although non-binding, the procedure allows for the General Assembly to put political pressure on the P-5 by making

²⁴³ Ibid. Articles 138 & 139, [P.30].

²⁴⁴ "Ungodly Suffering: An American take on a war that fed conspiracies throughout Europe." *The Economist*. 21 Jan 2010: Web. 26 Feb. 2012. <<http://www.economist.com/node/15328189>>.

²⁴⁵ GCR2P. Global Centre for the Responsibility to Protect. *Implementing the Responsibility to Protect The 2009 General Assembly Debate: An Assessment*. [P.9] 2009. Web. <<http://goo.gl/hkTJa>>.

recommendations for collective measures when it judges the Security Council to have failed in meeting its responsibilities.²⁴⁶ Recently in the case of Syria, the General Assembly used the process to overwhelmingly condemn Syrian dictator Bashar al-Assad after a stronger worded UN Security Council resolution was double-vetoed by Russia and China.²⁴⁷

Continued discourse over increasing General Assembly powers in issuing binding resolutions have long been considered but are unlikely to be adopted soon given the highly entrenched nature of United Nations operational structure. Some countries like South Sudan and Venezuela have called for the General Assembly to be the sole body to implement the use of force under pillar three. However this would require an extremely unlikely rewriting of all Articles in Chapter VII of the UN Charter, as it specifies that the Security Council be the ultimate arbiter of collective measures regarding international peace and security.²⁴⁸ Furthermore, considering the great disparity in resources available to commit for last resort humanitarian intervention, a strictly democratic process within the General Assembly could potentially be both dangerous and ineffective since most countries would by default not carry the burden of seeing through a military operation.

3) Double Standards & the Consistency of R2P's Application

A popular criticism of R2P—for those who disregard its full body of tactics—is that the standard is not consistently applied. In our view this is the most important reservation to expound. While we recognize that the use of military force has been rarely deployed, we point out that the principal is much more comprehensive than this extreme, and that the military option is *intended* to be used in only the most dire of situations. Frequently, this

²⁴⁶ United Nations. "General Assembly—Fifth Session." [P.10] Article 377, *Uniting for Peace*. 1950. Web. <<http://www.un.org/depts/dhl/landmark/pdf/ares377e.pdf>>.

²⁴⁷ Gladstone, Rick. "General Assembly Votes to Condemn Syrian Leader." *New York Times*. 16 Feb 2012, Web. <<http://goo.gl/zIabp>>.

²⁴⁸ United Nations. General Assembly. *Charter of the United Nations: Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression*. 1945. Web. <<http://goo.gl/tLAic>>.

criticism is raised by those who simply do not want to apply the principle at all. Since military intervention is inherently dangerous, it often overshadows lower profile cases of the principle's implementation. Nevertheless R2P is *not* an "all or nothing" approach. On the contrary, R2P has more often than not been used in a preventative way. We recall that while the UN Security Council is a political body and is bound to make political decisions (that reflect national interests, military & political costs, and reasonable prospects) in authorizing the use of force, the principle of R2P has actually been *very* consistently invoked when one considers its first and second pillars. Since R2P's birth, the UN Secretary-General along with the UN Human Rights Council have had an exceptional record of consistency in their use of political and diplomatic pressure.

One example that reveals the complexities of implementing R2P within the political confines of the Security Council came at the end of the Sri Lankan civil war in 2009. While the UN Security Council observed a horrifying number of human losses,²⁴⁹ short of releasing a press statement urging both sides to end the conflict, the UN SC was unable to take any concrete actions. In a telling illustration of how UN operations can be very politicized, it was reported that:

Russia, China, Libya and Vietnam had opposed putting the issue on the agenda of the Security Council, [...] But they relented in issuing a statement after the Western council members agreed to discuss a U.N. report on Israel's war in January in Gaza that the United States and its allies did not want raised, diplomats said.²⁵⁰

Secretary-General Ban Ki-moon has stated that he believes the Sri Lankan government largely benefited from the political support of the international community in combatting the 'threat' of state-terrorist activities by Tamil Tiger.²⁵¹ However, Ban Ki-moon, the Under

²⁴⁹ United Nations. *Civilian casualties in Sri Lanka conflict 'unacceptably high' – Ban*. UN News Centre, Web. <<http://www.un.org/apps/news/story.asp?NewsID=30984&Cr=sri+lanka&Cr1>>.

²⁵⁰ Leopold, Evelyn. "Sri Lanka: UN Security Council Makes Its First Move." Huffington Post World n.d., n. pag. Web. 25 Feb. 2012. <<http://goo.gl/9EOfu>>.

²⁵¹ Ki-moon, Ban. *R2P: The Next Decade*. The Stanley Foundation, 2012. Video. <<http://goo.gl/Zjjcf>>.

Secretary for Humanitarian Affairs, the High Commissioner for Human Rights, and some member states were all very forceful in using the language of R2P to condemn the Sri Lankan government.²⁵² The Secretary-General also commissioned a report that outlined the necessary measures for accountability regarding international law, and found "credible allegations" that both sides of the conflict engaged in war crimes and crimes against humanity.²⁵³ Considering the highly politicized discourse of the combat against the Tamil Tigers, as well as the Sri Lankan refusal to allow humanitarian groups access to civilians, it's clear that invoking R2P beyond its first and second pillars would not have been feasible.

Another example of supposed double standards came when some UN member states, including Algeria and Qatar, cited the case of Israel's bombing of Gaza in December 2008 and January of 2009.²⁵⁴ Yet while UN Security Council took no collective action, R2P was invoked multiple times by the UN Human Rights Council and the Secretary-General. Richard Faulk, UN Human Rights envoy stated very poignantly that Israel's offensive constituted "war crimes of the greatest magnitude."²⁵⁵ Following this the UN Human Rights Council passed a resolution condemning Israel for "grave violations of human rights," and called for an independent international investigation.²⁵⁶

We must remind ourselves not to let perfection be the enemy of the good. Just because we cannot do *everything*, does not mean we should not do *something*. On numerous occasions the UN Security Council has acted on the third pillar of R2P *without* employing the use of military force. In the case of Guinea in 2010, the UN Security Council collectively

²⁵² United Nations. Department of Public Information • News and Media Division. *Press Conference on Sri Lanka by Under-Secretary-General for Humanitarian Affairs*. New York: 2009. Web. <<http://goo.gl/ITzkU>>.

²⁵³ United Nations. *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*. 2011. Web. <http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf>.

²⁵⁴ GCR2P. Global Centre for the Responsibility to Protect. *Implementing the Responsibility to Protect The 2009 General Assembly Debate: An Assessment*. [P.9] 2009. Web. <<http://goo.gl/hkTJa>>.

²⁵⁵ "UN envoy: Gaza op seems to be war crime of greatest magnitude." *Haaretz* 19 Mar 2009. Web. 25 Feb. 2012. <<http://goo.gl/cTnEN>>.

²⁵⁶ Nebehay, Stephanie. "South African to head U.N. rights inquiry in Gaza." *Reuters* 3 Apr 2009, n. pag. Web. 25 Feb. 2012. <<http://goo.gl/mQSt7>>.

“deplored the violence” and “stressed the responsibility of Guinea’s security forces and government officials to maintain public order and to protect civilians”.²⁵⁷ In South Sudan, the UN Security Council passed Resolutions 1591 (2005) and 1945 (2010), both were economic sanctions of arms embargos, travel bans, and asset freezes on the parties implicated in the violence.²⁵⁸

In the context of R2P, military intervention must be considered on a case-by-case basis, and can only be implemented on rare occasions in which the interests of operational feasibility, demonstrable need, and political will converge. For instance, some have misleadingly questioned why military intervention was pursued in Libya and not Syria. First, a call for a “No-Fly Zone” in Syria, as was done in Libya, would prove to be useless since Syrian government forces are attacking primarily from the ground using heavy artillery, mortar fire, and tanks. While the bombing campaign in Libya was facilitated by vast open land and military infrastructure being far from populated areas, Syria is just the opposite, with heavy population density surrounding regime strongholds. Second, with all the divisions in Syria’s populace, there are legitimate concerns over whether arming the opposition or sending in ground troops would not actually lead to greater violence and instability. Finally, with Iran continuously providing provisions and Russia/China blocking any meaningful resolutions, there is little political will to make any bold moves in Syria.

While military intervention is not the purpose of R2P, its availability as the last resort option of the third pillar is essential for having a comprehensive set of tools for flexible and effective response. When used with great care, military force can be effective in preventing mass atrocity situations from worsening. Legitimate implementation of the limited use of

²⁵⁷ "Security Council urges leaders in Guinea to end poll differences peacefully." *UN News Centre*, 27 Jun 2010, Web. 26 Feb. 2012. <<http://www.un.org/apps/news/story.asp?>>

²⁵⁸ "Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan." *United Nations*. The United Nations, n.d. Web. 22 Feb 2012. <<http://www.un.org/sc/committees/1591/>>

force in the context of humanitarian intervention *can* save vulnerable populations in dire situations. In the remaining portion of our study we defend the “sharp edge” of R2P by presenting the following case study of the NATO-coalition’s intervention in the Libya Revolution of 2011.

II. PREVENTING A MASSACRE [8.2]

Worse than war is the systematic killing of civilians as the world turns a blind eye.
-Nicholas D. Kristof, New York Times, 3.3.2011

Substantive ethical arguments for the use of military force in order to protect civilians must prove that the costs of *inaction* would have been greater than were the costs of *action*. Because of Libya’s extreme repression and lock-down of communication that only intensified after the February 17th movement kicked off, our knowledge of the crimes committed against the Libyan people is limited to the independent reporting of civilians, journalists, and international human rights groups. While evidence of mass atrocities continued to transpire after the coalition involvement (i.e. the discovery of ‘13 more mass graves’²⁵⁹), this report will limit itself to evidence that was public *before* intervention because it aims to explain the international impetus for military interference. A cross examination of these reports reveals very significant reasons to believe hundreds of thousands of lives were at risk. Even if one were to ignore the historical and economic factors that imply Qaddafi’s potential for brutality, the moral case for intervention can confidently be made by exploring the conduct of the Libyan government forces in the context of Qaddafi’s threats. By following his rhetoric and actions, this section intends to emphasize the costs of inaction consisting of: 1) Libyans dying on a massive scale; 2) Qaddafi possibly remaining in power

²⁵⁹ "PressTV – 13 more mass graves found in Libya" <<http://www.presstv.ir/detail/199302.html>>. Press TV. 15 September 2011.

for years; and 3) a message being sent out to all dictators that ruthlessness and brutality works.

[8.2.a]

Qaddafi's Actions & Rhetoric

*We are coming tonight.
We will find you in your closets.
We will have no mercy and no pity.*
-Muammar al-Qaddafi in a speech directed at Benghazi residents, 3.17.2011

As early as February 22nd the UN High Commissioner for Human Rights, Navi Pillay, declared that the attacks against the Libyan people were both “widespread and systematic”—potentially amounting to *crimes against humanity*.²⁶⁰ Three days later and less than a week into the civilian protests, Ms. Pillay confirmed independent reports from human rights organizations that: “thousands may have been killed or injured”.²⁶¹ By February 26th the United Nations Security Council (UNSC) had referred the case to the International Criminal Court (ICC) for crimes against humanity, all the while drawing on Libya’s responsibility to protect its citizens.²⁶² In early March, the bombing by Libyan Air force of civilian populated towns in the east finally prompted the rebels to reluctantly call-in a formal request for foreign intervention.²⁶³

For two weeks these requests for military assistance by Libya’s National Transitional Council (NTC) went completely unanswered as the world watched Qaddafi’s forces use

²⁶⁰ "Civil Society: UN General Assembly should suspend Libya's UN Human Rights Council membership." *Defending Human Rights Worldwide*. Human Rights Watch, 24 Feb. 2011. Web. 18 Sept. 2011. <<http://www.hrw.org/print/news/2011/02/24/civil-society-un-general-assembly-should-suspend-libya-s-un-human-rights-council-mem>>.

²⁶¹ "Libyan Crackdown 'Escalates' – UN" <<http://www.bbc.co.uk/news/world-africa-12576427>>. BBC News. 25 February 2011.

²⁶² Cotler, Irwin, and Jared Genser. "Libya and the Responsibility to Protect." *The New York Times* 28 Feb. 2011, sec. Opinion: 2. *NYTimes.com*. Web. 18 Sept. 2011.

²⁶³ Fadel, Leila. "Libyan rebels call for foreign military help." *The Sydney Morning Herald* [Sydney, Australia] 3 Mar. 2011: 2. *smh.com.au*. Web. 18 Sept. 2011.

planes, tanks, and gunboats on non-combatants in rebel-held territory.²⁶⁴ By March 12th, the then-president of the NTC, Mustafa Abdel Jalil, warned that if Qaddafi's forces were to successfully bomb-and-advance into the rebel stronghold of Benghazi—as defected-Libyan pilots made clear Qaddafi's intentions were²⁶⁵—the onslaught would result in “the death of a half a million” people.²⁶⁶ On March 16th, the day before UNSCR 1973 was passed, Qaddafi's son and military commander, Saif al-Islam declared: “The military operations are finished. In 48 hours everything will be over. Our forces are close to Benghazi.” Concerning the UNSC vote for intervention, he said: “Whatever decision is taken, it will be too late.”²⁶⁷

The words “too late” galvanized the world's political leaders at the emergency session of the UN Security Council. The rhetoric the Qaddafis had used up to this point was unequivocally clear. On February 20th, Saif al-Islam described the intended breadth and scope of the brutal government response. Saif warned the protesters that “thousands” would die, “rivers of blood would flow”, and that authorities would “fight [down] to the last man, woman, and bullet.”²⁶⁸ Two days later, Qaddafi called on his supporters in a state television speech: “Come out of your homes and attack [the opposition] in their dens”. Muammar al-Qaddafi called the protesters “greasy rats” and “cockroaches.”²⁶⁹ His threats to “cleanse Libya house by house” harked back chilling memories of Rwanda, when in 1994 Radio Mille

²⁶⁴ Tran, Mark. “Gaddafi troops pound Libya rebels out of Ras Lanuf.” *Guardian*. (2011): n. page. Web. 23 Oct. 2011. <<http://www.guardian.co.uk/world/2011/mar/10/ras-lanuf-rebel-retreat-libya>>.

²⁶⁵ “Updated: Libyan fighter jets arrive in Malta” *The Times of Malta*. [Malta] 21 Feb. 2011. <<http://www.timesofmalta.com/articles/view/20110221/local/two-libyan-fighter-jets-arrive-in-malta-two-helicopters-land.351349>>

²⁶⁶ McGreal, Chris. “Gaddafi's army will kill half a million warn Libyan rebels.” *The Guardian* [UK] 12 Mar. 2011: 2. *Guardian News*. Web. 18 Sept. 2011.

²⁶⁷ “UN chief calls for ceasefire in Libya” *Al Jazeera*. [Libya] 16 Mar. 2011. <<http://english.aljazeera.net/news/africa/2011/03/201131614230683317.html>>

²⁶⁸ Walt, Vivienne. “Gaddafi's Son: Last Gasp of Libya's Dying Regime?” *Time*. 21 Feb. 2011. <<http://www.time.com/time/world/article/0,8599,2052842,00.html>>

²⁶⁹ Stalinsky, Steven. “Gaddafi calls out ‘greasy rats’ and ‘foreign agents’” *National Review*. 22 Feb. 2011. <<http://www.nationalreview.com/corner/260380/gaddafi-calls-out-greasy-rats-and-foreign-agents-steven-stalinsky>>

Collines' broadcasts served to catalyze genocide.²⁷⁰ The speech praised the Chinese authorities' crackdown of the famous protests in Tiananmen Square as an example of national unity being "worth more than a small number of protesters". Surprisingly, Qaddafi's rhetoric turned even more explicit when he dryly stated that: "anyone who plays games with the country's unity will be executed."²⁷¹

If the rhetoric could be dismissed as a maniacal scare tactic, the civilian body count certainly could not. Between February 15th & March 5th, two weeks before the NATO bombing campaign took place, 6,000 civilian casualties had been killed²⁷². Only one week into the protests, Human Rights Watch submitted a report stating:

Colonel Gaddafi has admitted the systematic intent behind the violence unleashed on the Libyan population and has given cause for substantial concern that further violence will occur.

[HRW 2.24.2011]

When it became evident that many within the Libyan military units were not going to fire on demonstrators, Qaddafi's intentions were only made clearer by his conscription of thousands of African mercenaries that fall outside the normal line of command and control.²⁷³ Their march towards the rebel capital of Benghazi—a town with a population of 700,000—meant either the bloody end to a popular rebellion or a desperate last minute save by an international coalition.

Although it is impossible to determine how many lives were saved in averting Qaddafi's takeover of the large eastern cities, his behavior in cities like Zawiyah, Ras Lanuf, and Misrata

²⁷⁰ "Responsibility to Protect: The lessons of Libya." *The Economist*. 19 May 2011: 2. Print.

²⁷¹ "Libya protests: defiant Gaddafi refuses to quit" *BBC*. 22 February. 2011. <<http://www.bbc.co.uk/news/world-middle-east-12544624>>

²⁷² "Libya uprising – Thursday 10 March" *The Guardian*. <<http://www.guardian.co.uk/world/blog/2011/mar/10/libya-uprising-gaddafi-live#block-15>>

²⁷³ Fahim, Kareem; Kirkpatrick, David D. "Qaddafi Massing Forces in Tripoli as Rebellion Spreads" *The New York Times*. 23 February. 2011. <http://www.nytimes.com/2011/02/24/world/africa/24libya.html?_r=1&hp=&pagewanted=all>

showed an exemplary lack of concern for civilian life.²⁷⁴ In Zawiya, Qaddafi's forces bombed a mosque full of civilians,²⁷⁵ while at least 50 tanks opened fire on the city—by one protester's account tearing it “down to the ashes”. In Ras Lanuf, Qaddafi's warplanes fired missiles into residential areas.²⁷⁶ Moreover, the indiscriminate rocket and mortar fire, as well as the landmines planted in and around Misrata resulted in up to 2,000 killed by the month of April.²⁷⁷ Furthermore, the International Criminal Court (ICC) later revealed in *war crimes* investigations that Qaddafi personally ordered the bombardment and starvation of the civilian population in Misrata.²⁷⁸

Qaddafi's knowledge of the strategic significance in the NTC's capital of Benghazi was clearly illustrated by the disposition of his military might towards the city.²⁷⁹ His commitment to capturing the city *at all costs* was divulged when the International Federation for Human Rights revealed that on February 23rd: “130 [of Qaddafi's] soldiers were executed by their [own] officers in Benghazi for refusing to fire on crowds of protesters.”²⁸⁰ Just before the coalition forces produced air strikes that forced the retreat of Qaddafi's troops, the fall of Benghazi seemed inevitable.²⁸¹ Even if we assume the head of the NTC was exaggerating when he said 500,000 lives would be lost if Qaddafi's forces were allowed to fully advance,

²⁷⁴ Cole, Juan. *Informed Comment*. 22 August. 2011. <<http://www.juancole.com/2011/08/top-ten-myths-about-the-libya-war.html>>.

²⁷⁵ “Qaddafi supporters attack mosque in Zawiya with anti-aircraft missile” *Feb 17th News*. 24 February. 2011. <<http://feb17.info/news/qaddafi-supporters-attack-mosque-in-zawiya-with-anti-aircraft-missile/>>

²⁷⁶ “Libya: Gaddafi tanks and planes attack rebel towns” *BBC News Africa*. 8 March. 2011. <<http://www.bbc.co.uk/news/world-africa-12673956>>

²⁷⁷ “How rebels held Misrata” *Associated Press*. 4 May. 2011 <<http://feb17.info/news/how-rebels-held-misrata/>>

²⁷⁸ “Muammar Gaddafi war crimes files revealed” *The Guardian*. 18 June. 2011. <<http://www.guardian.co.uk/world/2011/jun/18/muammar-gaddafi-war-crimes-files>>

²⁷⁹ Western, Jon. “Protecting States or Protecting Civilians.” *The Massachusetts Review*. 52.2 (Summer 2011): 348-357. Print.

²⁸⁰ “Libya - 130 soldiers executed” *News 24*. 23 Feb. 2011. <<http://www.news24.com/Africa/News/Libya-130-soldiers-executed-20110223>>

²⁸¹ “Libya: Benghazi about to fall... then came the planes” *The Telegraph*. 20 March. 2011. <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8393843/Libya-Benghazi-about-to-fall...-then-came-the-planes.html>>

there is no question that countless lives were saved²⁸² by preventing an abrupt and violent end to the popular rebellion. Manal Omar, Director of the North Africa Programs at the United States Institute of Peace noted at a Brookings lecture:²⁸³

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 Zawiya.

[Libya and the Responsibility to Protect, Brookings Institute, 6.16.2011]

From the very beginning Qaddafi vowed to fight until “the last man standing, [and] even the last woman standing”²⁸⁴. Not only did he declare that he would “die [in Libya] as a martyr”²⁸⁵, but a *New York Times* report revealed that Qaddafi had “tens of billions” of cash reserves (separate from the frozen international funds) to help finance a prolonged war against the rebels²⁸⁶—forces which he already enjoyed tremendous military superiority over.

There is little doubt that Qaddafi would have continued to carry out his 42-year policy of eliminating opposition voices had he been given the chance.²⁸⁷ Imagine a situation where Qaddafi was to stay in power and the intervention would have never taken place. Libya would enter into an era of isolation, sanction, and deprivation. Like North Korea, the international community would essentially be condemning the Libyan people to continuous poverty and degradation. The international implications for mass atrocity prevention would be crippling. The normative international principle of the Responsibility to Protect would be dealt a coup de grâce. Allowing the Qaddafis to stay in power rather than face the charges of

²⁸² “Benghazi on the Hill” *Foreign Policy*. 18 June. 2011.

<http://lynch.foreignpolicy.com/posts/2011/06/18/benghazi_on_the_hill>

²⁸³ “Libya and the Responsibility to Protect” *The Brookings Institution*. 16 June. 2011.

<http://www.brookings.edu/~media/Files/events/2011/0616_libya_responsibility/20110616_libya_responsibility.pdf>

²⁸⁴ “Analysis: Gaddafi will fight to the bitter end” *ABC News*. 28 Feb. 2011. <<http://www.abc.net.au/news/2011-02-22/analysis-gaddafi-will-fight-to-the-bitter-end/1953380>>

²⁸⁵ “Muammar Gaddafi says he will die a martyr rather than quit” *The Guardian*. 22 Feb. 2011.

<<http://www.guardian.co.uk/world/2011/feb/22/muammar-gaddafi-libyan-tv-martyr>>

²⁸⁶ “Hoard of Cash Lets Qaddafi Extend Fight Against Rebels” *The New York Times*. 9 March. 2011.

<http://www.nytimes.com/2011/03/10/world/africa/10qaddafi.html?_r=2&hp>

²⁸⁷ “Challenges ahead as rebels reach Tripoli” *The Financial Times*. 22 August. 2011.

<<http://www.ft.com/intl/cms/s/0/c3e3ce3e-cc40-11e0-9176-00144feabdc0.html#axzz1ZsG1woPy>>

both *war crimes* and *crimes against humanity* would have only empowered the tyrannical rulers of the world to use unrestrained violence in the future.

III. POLITICAL LEGITIMACY & LEGAL AUTHORITY [8.3]

I was the one who created Libya and I will be the one to destroy it.
-Muammar al-Qaddafi directing pilots (who later defected) to bomb protesters, 2.20.2011²⁸⁸

Almost immediately after Qaddafi's first violent reaction to the popular protests, an exodus of defectors began to emerge.²⁸⁹ By the time the emergency UN Security Council meeting took place in March, Qaddafi had very few people left to defend him. Calls from the Libyan people begged the international community to assist in every way short of direct military invasion. Upon hearing these desperate calls for help, diplomatic and popular support for stepping-in only increased. Qaddafi had effectively lost all domestic and international legitimacy. Regional support allowed for the most important political step needed to provide coalition assistance to the opposition.

What made the Libyan case so remarkable was not just the credible threat to a large civilian population, but the extent to which political and legal legitimacy for the operation was sought before launch. The Iraq invasion of 2003 provided an antithetical reference from which a legitimate mandate for Libyan intervention would be derived. Lessons from Iraq prompted both the NATO chief and the Obama Administration to set basic preconditions for deployment. NATO articulated their preconditions to be a: 1) demonstrable need; 2) clear legal basis; and 3) firm regional support. Similarly, the Obama Administration required: 1) local requests for intervention; 2) regional legitimacy; 3) legal legitimacy; and 4) a truly

²⁸⁸ "Libya Update: The Violence of An Unraveling Regime [On Qaddafi's Speech]" *Jadaliyya*. 21 Feb. 2011. <http://www.jadaliyya.com/pages/index/707/libya-update_the-violence-of-an-unraveling-regime_>

²⁸⁹ "Defections From the Libyan Regime" *The Wall Street Journal*. 23 Feb. 2011. <<http://blogs.wsj.com/dispatch/2011/02/23/defections-from-the-libyan-regime/>>

multilateral coalition that shared the burden of costs. The US ²⁹⁰ and NATO ²⁹¹ have both publically stated that these preconditions were all met. By delineating how the coalition's military actions were fulfilled, this section seeks to demonstrate its political legitimacy and legal authority.

[8.3.a]

Local Requests for Intervention

Mr. Jalil, the former-president of the NTC, gave his illustration of Libyan popular opinion when he quipped: "There is a feeling on the street that if Qaddafi can employ foreigners to fight for him then why cannot we?"²⁹² In order to provide basic political legitimacy, intervention would ideally have been requested from the Libyan population as a whole. Let us examine the credibility of the popular representation embodied in the NTC by looking at both data and on the ground, as well as coverage of public opinion.

While the NTC was not a representative body chosen through democratic elections, it is the de-facto interim-government of Libya and currently enjoys international recognition as their sole legitimate representative. However, at the time of intervention, the only country that had officially recognized the NTC was France, and the UN's recognition of the NTC did not come until September 16th, 2011.²⁹³ Nevertheless, the NTC defended its selection process by asserting that members were chosen in close collaboration with local tribes and revolutionary councils inside liberated zones.²⁹⁴ Although its 45 members were chosen

²⁹⁰ "Obama's Libya speech: Full text as delivered" *Politico*. 28 March. 2011.

<<http://www.politico.com/news/stories/0311/52093.html>>

²⁹¹ "NATO says preconditions fulfilled for actions against Libya" *Xinhua News Agency*. 19 March. 2011.

<http://news.xinhuanet.com/english2010/world/2011-03/19/c_13786742.htm>

²⁹² "Rebels in east Libya set up crisis committee" *Reuters News Agency*. 5 March. 2011.

<<http://www.reuters.com/article/2011/03/05/libya-east-council-idAFLDE7240EP20110305>>

²⁹³ "UN assembly recognizes NTC" *English.Libya.Tv*. 16 September. 2011. <<http://english.libya.tv/2011/09/16/un-assembly-recognizes-ntc/>>

²⁹⁴ "The rebellion's leaders: Good intentions, fragile legitimacy" *The Economist*. 27 August. 2011.

<<http://www.economist.com/node/21526958>>

through a fairly narrow consultation process, the administrative body appears to boast extensive popular support.²⁹⁵

Support for the NTC begins with the uniting of the populace against Muammar al-Qaddafi. Let us consider the percentage of the population represented in cities that are reported to have fallen out of Qaddafi's control, *even before* tanks had been ordered to fire into crowds of peaceful protesters. As University of Michigan professor Juan Cole has pointed out, when one takes into account the populations of cities like Tobruk, Derna, Bayda, Benghazi, Zawiya, Zuara, and districts of Tripoli (Suq al-Juma & Tajourna), anywhere from 80-90% of the Libyan population is represented as anti-Qaddafi.²⁹⁶ Clearly not *all* of the cities' residents were participating in the February 17th movement, but it was from these cities that the *vast majority* of Libyans demanded a No-Fly Zone.²⁹⁷ Arezki Daoud, editor of the North Africa Journal, explained how already in the first week of the protests, Qaddafi had "few followers," but that they were "very dangerous and very powerful. They're essentially a trained security elite" Mr. Daoud went on to say on February 22nd:

Essentially all of the tribes are siding against [Qaddafi]. It's unclear whether his own tribe is revolting. [But] the fact that Tripoli is revolting, which is the base of his tribe, says that even his tribe is against him.²⁹⁸

In what is arguably the first free Libyan public opinion poll, the Research and Consultation Center of the University of Benghazi (formerly Garyounis University) surveyed six liberated eastern cities and found that 92% of 2,500 respondents agreed with "the NTC expresses the views and wishes of Libyans for change". The same survey, conducted between March and April, found that 95% believe that it would be impossible to implement

²⁹⁵ "Voice of the Libyan Street" *National Transitional Council*. Sourced from: *Research and Consultation Center, Garyounis University, Benghazi* <<http://www.ntclibya.com/InnerPage.aspx?SSID=31&ParentID=0&LangID=1>>

²⁹⁶ "130 Libyan soldiers executed for mutiny" *PressTV*. 24 Feb. 2011. <<http://www.presstv.ir/detail/166757.html>>

²⁹⁷ "Top Ten Ways that Libya 2011 is Not Iraq 2003" *Informed Comment*. 22 March. 2011. <<http://www.juancole.com/2011/03/top-ten-ways-that-libya-2011-is-not-iraq-2003.html>>

²⁹⁸ "Gaddafi's speech: Decoding a tyrant's words" *National Post*. 22 Feb. 2011. <<http://news.nationalpost.com/2011/02/22/gaddafis-speech-decoding-a-tyrant%E2%80%99s-words/>>

political reform if the Qaddafi family were to stay in power. Even more promising was that 96% of those polled shared the belief that Libya can pragmatically direct its revolutionary unity, specifically to build a democratic model based on a constitution that respects human rights.²⁹⁹ Although the survey cannot be seen as representing Libya as a whole (since it only covered eastern cities), it helps legitimize the NTC as a representative voice of the people.

On-the-ground reports of Libyan popular opinion before NATO took action overwhelmingly revealed intense frustration with the international community. The Guardian newspaper interviewed a chemical engineer in Libya just before the NATO campaign began. The incredulous resident cried: “Where are the air strikes? Why is the west waiting until it is too late? Sarkozy said it. Obama said it. Gaddafi must stop. So why do they do nothing? Is it just talk while we die?”³⁰⁰ Another Libyan interviewed by the New York Times denounced the West as having “lost all credibility.” Harking back memories of Iraq in 1991, she went on to say: “I am not crying out of weakness [...] but we will never forget the people who stood with us and the people who betrayed us.”³⁰¹ Many were beginning to wonder if it was too late to engage in a military intervention.³⁰² Perhaps that is why when NATO finally decided to intervene; the rebel capital of Benghazi resonated with relief in the form of “shouts of thanks to America and the West.”³⁰³

²⁹⁹ “Eastern Libyans believe in national unity, distrust AU and Turkish mediation, survey reveals” *English.Libya.TV*. 25 April. 2011. <<http://english.libya.tv/2011/04/25/eastern-libyans-believe-in-national-unity-distrust-au-and-turkish-mediation-survey-reveals/>>

³⁰⁰ “Benghazi rebels plead for Libya air strikes as Gaddafi forces advance” *The Guardian*. 19 March. 2011. <<http://www.guardian.co.uk/world/2011/mar/19/gaddafi-forces-battle-for-benghazi>>

³⁰¹ “Weak and Crippled by Rivalry” *The New York Times: Opinion Pages*. 16 March. 2011.

<<http://www.nytimes.com/roomfordebate/2011/03/16/what-can-arab-leaders-do-about-libya/weak-and-crippled-by-rivalry>>

³⁰² “Libya crisis: too late for UN military intervention?” *The Guardian Blog*. 23 Feb. 2011.

<<http://www.guardian.co.uk/world/blog/2011/feb/23/libya-crisis-gaddafi-un-military-intervention>>

³⁰³ Nordland, Rod. “In Libyan Rebel Capital, Shouts of Thanks to America and the West” *The New York Times*. 28 May. 2011. <http://www.nytimes.com/2011/05/29/world/africa/29benghazi.html?_r=2&ref=world>

[8.3.b]**Clear Legal Basis**

The biggest question people would ask me is how are we willing to go with right to protect, and for [the opposition], 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 Qaddafi 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 Benghazi might then suffer the atrocities that it avoided.

-Manal Omar, Brookings Institute, 6.16.2011

Although the Responsibility to Protect is a useful principle for guiding international conventions, we must remember that it is simply a *norm* and not a *law*. In the Libyan case, there are two main issues to assess regarding the legality of the coalition intervention. The first legal question is whether the coalition had the legal right to intervene in Libya to begin with. The second is concerned with whether coalition forces were legally permitted to target loyalist forces—including Qaddafi himself.

Chapter 7 of the UN Charter provides a framework within which the Security Council may take enforcement action. The Security Council can “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and take military and nonmilitary action to “restore international peace and security”. It was under this UN statute that France, the United Kingdom, and Lebanon proposed the adoption of the United Nations Security Council 1973. The vote on UNSCR 1973 provided the legal basis for military intervention in the Libyan Revolution by first demanding an immediate ceasefire, and then authorizing the international community to enforce a No-Fly Zone—approving “all necessary measures to protect civilians and civilian populated areas.”³⁰⁴ On March 17th the measure was unanimously adopted with ten Security Council member countries voting in

³⁰⁴ “Security Council authorizes ‘all necessary measures’ to protect civilians in Libya” *UN News Centre*. 17 March. 2011. <<http://www.un.org/apps/news/story.asp?NewsID=37808>>

the affirmative, five abstaining, and none opposing.³⁰⁵ UNSCR 1973 thus specifically authorized all coalition intervention—“excluding a foreign occupation force of any form on any part of Libyan territory”—aimed at the protection of civilians.³⁰⁶

As mandated by the resolution, over the course of three months legitimate attempts at “immediate ceasefire” repeatedly took place to no avail. All other viable political alternatives were completely exhausted leading up to the commitment of regime change. Negotiations proved to be near impossible when Qaddafi reaffirmed that his word could not be trusted. On March 18th Qaddafi formally accepted a ceasefire but failed to uphold it. His forces never stopped advancing-into and firing-on the southern outskirts of Benghazi as well as on the rebel city of Ajdabiyah.³⁰⁷ It was only after it became blatantly obvious that Qaddafi showed no intention of suspending his military, that coalition leaders announced the start of military intervention.³⁰⁸ At the beginning of April, the rebels offered a ceasefire agreement that included the withdrawal of loyalist forces from in and around opposition cities so that Libyans could safely protest—Qaddafi once again refused.³⁰⁹ After such striking insincerity, the opposition could no longer afford to take chances and accept another disingenuous and piecemeal offer of a ceasefire. In mid-April, the Libyan leader met with delegates of the African Union and appeared to have accepted a “roadmap to peace.”³¹⁰ However, the opposition rejected the deal, arguing that it was non-binding and did not

³⁰⁵ “Libya: Nigeria votes in favour of no-fly resolution” *Reuters News Agency*. 18 March. 2011.

<<http://www.vanguardngr.com/2011/03/libya-nigeria-votes-in-favour-of-no-fly-resolution/>>

³⁰⁶ “UN security council resolution 1973 (2011) on Libya – full text” *The Guardian*. 17 March. 2011.

<<http://www.guardian.co.uk/world/2011/mar/17/un-security-council-resolution>>

³⁰⁷ “Rebels: Assaulted In Spite of Gaddafi ‘Cease Fire’” *Time*. 18 March. 2011.

<<http://www.time.com/time/world/article/0,8599,2060366,00.html>>

³⁰⁸ “Gadhafi blasts 'crusader' aggression after strikes” *MSNBC News*. 19 March. 2011.

<http://www.msnbc.msn.com/id/42164455/ns/world_news-mideastn_africa/?gt1=43001#.TqDt5HEi7hE>

³⁰⁹ “Gaddafi Forces Reject Rebels' Cease-Fire” *Reuters*. 1 April. 2011.

<http://www.huffingtonpost.com/2011/04/01/gaddafi-ceasefire-rebels-libya-news_n_843791.html>

³¹⁰ “Libya: Gaddafi has accepted roadmap to peace, says Zuma” *The Guardian*. 10 April. 2011.

<<http://www.guardian.co.uk/world/2011/apr/10/libya-african-union-gaddafi0-rebels-peace-talks>>

address the issue of Qaddafi's ouster.³¹¹ The NTC then toughened their conditions, clearly stating that there would be no ceasefire negotiation without the incorporation of a political process leading up to Qaddafi's departure.³¹² Not surprisingly, when Qaddafi once again proposed a truce, he refused to accept the condition of ceding power,³¹³ effectively proposing a partition of the country. Since such an outcome would cripple the economy and completely contradicted one of the major goals of the revolution—to keep Libya unified—the opposition refused to consider it.³¹⁴ Last-ditch ceasefire negotiations through South African president Jacob Zuma suffered the same fate, as Qaddafi refused to accept a Libya without his supremacy and loyalist forces continued indiscriminate attacks.³¹⁵ With no reliable partner in political negotiation, military force was the only option that remained for the ousting of the Qaddafi regime.

The broad language of the resolution, not only licenses air support for the Libyan people, but also legally warrants the targeting of Libyan government forces. Targeted attacks on government forces are legally warranted because their engagement in the state's crackdown have proved to pose an inherent existential threat to the civilian population. This threat has been covered in previous sections (see *Moral Obligation: The Costs of Inaction*), as well as heavily documented in the UN Human Rights Council's *International Commission of Inquiry for Libya*. The report found that the threat to civilians included but was not limited to: 1) the use of indiscriminate and prohibited weapons in civilian populated areas (expanding bullets, cluster munitions, mines, white phosphorous, mortars, etc.); 2) the use of mercenaries; 3)

³¹¹ "Libya Rebels Reject Cease-Fire That Doesn't Oust Qaddafi" *Bloomberg Businessweek*. 11 April. 2011.

<<http://www.businessweek.com/news/2011-04-11/libya-rebels-reject-cease-fire-that-doesn-t-oust-qaddafi.html>>

³¹² "The Future of Libya: A View from the Opposition" *The Brookings Institution*. 12 May. 2011.

<http://www.brookings.edu/~media/Files/events/2011/0512_libya/20110512_libya.pdf>

³¹³ "Gaddafi offers truce but not exit" *Al Jazeera*. 30 April. 2011.

<<http://english.aljazeera.net/news/africa/2011/04/201143021326235617.html>>

³¹⁴ "Libyan rebel forces reject Muammar Gaddafi's ceasefire offer" *The Guardian*. 30 April. 2011.

<<http://www.guardian.co.uk/world/2011/apr/30/libyan-rebels-reject-gaddafi-offer>>

³¹⁵ "Gaddafi insists on truce not departure" *Albanaba News*. 31 May. 2011. <<http://www.albawaba.com/main-headlines/gaddafi-insists-truce-not-departure-375963>>

arbitrary detention and torture; 4) denial of access to medical care; 5) sexual violence; and 6) the use of children in armed conflict.³¹⁶ Because these threats are posed *by* the Libyan government forces *on* the civilian population, UNSCR 1973 authorizes the elimination of these forces in order to protect “civilians and civilian populated areas”. It does not exclude the targeting of top officials—especially Qaddafi—as long as loyalist forces were to continue to carry out the systematic killing of civilians. Furthermore, some have falsely assumed that arming the opposition violates the UNSCR 1970 arms embargo imposed on Libya on February 26th 2011. In fact, UNSCR 1973 explicitly addresses this possible overlap by authorizing: “all necessary measures, *notwithstanding* paragraph 9 of resolution 1970”. Therefore, as Hillary Clinton has been keen to point out,³¹⁷ the resolution’s language specifically references the arms embargo in order to make a temporary *exception*.³¹⁸

[8.3.c]

Firm Regional Support

While there were certainly Arab voices warning of imperialism and oil seizures and Israeli conspiracies, the overwhelming majority actively demanded Western intervention to protect the Libyan people and their revolution. The urgency of preventing the coming massacre mattered more to them, and despite all the legacies of Iraq they determined that the United States and the international community take on that responsibility.

-Marc Lynch, Foreign Policy, 8.22.2011

Most analysts would agree that the biggest political obstacle for action rested in the consent of the Arab world. Without the Arab world’s explicit request for coalition intervention, the West risked being accused of neocolonial imperialist exercise. Thanks to Qaddafi’s unambiguous brutality—as well as his belligerence towards his Arab neighbors over 42 years—those that favored supporting the Libyan opposition quickly emerged.

³¹⁶ “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya” *Human Rights Council*. 1 June. 2011.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.44_AUV.pdf>

³¹⁷ “Libya: Coalition divided on arming rebels” *BBC News Africa*. 29 March. 2011. <<http://www.bbc.co.uk/news/world-africa-12900706>>

³¹⁸ “Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions” *UN Department of Public Information*. 17 March. 2011. <<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>>

Remarkably, a regional consensus transpired within mere weeks. Our survey of the Arab solidarity in backing the Libyan opposition examines the reaction of influential regional IGOs and NGOs, as well as Arab popular sentiment. We then conclude the section by briefly evaluating the significance of responses from African countries in the region.

By February 25th, before even the formation of the NTC, 200 Arab NGOs coordinated their efforts by calling for the protection of civilians in Libya through a UN-sponsored and Arab League-led No-Fly Zone (NFZ).³¹⁹ The diverse groups spanned 18 countries and included a public statement signed by 35 prominent Arab intellectuals:

The Libyan people are living through a defining moment in their history. Their demands for basic human rights and an end to 42 years of cruel oppression are legitimate. We shall not stand silent and watch them pay the price of this demand with their blood. Without urgent action from the UN Security Council supported by the EU, African Union and Arab League, the window of opportunity to protect civilians from the threat of further atrocities will close. We believe it is the personal and moral responsibility of each and every one of you to ensure immediate action is taken to stop the bloodshed in line with Chapter 7 of the UN Charter.

[CONDEMNATION IS NOT ENOUGH!, 2.25.2011]

Among the punitive measures they petitioned were sanctions, asset freezes, and an arms embargo. The UN implemented all of them only two days later.³²⁰ Although the Security Council did not approve enforcement of a NFZ until nearly a month later, there is no question the agency of NGOs and prominent figures in the Arab world served to increase pressure on regional IGOs and raise awareness in the international community.

On March 11th, the Gulf Cooperation Council (GCC) denounced Qaddafi's regime as illegitimate and called on the Arab League to take action so as to stop the bloodshed.³²¹

After establishing contact with the NTC, the GCC stated its support for a NFZ, in turn

³¹⁹ Rogin, Josh. "Over 200 Arab groups call for Libya no-fly zone" *Foreign Policy*. 25 Feb. 2011.

<http://thecable.foreignpolicy.com/posts/2011/02/25/over_200_arab_groups_call_for_libya_no_fly_zone>

³²⁰ "UN Security Council Imposes Sanctions Against Libya's Qaddafi" *Bloomberg Businessweek*. 27 Feb. 2011.

<<http://www.businessweek.com/news/2011-02-27/un-security-council-imposes-sanctions-against-libya-s-qaddafi.html>>

³²¹ "Libyan regime 'lost legitimacy'—Arab League" *Agence France-Presse*. 13 March. 2011.

<<http://newsinfo.inquirer.net/breakingnews/world/view/20110313-325099/Libyan-regime-lost-legitimacyArab-League>>

urging the UN Security Council to shoulder the responsibility of protecting Libyan civilians.³²² Citing Qaddafi's use of "heavy weapons against civilians", the employment of foreign mercenaries against his own people, and the rejection of humanitarian aid packages, the GCC went so far as to call for an end to Qaddafi's rule.³²³ The following day the Arab League voted unanimously to establish a NFZ over Libya. The secretary general of the Arab League, Amr Moussa, declared that the limited military engagement was a matter of "humanitarian action," and was the only way of "supporting the Libyan people in their fight for freedom against a regime that is more and more disdainful."³²⁴ Even the Organization of Islamic Conference (OIC)—a 57-member state group not least famous for their democratic accomplishments—supported a NFZ intended to protect civilians from air raids.³²⁵

Perhaps even more important is the popular support for the Libyan opposition. As the Arab Spring creates a new global cultural paradigm, human dignity, democracy, and more participatory involvement in the political process are becoming unifying ideals amongst the youthful Middle Eastern and North African population. Many young Arabs have called for intervention in Libya in part to renew hopes in the wilting Arab Spring. Shadi Hamid, Director of Research at the Brookings Doha Center, points out that Arab popular support for the Libyan intervention far exceeds that of the Iraq war in 2003.³²⁶ In an April poll of 1,000 people across 16 Arab states, only 10% of respondents still thought that Qaddafi's regime was legitimate—compare that to 41% backing the NTC. The same poll found that

³²² "GCC: Libya regime lost legitimacy" *Al Jazeera*. 11 March. 2011.

<<http://english.aljazeera.net/news/middleeast/2011/03/2011310211730606181.html>>

³²³ Shaheen, Kareem. "GCC wants no-fly zone over Libya" *The National*. 8 March. 2011.

<<http://www.thenational.ae/news/uae-news/politics/gcc-wants-no-fly-zone-over-libya>>

³²⁴ Freeman, Colin. "Libya: Arab League calls for United Nations no-fly zone" *The Telegraph*. 12 March. 2011.

<<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8378392/Libya-Arab-League-calls-for-United-Nations-no-fly-zone.html>>

³²⁵ "OIC plans to support no-fly zone over Libya" *Gulf News*. 16 March. 2011. <<http://gulfnnews.com/news/gulf/saudi-arabia/oic-plans-to-support-no-fly-zone-over-libya-1.778130>>

³²⁶ "Ask a Think Tank: Brookings' Shadi Hamid on Arab Support in Libya" *Think Tanked*. 21 March. 2011.

<<http://www.thinktankedblog.com/think-tanked/2011/03/ask-a-think-tank-brookings-shadi-hamid-on-arab-support-in-libya.html>>

75% supported the *forcible* removal of Qaddafi from power, although most would have liked to see Arab governments take the lead in mounting the operation. The poll also revealed that the majority of Arabs showed greater support than opposition for NATO's NFZ over Libya—many stating that: “Arab states can't react in a timely and effective manner; and Arab states are unable to play any role due to the wave of revolutions.”³²⁷

Finally, while the African Union officially recognized the NTC as the sole legitimate representative of the Libyan people in September,³²⁸ some have argued that the international community had largely ignored the AU's continued opposition to the NFZ. We point out that three prominent African countries (Nigeria, Gabon, & South Africa) voted in favor of UNSCR 1973,³²⁹ and China's statement clearly underscored its decision to abstain (as opposed to 'veto') the resolution by directly citing their “consideration of the wishes of the Arab League *and* the African Union.”³³⁰ Granted, the African Union has never been a very effective regional group. Yet to their credit, the Peace and Security Council of the African Union, “strongly [condemned] the indiscriminate and excessive use of force and lethal weapons against peaceful protesters, in violation of human rights.”³³¹ But with a big membership, a huge diversity of situations, and conflicts of interest by way of boundless favors from the Qaddafi regime, it does not have a very robust platform in international affairs. Since Qaddafi's instrumental leadership in establishing the AU ten years ago,³³² his

³²⁷ “Huge majority of Arabs want Gaddafi removed from power” *The Doha Debates*. 18 May. 2011.
<<http://www.thedohadebates.com/news/item.asp?n=12791>>

³²⁸ Martinez, Andres R. Franz Wild. *Bloomberg News*. 20 Sep. 2011. “African Union Recognizes National Transitional Council as Libya Authority” <<http://www.bloomberg.com/news/2011-09-20/african-union-recognizes-national-transitional-council-as-libya-authority.html>>

³²⁹ “Libya: Nigeria votes in favour of no-fly resolution” *Reuters*. 18 May. 2011.
<<http://www.vanguardngr.com/2011/03/libya-nigeria-votes-in-favour-of-no-fly-resolution/>>

³³⁰ “Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions” *UN Department of Public Information*. 17 March. 2011.
<<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>>

³³¹ “Libya: Africa's Rights Body Should Act Now” *Human Rights Watch*. 25 Feb. 2011.
<<http://www.hrw.org/news/2011/02/25/libya-africa-s-rights-body-should-act-now>>

³³² St. John, Ronald Bruce (p.229) “Libya: From Colony to Independence.” Oxford: Oneworld, 2008. Print.

far-reaching influence through deep financial ties has been widely reported on.³³³ The *Financial Times* referred to Qaddafi's relationship with the continent as a "complex web of allegiances he has cultivated both among governments and paramilitary and insurgent groups."³³⁴ The same article goes on to describe the extent of his influence across Africa:

Col Gaddafi has commercial, military and political footprints across much of the continent, where he has concentrated efforts at extending Libyan influence since giving up on promoting Arab unity in the 1990s. He has channeled billions of dollars of investment into as many as 31 African states and provided backing to numerous African politicians and leaders.

[Gaddafi calls in favours from Africa, *Financial Times*, 3.27.2011]

To be fair many African countries distanced themselves from Qaddafi early on in the military campaign.³³⁵ However, consider that in the previously mentioned poll, a staggering 97% of Libyans did not see the African Union as a neutral mediator to resolve the Libyan crisis.³³⁶ Their suspicion comes with good reason. In February of 2009 he was appointed chairman, even though his election caused "unease among some of the group's member nations."³³⁷ Qaddafi worked hard to create strong bonds with the leaders of the 54 member countries in hopes that he would someday realize his long-standing dream of a unified pan-African state rivaling the EU and US.³³⁸ In light of the African Union's political history, it's clear that the regional group could not be separated from its close ties to the Qaddafi regime.

³³³ Chothia, Farouk. "What does Gaddafi's death mean for Africa?" *BBC News*. 21 Oct. 2011. <<http://www.bbc.co.uk/news/mobile/world-africa-15392189>>

³³⁴ "Gaddafi calls in favours from Africa" *The Financial Times*. 27 March. 2011. <<http://www.ft.com/intl/cms/s/0/488d4fc6-5898-11e0-9b8a-00144feab49a.html#axzz1eJ9cTg6H>>

³³⁵ "The Arab Spring: Hopes and Challenges" *The Brookings Institution*. 6 June. 2011. <http://www.brookings.edu/~media/Files/events/2011/0606_juppe/20110606_arab_spring_juppe.pdf>

³³⁶ "Eastern Libyans believe in national unity, distrust AU and Turkish mediation, survey reveals" *English.Libya.TV*. 25 April. 2011. <<http://english.libya.tv/2011/04/25/eastern-libyans-believe-in-national-unity-distrust-au-and-turkish-mediation-survey-reveals/>>

³³⁷ Polgreen, Lydia. "Qaddafi, as New African Union Head, Will Seek Single State" *The New York Times*. 2 Feb. 2011. <<http://www.nytimes.com/2009/02/03/world/africa/03africa.html>>

³³⁸ Gettemen, Jeffrey. "Libyan Oil Buys Allies for Qaddafi" 15 March. 2011. <<http://www.nytimes.com/2011/03/16/world/africa/16mali.html>>

[8.3.d]

Multilateral Coalition

Approved (10)	Abstained (5)	Opposed (0)
<ul style="list-style-type: none"> •  Bosnia and Herzegovina •  Colombia •  France •  Gabon •  Lebanon •  Nigeria •  Portugal •  South Africa •  United Kingdom •  United States 	<ul style="list-style-type: none"> •  Brazil •  China •  Germany •  India •  Russia 	

Figure 1: Breakdown of the UNSCR 1973 vote

Pledging political support and promising military participation are often mistakenly conflated in the realm of coalition building. Due to great American unease over another US intervention,³³⁹ the Obama Administration focused their sights on the former, thereby building a coalition based on *formal multilateralism*. Learning from the mistakes of Iraq in 2003, Obama sought broad political endorsements for the intervention, signaling to the international community that the Libyan campaign was not going to be another Western unilateral inquisition. Although Resolution 1973 had five abstentions, the Security Council passed it without opposition. For the first time in the UN's history, the body had passed a "blanket resolution"—limited by neither scope nor time—authorizing the use of force in order to protect civilians.³⁴⁰ However, because UNSCR 1973 explicitly ruled out the possibility of "a foreign occupation force of any form on any part of Libyan territory,"³⁴¹ individual pledges for military contributions were limited to those countries that were both willing *and* possessed the capabilities of advanced aircraft and naval vessels. Therefore, the

³³⁹ Landay, Jonathan S. "Despite reluctance, U.S. could be forced to act in Libya" 2 March. 2011.

<<http://www.mcclatchydc.com/2011/03/02/109737/despite-reluctance-us-could-be.html>>








³⁴⁰ "Protection of Civilians – France ONU" <<http://www.franceonu.org/spip.php?article4091>>

³⁴¹ "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions" *UN Department of Public Information*. 17 March. 2011.

<<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>>

operational multilateralism—that which concerns actual military inputs—was largely made up of NATO’s more militarily robust member states, along with a few Arab partners providing airpower. Since we’ve covered the formal multilateralism demonstrated by broad Arab state support, the subsequent tables provide the empirical evidence of operational multilateralism in terms of the shared military and humanitarian contributions.

TABLE 1: ROUGH ASSESSMENT OF MILITARY CONTRIBUTION BY COUNTRY³⁴²

	Jets	Naval Frigate	Medical Team	Refueling Airplane	Transport Plane	Helicopters	Maritime Aircraft	Refueling Tanker	Submarine	Miscellaneous
Belgium 	6									
Bulgaria 		1	2							Naval special forces
Canada 	7	2		2	4		2			Special forces
Denmark 	6				1					
France 	33	5				38		2	1	
Greece 		1				2				Airborne radar
Italy 	12	4		2						

³⁴² “2011 military intervention in Libya: Forces Committed” 8 November, 2011. <<http://goo.gl/iYOrC>>

Jordan 	6									
Netherlands 	6	1								
Norway 	6									
Qatar 	6				2					Brigade training
Romania 		1								
Spain 	6	1		2			2		1	
Sweden 	8			1						Airborne radar
Turkey 	6	5							1	
U.A.E. 	12									
U.K. 	29	5			Yes (#?)	4		2	2	Minesweeper; special forces
U.S.* 	90	11		Yes (≥3)						Special forces; drones

Note: In a little more than two weeks, the US officially relinquished operational control and withdrew its strike aircraft, transitioning into providing a supporting role.

TABLE 2: SURVEY OF THE HUMANITARIAN AID BY COUNTRY³⁴³

Donor	Commitments Total (cash and in-kind) US\$	In-kind Assistance (MIC/CECIS) Main items
1. Austria	1,627,077	Health kits, kitchen sets
2. Belgium	1,414,849	Plane for repatriation
3. Bulgaria	197,584	Plane for repatriation
4. Czech Republic	141,485	
5. Denmark	6,854,507	Experts
6. Estonia	141,485	
7. Finland	4,032,321	Blankets, tents, medical team
8. France	4,163,313	Planes, vessels, medicines
9. Germany	14,026,620	Planes, vessels, sanitation
10. Greece	2,349,714	
11. Hungary	72,440	Plane, experts
12. Ireland	1,414,849	Blankets, tents
13. Italy	5,662,186	Planes, tents
14. Lithuania	20,488	
15. Luxembourg	1,524,783	Expert
16. Malta	609,728	Planes for repatriation
17. Netherlands	3,537,124	
18. Poland	391,959	
19. Slovenia	70,742	
20. Spain	9,347,617	Planes, medical post
21. Sweden	22,441,480	Planes, tents, sanitation
22. United Kingdom	19,315,431	Planes, vessels
ECHO (Humanitarian Aid department of European Commission)	99,039,459	
Co-financing requested by 8 participating states*	14,960,737	Transport co-financing requests
European Union Total	\$213,357,978	

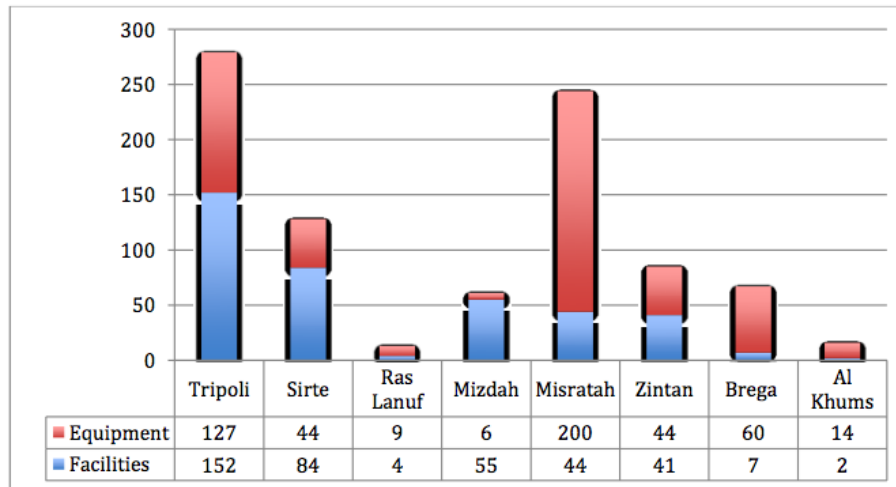
*Note: *8 participating states are Belgium, Bulgaria, France, Hungary, Italy, Malta, Spain and Sweden*

IV. OPERATIONAL FEASIBILITY [8.4]

While military intervention is never an ideal political solution, certain factors can make a purely air-enforced intervention more operationally feasible. In the case of Libya, favorable ground conditions as well as a local partnership with the rebels on the ground ensured that civilian casualties were significantly minimized. Moreover, since the NTC's

³⁴³ "Humanitarian aid in Libya: how much has each country donated?" *The Guardian*. 22 Aug. 2011. <<http://www.guardian.co.uk/news/datablog/2011/aug/22/libya-humanitarian-aid-by-country>>

administrative leadership was organized and united by mid-March, coalition forces could count on a legitimate political partner during the highly volatile transitional stages. This section will review what made the Libyan case operationally suited for enforcing UNSCR 1973.



Note: Equipment includes SAMs and all associated facilities including stores and radars

(Source: NATO)

Figure 6: NATO's targeting of Qaddafi's equipment

At only 6.4 million people,³⁴⁴ Libya's population is very small for how vast its territory is. Libya has the 4th lowest population density in Africa, and the 10th lowest in the world.³⁴⁵ The CIA World Fact Book describes the expansive Libyan territory as "mostly barren", with "flat to undulating plains, plateaus, and depressions".³⁴⁶ These topographical features represent the best possible landscape conditions for calculated airstrikes. Since major air bases are geographically removed from large city centers like Tripoli and Benghazi, preemptively bombing these targets proved to be relatively easy for coalition partners.³⁴⁷

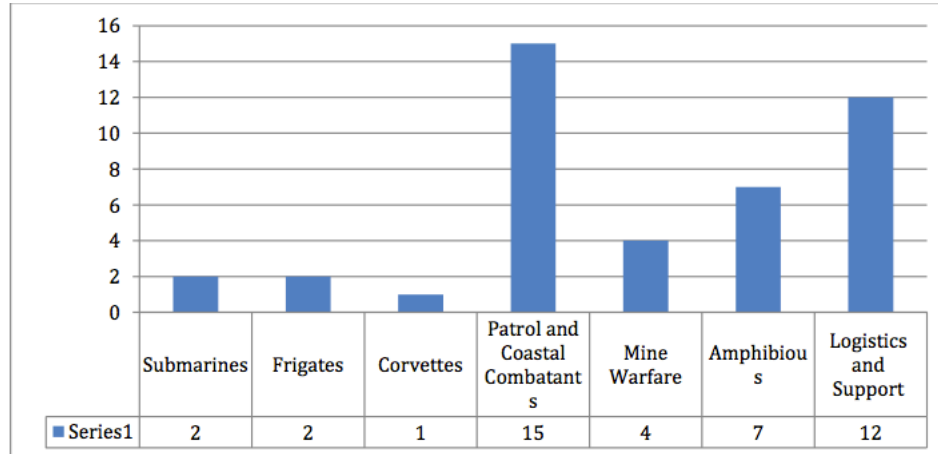
³⁴⁴ "World Development Indicators | Data" *The World Bank*. September 2011. <http://data.worldbank.org/data-catalog/world-development-indicators?cid=GPD_WDI>

³⁴⁵ "World Population Prospects: the 2008 Revision" *The United Nations: Development*. 2008. <http://www.un.org/esa/population/publications/wpp2008/wpp2008_text_tables.pdf>

³⁴⁶ "The World Fact Book: Field Listing: Terrain" *Central Intelligence Agency*. November 2011. <<https://www.cia.gov/library/publications/the-world-factbook/fields/2125.html>>

³⁴⁷ [P.18] Vira, Varun; Anthony H. Cordesman; and Dr. Anthony H. Cordesman. "The Libyan Uprising: An Uncertain Trajectory" *Center for Strategic and International Studies*. 20 June. 2011. <http://csis.org/files/publication/110620_libya.pdf>

Notice that the Figure 6 above shows the coalition’s efforts to neutralize the ground exchange by targeting military capital in the first few weeks of the campaign. Next, compare the Figure 7 below with Table 1 (see section: Multilateral Coalition, p.12), and it becomes clear that the Libyan Navy’s pre-war resources were no-match for the coalition forces’ naval contributions



(Source: “The Military Balance in 2011, IISS)

Figure 7: Libyan Navy statistics pre-War 2011

On the Table

Numerous bases and assets are available to support an airstrike on Libya, which has a small military and a handful of air-defense stations.

Bases that may be used

While locations have not been disclosed, military analysts say these are the most likely.

Battlefield

- CONTROLLED BY GADHAFI FORCES
- REBELS CLAIM TO CONTROL
- ♦ GROUND ASSAULT BY GADHAFI FORCES

Weapons that may be used

AMONG THE AIRCRAFT
Some possible models that could be launched: British E-3 Sentry surveillance craft; U.S., Belgian and Danish F-16 fighters; French Mirage fighters; British Tornado and Typhoon fighters.

AMONG THE SHIPS
In the region: Canadian, British, Dutch and Italian guided-missile frigates. French and U.S. guided-missile destroyers. A U.S. nuclear-powered submarine and two more guided-missile destroyers being deployed.

Pro-Gadhafi forces

- 40 JETS
Including Su-22 and MiG-23
- 32 SURFACE-TO-AIR MISSILE SITES
Including SA-2, SA-3 and SA-5
- 12 SHIPS
Including an Al Hanan class frigate
- 6,000-10,000 PERSONNEL
Including militias and mercenaries
- 160 TANKS
Including T-72 and T-55

Sources: GlobalSecurity.org; Center for Strategic and International Studies; International Institute for Strategic Studies; news reports

The table found above (*On the Table*) was released in anticipation of NATO's enforcement of UNSCR 1973. It further proves that Qaddafi's forces posed no serious threat to the combined military capabilities of the coalition. His 40 outdated jets and 12 ships were both quantitatively and qualitatively inferior to the 195 aircrafts and 18 ships that the coalition had pledged by the beginning of April.³⁴⁸ Yet, where Qaddafi's forces lacked sea and airpower, they made up for in ground control. In addition to the 160 tanks at their disposal, the Qaddafi forces enjoyed greater military training and organization than the rebels. But due to Qaddafi's paranoia of the threat from coup d'états, Libya lacked a serious long-term investment in military infrastructure:

Historically, Libya invested in equipment and facilities rather than sound manpower infrastructure, and support base. This seriously hurt military effectiveness and morale, particularly after a decisive defeat in Chad at the hands of lightly armed Chadian forces. Its forces further declined in quality, and any reform attempts were token gestures with negligible impact on overall force quality, and certainly not resembling the scale of structural and ideological change needed for army-wide impact.

[Center for Strategic and International Studies, *The Libyan Uprising*, 6.20.2011]

The fact that 25,000 mercenaries have been reported to be operating in Libya is a testament to the overall weakness of pro-Qaddafi forces.³⁴⁹ Because he could no longer rely on ideological support, he became dependent on hired guns to fight in his name. Since UNSCR 1973 strictly prohibited NATO from sending in ground forces, it relied heavily on coordination with the Libyan rebel opposition and Special Forces. This partnership proved to be very effective in swiftly striking key military facilities before they were at risk of being used against the Libyan people (see Figure 6). The relative inferiority of the loyalist forces was only compounded by the practically ideal demographic conditions on the ground.

³⁴⁸ [P.20-37] Vira, Varun; Anthony H. Cordesman; and Dr. Anthony H. Cordesman. "The Libyan Uprising: An Uncertain Trajectory" *Center for Strategic and International Studies*. 20 June. 2011. <http://csis.org/files/publication/110620_libya.pdf>

³⁴⁹ [P.21] Vira, Varun; Anthony H. Cordesman; and Dr. Anthony H. Cordesman. "The Libyan Uprising: An Uncertain Trajectory" *Center for Strategic and International Studies*. 20 June. 2011. <http://csis.org/files/publication/110620_libya.pdf>

While some have argued that Libya's past tribal influence during its colonial years makes it susceptible to falling into sectarian divide, we find these concerns to be rather anachronistic. Qaddafi's forty-two years left Libya's tribes completely stripped of political power.³⁵⁰ Modernizing economic forces like labor mobility and specialization further diminished tribal influences in Libyan society. With an urbanization rate of 78%, Libyans are largely disconnected from their tribal history and it is not a primary means of identification.³⁵¹ Similarly, with a median age of 24.5,³⁵² there is a generational disconnect from tribalism since most Libyans have no memory of when it was prevalent. Moreover, the homogeneity of the population makes it extremely unlikely that religious and ethnic factions can absorb the momentum of the revolution. Libya has a largely uniform demographic breakdown with; 97% of its people being either Arabs or Berbers;³⁵³ 95% of the population speaking Arabic,³⁵⁴ and 97% of Sunni Muslim faith.³⁵⁵ Qaddafi helped to enforce the religious homogenization of his former subjects by adopting a law that had limited one church per each foreign denomination per city.³⁵⁶

Qaddafi saw all extremist elements outside of his regime as potential threats to his power. He responded with heavy state crackdown on Islamic extremists, thereby virtually exterminating their influence in all populated regions of Libya.³⁵⁷ The few parts of the

³⁵⁰ Kurczy, Stephen; Drew Hinshaw. "Libya tribes: Who's who?" *The Christian Science Monitor*. 24 Feb. 2011.

<<http://www.csmonitor.com/World/Backchannels/2011/0224/Libya-tribes-Who-s-who>>

³⁵¹ Frederic Wehrey, "Libya's Terra Incognita," *Foreign Affairs*, February 28, 2011.

³⁵² "The World Fact Book: Africa: Libya" *Central Intelligence Agency*. 17 Nov. 2011.

<<https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html>>

³⁵³ Gleitz, Chloe. "Regionalism, ethnicity, and tribes in the trial of Libya's democratic transition" *Consultancy Africa Intelligence*.

17 Oct. 2011. <http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=872:regionalism-ethnicity-and-tribes-in-the-trial-of-libyas-democratic-transition-&catid=60:conflict-terrorism-discussion-papers&Itemid=265>

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³⁵⁴ "As Libya cheers, questions over brutal Gadhafi death" *CTV News*. 22 Oct. 2011.

<<http://www.ctv.ca/CTVNews/TopStories/20111022/libya-transitional-government-liberation-111022/>>

³⁵⁵ "The World Fact Book: Africa: Libya" *Central Intelligence Agency*. 17 Nov. 2011.

<<https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html>>

³⁵⁶ "Libya: Country Reports on Human Rights Practices" *U.S. Department of State: Bureau of Democracy, Human Rights, and Labor*. 4 March. 2002. <<http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8273.htm>>

³⁵⁷ Vira, Varun; Anthony H. Cordesman; and Dr. Anthony H. Cordesman. "The Libyan Uprising: An Uncertain Trajectory" [P.68] *Center for Strategic and International Studies*. 20 June. 2011. <http://csis.org/files/publication/110620_libya.pdf>

country that might be responsive to extremist ideology are the least populated, educated, and developed places of the desert. In general, Libya is more educated and secular than its neighbors—making it much less susceptible to the influence of Islamic extremism.³⁵⁸ With a population that has a literacy rate of 86.8%,³⁵⁹ the highest Human Development Index (HDI) on the African continent,³⁶⁰ and a largely “internet savvy” youth,³⁶¹ there is little evidence to suggest that extremist elements can hijack the revolution.

The NTC and the rebel opposition have been clear since the beginning of the revolution that they want a unified Libya with Tripoli as its capital. While there have been reports of the dueling legitimacies disagreeing over the process in which the country’s political order will be rebuilt,³⁶² the NTC has laid out a smart political roadmap towards democracy that incorporates the disarming of brigades in exchange for educational benefits and political participation.³⁶³ NTC officials studied closely the faults of the Iraq political process, and are ensuring that political inclusion is central to the reconciliation that will ensue. Their hope is to continue to build on the current of unified Libyan popular support. The aforementioned Libyan popular opinion poll reminds them that: “98% of Libyans do not favor a sectarian divide. In addition, 94% said that Al-Qaeda had not played any role in the 17th of February revolution, and 91% thought it impossible for Al-Qaeda to play any

³⁵⁸ Ibid. [P.69].

³⁵⁹ “Education for All Global Monitoring report 2010” *United Nations Educational, Scientific, and Cultural Organization*. 2010. <<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-intro.pdf>>

³⁶⁰ “Libya – African Economic Outlook” *African Economic Outlook*. 22 June. 2011. <<http://www.africaneconomicoutlook.org/en/countries/north-africa/libya/>>

³⁶¹ Jawad, Rana. “Tripoli celebrates, but on a smaller scale” *BBC News*. 23 October. 2011. <<http://www.bbc.co.uk/news/mobile/world-africa-15424278>>

³⁶² Ghannoushi, Soumaya. “Dueling legitimacies in Libya” *Al Jazeera: Opinion*. 16 Sep. 2011. <<http://www.aljazeera.com/indepth/opinion/2011/09/201191471810380175.html>>

³⁶³ “The Future of Libya: A View from the Opposition” *The Brookings Institution*. 12 May. 2011. <http://www.brookings.edu/~media/Files/events/2011/0512_libya/20110512_libya.pdf>

political role in the new Libya.”³⁶⁴ Lastly, the NTC has taken many precautions that stem from the lessons from Iraq and the sectarian divide that arose after inclusion was not made a priority in the political system. By encouraging pluralism in a very homogeneous state, they are protecting themselves from the mistakes seen in previous interventions.

V. TWO BIG CRITICISMS OF NATO’S OPERATION [8.5]

Allegation of “Mission Creep”

Some have accused NATO of overstepping its mandate to protect civilians because of its engagement in offensive operations following the bombing campaign in March. Many point out that UNSCR 1970 & 1973 were not adopted for regime change, but rather for the explicit purpose of protecting the Libyan people. However, as we have already previously acknowledged, the language of the resolutions was clear in that it permitted “all necessary measures” to protect civilians. This language is quite commonly used in the United Nations, and is well understood to encompass offensive military action if it is to prevent further indiscriminate attacks on vulnerable populations.³⁶⁵ We recall that even after NATO’s engagement in Libya, Qaddafi regime tanks and forces did not relent or pullback, instead they continued to advance and indiscriminately shell civilians.³⁶⁶ UNSCR 1973 permitted strikes on both Qaddafi loyalist equipment *and* on the forces themselves since they proved to pose an existential threat to lives of civilians through continued assault by heavy artillery and tanks. Had the government forces retreated, relented, or even complied with the cease-fire agreements they agreed to, NATO would have been forced to avoid any offensive strikes.

³⁶⁴ “Eastern Libyans believe in national unity, distrust AU and Turkish mediation, survey reveals” *English.Libya.TV*. 25 April. 2011. <<http://english.libya.tv/2011/04/25/eastern-libyans-believe-in-national-unity-distrust-au-and-turkish-mediation-survey-reveals/>>

³⁶⁵ “International Responsibility After Libya.” Washington D.C.: *The Brookings Institution*, 2012. Web. 22 Feb. 2012.

³⁶⁶ Karam, Souhail. “Gaddafi forces shell Misrata hours after ceasefire.” *Reuters* 18 Mar 2011, Web. 27 Feb. 2012. <<http://www.reuters.com/article/2011/03/18/us-libya-misrata-bombard-idUSTRE72H74K20110318>>.

Furthermore, we recall that NATO never introduced ground troops and since the entire operation was being conducted from the air, regime change was *bilateral* in nature since it was ultimately the Libyan rebel forces that fought Qaddafi's mercenaries and advanced—in the end capturing Qaddafi and his son Saif al-Islam.³⁶⁷

Allegation of “War Crimes”

Allegations of “war crimes” are particularly poignant since the whole reason for NATO intervening in Libya was to protect civilians in the first place. A Report by the Arab Organization for Human Rights, together with the Palestinian Centre for Human Rights and the International Legal Assistance Consortium, has alleged that NATO's bombings amounted to such mass atrocities.³⁶⁸ Although Libyans themselves do not seem to vocal critics of the NATO airstrikes (besides some mentioning they came *too late*), a few human rights organizations have denounced the NATO operations for “war crimes” concerning the bombing of Sirte. Yet out of the 26,500 sorties, “including some 7,500 strike sorties against Qaddafi's troops and military infrastructure,”³⁶⁹ the most critical estimates put NATO's total civilian death toll at between only 40 to 70 people.³⁷⁰ NATO does not take civilian deaths lightly and went into Libya knowing full well that it was going to be scrupulously assessed. Consider that nearly two-thirds of intended strike sorties were ultimately cancelled because of the risk of civilian loss.³⁷¹ A zero-casualty rate is an improbable reality of *any* intervention—let alone one conducted from the sea and air. While independent fact-finding missions bring transparency and must be encouraged, the term “war crimes” should not be used to describe events that do not refer to the *systematic* violations of international

³⁶⁷ Gumuchian, Marie-Louise. "Gaddafi's son captured, scared and without a fight." Reuters 19 Nov 2011, n. pag. Web. 27 Feb. 2012. <<http://www.reuters.com/article/2011/11/19/us-libya-idUSTRE7AI0G820111119>>.

³⁶⁸ Shabi, Rachel. "Nato accused of war crimes in Libya." *Independent* 19 Jan 2012, n. pag. Web. 27 Feb. 2012.

³⁶⁹ "International Responsibility After Libya." Washington D.C.: *The Brookings Institution*, 2012. Web. 22 Feb. 2012.

³⁷⁰ Shabi, Rachel. "In Strikes on Libya by NATO, an Unspoken Civilian Toll ." *New York Times* 17 Dec 2011, n. pag. Web. 27 Feb. 2012.

³⁷¹ Shabi, Rachel. "Nato accused of war crimes in Libya." *Independent* 19 Jan 2012, n. pag. Web. 27 Feb. 2012.

humanitarian law. While Qaddafi spokesmen attempted to release fraudulent cases of NATO systematically bombing civilian centers, there is absolutely no reliable evidence that points to NATO strikes doing anything other than attempting to protect the Libyan people. When studying R2P it is important to differentiate “mass crimes,” from the operational failure of one strike sortie. Regardless, there are two ongoing independent investigations that are being conducted to investigate NATO’s actions in Libya. The first is by the UN Human Rights Council (scheduled to be released March 2012), and the second is by the International Criminal Court. The UN Human Rights Council report should offer a very detailed picture of the valid allegations against NATO, thereby informing any future decision of the UN to call on NATO in future humanitarian missions. At the International Criminal Court, Chief prosecutor Luis Moreno-Ocampo has declared that he intends to hold both the rebel and NATO forces fully accountable for serious breaches of international humanitarian law.³⁷²

VI. THE FUTURE OF R2P: FOCUSING ON PREVENTION [8.6]

Former Balkans & East European specialist for the US State Department and Columbia Professor, Jon Western, argues that R2P and its predecessor “humanitarian intervention” are crucial contributions to the: “dramatic expansion of norms, institutions, and practices that protect civilian populations during conflict [and have] been critical to saving lives across the globe.”³⁷³ Our study of R2P’s proper application in Libya corroborates Western’s point, and our review of R2P’s application in other instances underscores his bigger point of emerging standards of international humanitarian law. While R2P is simply a normative principle, its continued acceptance throughout the world has the potential to change the existing human security and human rights landscape. Consistent

³⁷² "Russia and U.S. clash over NATO bombing probe" *Al Arabiya News - The Associated Press* 23 Dec 2011, Web. 27 Feb. 2012. <<http://www.alarabiya.net/articles/2011/12/23/184124.html>>.

³⁷³ Western, Jon. "Protecting States or Protecting Civilians." *The Massachusetts Review*. 52.2 (Summer 2011): 348-357. Print.

application of the principle, especially in its preventions capacities, has the potential of being just as important as the UN Declaration of Human Rights (UNDHR). Like the UNDHR, many once dismissed it as being irrelevant, non-binding, and having no concrete mechanisms for enforcement. Today however, the UNDHR is the basis for the drafting of many constitutions around the world, and has led to the adoption of many binding international treaties such as the European Convention on Human rights (1950), the International Covenant on Civil and Political Rights (1976), and the International Covenant on Economic, Social and Cultural Rights (1976).

Presenting his “Five Year Action Agenda” last month, Secretary-General Ban Ki-moon declared that his plan puts “prevention at the very center of our work, from development to peace and security, to protecting human rights and advancing democracy.”³⁷⁴ In a speech to the Stanley Foundation he stressed R2P’s need to focus on prevention as opposed to reaction. The Secretary-General reiterated the importance of regional and sub-regional powers such as the leadership from the African Union and the Economic Community of West African States (ECOWAS)—pointing to their vital part in the response to the post-election conflict in Cote d’Ivoire last year. Ban Ki-moon also pointed to the implementation of R2P in Yemen, South Sudan, and Libya, saying that the UN’s actions helped to give “hope to people long oppressed.”³⁷⁵ He then asked those in the room to “join [him] in making 2012 the Year of Prevention.” By calling on civil society organizations, regional organizations, and international institutions to assist States under stress before crises and conflict break out, the Secretary-General hopes to create an environment of proactive humanitarianism. Herein lies the future of R2P, one of early engagement in which early

³⁷⁴ <http://www.unisdr.org/archive/24847>

³⁷⁵ “Address to Stanley Foundation Conference on the Responsibility to Protect.” *UN News Centre* 18 Jan 2012, n. pag. Web. 27 Feb. 2012.

warning mechanisms are ideally not needed because incitement of violence is addressed before it has the power to mobilize bloodshed. The goal is to catch potential risks early through greater coordination with regional groups and by engaging early in troubled countries. Regional peacekeeping operations have already been long in effect (Figure 4.3), but preventative mechanisms for promoting security and encouraging economic development are only now becoming integral parts of the United Nations' mission.

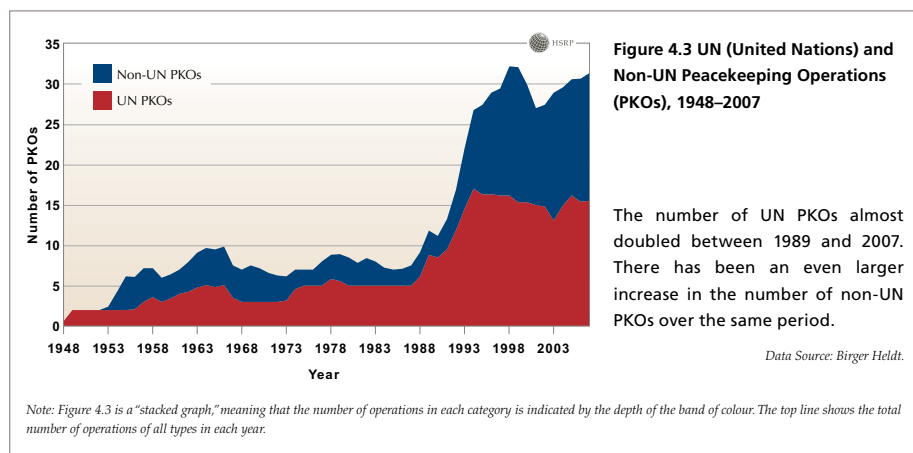


Figure 4.3: UN and Non-UN Peacekeeping Operations, 1948-2007

I. CONCLUDING STATEMENTS [8.7]

It's far too early to declare Libya "Mission Accomplished". While Qaddafi supporters no longer pose a threat to the transitional government, Libyans must now manifest their democratic aspirations. Having absolutely no political institutions to build-up from could be seen as both a blessing and a curse. Although this limits the footprint of the former regime on Libya's future, many question whether the NTC can build transitional bodies that encourage stability *and* have mechanisms for accountability. Similarly, the massive oil and natural gas endowment can act as either a great strength or a great weakness. In the past countries blessed with the "oil curse" have been reduced to failed states as there

is a tendency for the natural resource to be used as a political tool used by demagogues. Conversely, if Libya learns from Norway's history and outlaws political campaign promises over oil, its exports can feed into a long-term state sovereign wealth fund and lead to development and a diversification of the economy. Alyson Singh's subsequent paper will focus narrowly on the future of Libya and what role NATO might play in state and institutional capacity building. While we have yet to see if Libya can succeed in becoming a democratic model for the Arab world, this analysis has shown that *without* NATO's coalition intervention the mere prospect of a Libyan democracy would have been inconceivable, and the international community would have effectively permitted a massacre.

Chapter 9

THE FUTURE OF NATO IN LIBYA

On October 31 2011, NATO officially ended its military operation in Libya. However, Libya has the chance to become a model of a functioning democracy in the Middle East in the wake of a political revolution. NATO and its member countries must find a way to balance the wishes of the Libyan people and prevent Libya from falling again into chaos. While the current situation in Libya is chaotic and unpredictable, Libya needs a starting point, and this paper will outline what foreign observers will be looking for in Libya concerning specific challenges. While the situation is still chaotic, there is an optimistic future if Libyans take the time to establish legitimacy and build solid institutions. Libya has no civil society or state administration institutions, and those institutions must be built to create a legitimate Libyan government. First Libya must take the steps to form a constitution, followed by elections. However, as they take those steps they must deal with 4 main challenges—demographic changes, economic development, management of oil wealth, and a creation of psychological-political unity among citizens of Libya. After this detailing of the optimistic future of Libya, I will provide policy recommendations on what NATO's involvement in Libya should be while keeping in mind the challenges to a Libyan democracy. This Paper will make the following recommendations: 1) NATO should keep a small naval presence outside of Libya to protect international borders; 2) NATO and its member states should emphasize disarmament of the Libyan population through incentives rather than direct military force; and 3) NATO and its member states should offer advisory roles in Libya's state-building process. The point of my paper is to indicate what obstacles must be overcome to establish the best possible outcome after the overthrow of Qaddafi. It is an optimistic look at the future of Libya from the ending point of Francis Romain's paper.

I. POLITICAL TIMELINE FOR LIBYA AND THE NTC [9.1]

The interim National Transitional Council (NTC) must call for the convening of a National Congress. This congress will be “composed of members of all regions of Libya, all cities and towns. Taking into consideration the relative demographic weight of each town and city”³⁷⁶ and will be responsible for selecting the committee to write up a constitution. This constitution will detail the election for both parliament and the president and must balance the power between the different institutions. After the approval of the constitution, there should be a fair election of parliament. Two months after the parliamentary elections, there should be a presidential election. This is a recommendation for a positive outcome, not a prediction of a positive one. The most important thing about this constitution as well as the current NTC is inclusion, meaning any Libyan citizen should be given a fair chance to be part of the rebuilding process. Only with inclusion will Libya be able to establish legitimacy. The government should include experts from diverse background including policy makers, economists and technocrats as well as include representatives from all geographic areas of Libya. During the uprisings, Qaddafi’s main strongholds were in the Western area of Tripoli, while the rebels were concentrated in the east. However, the interim government, in order to represent democratic values, should represent both the east and west. Unfortunately the NTC’s members are still biased towards the eastern areas of Benghazi. For example, Benghazi has nine representatives in the NTC while Tripoli, twice its size, only has five.³⁷⁷ As I will discuss later, creating a psychological unity among the Libyan population is essential in creating a legitimate Libyan government and that goal will be derailed if there is a perceived division between the east and the west. The interim government should also include a mix of the current NTC as well as the old

³⁷⁶ Mahmoud Elwarfally, “The Future of Libya: A View from the Opposition” (Interview, Brookings Institution).

³⁷⁷ “Libya’s New Regime: Who’s in Charge?”, (The Economist, September 11, 2011).

regime. The experience of those old members of the regime, especially in vital sectors like economics, should not be ignored. Even Noman Benotman, the former leader of the Libyan Islamic Fighting Group (LIFG), a Islamic organization that fought against Qaddafi's regime in the 1990s, argued "To manage the bumpy transition toward democracy, elements formerly close to the Qaddafi regime will also have to be included"³⁷⁸. However, even though the new regime should include qualified members from Qaddafi's regime, it would be the best possible solution to establish a criterion of non-violence in the rebuilding process.³⁷⁹ Dr. Mahmoud Gibril Elwarfally, interim prime minister of the Libyan National Transitional Council has stated that the interim national congress should also include "two or three elements from security, military officers, a judge from the Supreme Court and importantly a group from civil society".³⁸⁰ Since the Libyan revolution was a grass roots revolution it is important to include those in the civil society regardless of social and political background as to prevent another elitist government. Inclusion serves to prevent chaos; government security and legitimacy are vital to the success of the future Libyan government.

Inclusion is also important to counter the tribal culture of Libya. People are still loyal to their individual tribal and militia commanders. There are more than 140 tribes and clans in Libya, though 30 are more active than others.³⁸¹ While tribal participation could be used to promote individual political agendas, they could also be a tool for promoting peace and reconciliation:

Due to their highly respected social standing, tribal leaders can use their moral power to exert influence on the members of their tribe to forgive and reconcile. Tribal leads can also use political incentives like recognition to entice their followers to join and support the national reconciliation process.³⁸²

³⁷⁸ Ibrahim Sharqieh, "Imperatives for Post-conflict Reconstruction In Libya" (Brookings Institute, December 2011).

³⁷⁹ Ibid

³⁸⁰ Mahmoud Elwarfally, "The Future of Libya: A View from the Opposition" (Interview, Brookings Institution).

³⁸¹ Ibid

³⁸² Ibid

However, part of the promotion of peace will be the disarmament and weapons collection and registration. This can either be done with outside help like the United States or even better by utilizing tribal infrastructure already in place. Dr. Bates Gill argues that a disarmament and demobilization process is a huge priority for the NTC to “ensure security inside—and, arguably, outside—Libya and to create space for the political process and institution building”.³⁸³ While this process would ideally be carried out with cooperation between the NTC and the tribes, it is highly unlikely that the process will be completely harmonious and therefore “the international community can play a decisive role in safeguarding and disposal of weapons”.³⁸⁴ If successful, Libya will serve as a model of democratic transition for other North African countries, from Maghreb to Mashreq. Success is by no means assured, but a vision of a successful legitimate democracy is a necessary starting point. These recommendations also represent the viewpoints and agenda of the NTC leaders themselves. Because the Libyans need to demonstrate their own agency in order to legitimize their rule, it is a sign of optimism that the current leaders, like Mahmoud Gibril Elwarfally, envision a society of complete inclusion.

II. CHALLENGES FOR FUTURE LIBYAN STATE-BUILDING [9.2]

Although there is a possible optimistic future for Libya, there are still four main challenges facing Libya today. First, Libya faces demographic changes and challenges. The population is shrinking and population growth rates dropped from 4.8% to 1.5% in early 2011.³⁸⁵ Although this recent change could be in response to the uprisings, if it continues Libya will not have the labor necessary to sustain its economy. Even more significant is

³⁸³ Bates Gill “Sept. 11: Libya at the Crossroads—the Challenge of Consolidating Peace” (SIPRI, September 2011)

³⁸⁴ Ibid

³⁸⁵ Mahmoud Elwarfally, “The Future of Libya: A View from the Opposition” (Interview, Brookings Institution).

Libya's youth bulge. More than half of Libya's population is under 18 (see figure 1).³⁸⁶ The youth population was instrumental in toppling Qaddafi's regime, but now they will expect a reliable source of employment. However, towards the end of Qaddafi's reign unemployment was estimated at 30%.³⁸⁷ That number is not going to reverse itself without significant investment in private-sector development and education.

Building from the youth bulge challenge, the second challenge for Libya is economic development and diversification. The only way Libya is going to diversify its economy is by developing laborers skilled in areas other than oil. With the youth bulge, there is currently not a shortage of laborers but a shortage of economic opportunity. GDP growth fell sharply in 2011 due to the conflicts,³⁸⁸ but again there is a possibility of an optimistic future. The Center for Strategic and International Studies (CSIS) argues that: "if political stability can be found, there is potential in undeveloped non-oil industries, for example in an undeveloped tourist industry".³⁸⁹ Also investments in other non-oil industries like petrochemicals, iron and steel will help make those sectors internationally competitive.³⁹⁰ The management of the economy must tangibly benefit the people of Libya. Another way to diversify the economy is to invest in education and infrastructure. Through education, Libyans will receive the necessary skills to work outside the oil sector as well as become entrepreneurs themselves. If mutually beneficial foreign trade and investment relationships can be fostered, the Libyan economy will hopefully continue to diversify and grow outside the oil sectors. Creating jobs is imperative in order to avoid recruitment by radical or terrorist Islamic groups or other criminal enterprises. The government will gain much

³⁸⁶ Ashley Bates, Siddhartha Mahanta, Hamed Aleaziz and Asawin Suebsaeng, "'What's Happening in Libya Explained'" (Mother Jones, August 20 2011)

³⁸⁷ CIA Factbook, accessed February 19, 2012

³⁸⁸ "Libya-African Economic Outlook" (African Economic Outlook, June 22 2011).

³⁸⁹ Varun Vira and Anthony Cordesman, "The Libyan Uprising: an Uncertain Trajectory" (CSIS, The Burke Chair in Strategy, June 20 2011).

³⁹⁰ Ibid

legitimacy if it wins the support of and recognition by this youth population that was instrumental in the toppling of Qaddafi.

However, management of oil revenue is the third major challenge that Libya must deal with. Libya is burdened with what political economists call the “resource curse”, where countries with large amounts of natural resources suffer economically due to a lack of diversification, mismanagement of revenue and lack of institutions. Libya is one of many countries that must manage the burden of the ‘resource curse’; as well as the ‘Dutch Disease’ which is when:

A sudden rise in the value of natural resource exports produces an appreciation in the real exchange rate. This, in turn, makes importing non-natural resource commodities more difficult and competing with imports across a wide range of commodities almost impossible.³⁹¹

The domestic markets suffer from competition and lack of development, diversification and investments, and the state in charge of oil often becomes corrupt. The entire economy rests on the volatile nature of oil and gas prices, which makes long-term economic planning difficult. Currently 98% of the Libyan economy is related to oil and gas.³⁹² “Oil is the economy in Libya”,³⁹³ however, with the uprisings, oil production and sales have been significantly stalled.³⁹⁴ In the long-term, the Libyan economy would benefit from using oil revenue from rising oil prices to remake the entire socio-economic structure of the country and the skills of its labor force. The most successful example of a country that avoided the resource curse is Norway. However, Norway already had established institutions, which allowed for a diversified economy and skilled population. Foreign experts like Iraqi geologist

³⁹¹ Escaping the resource curse (5)

³⁹² Adam Davidson, “Economists Diagnosis Libya With 'Resource Curse'” (NPR, February 25 2011).

Note: 81% of Libyan’s industrial economy is attributable to oil and gas while most of the 17% of the services sector is related to that.

³⁹³ Ashley Bates, Siddhartha Mahanta, Hamed Aleaziz and Asawin Suebsaeng, “What's Happening in Libya Explained” (Mother Jones, August 20 2011)

³⁹⁴ “Libya-African Economic Outlook” (African Economic Outlook, June 22 2011).

Farouk al-Kasim who advised Norway on the allocation of oil resources, advocates self-restraint, only allocating a finite amount of license blocks for drilling each year.³⁹⁵ The money in Norway was not spent on state expenditures, but was reinvested into oil drillings and technologies. Importantly Norway did not waste its oil income. A balance was struck between private and state participation in the oil sector:

if you rely too much on private foreign companies, too little of the oil wealth benefits the country in the form of government revenue or economic development; if you go too far in the other direction, you risk a bloated, politicized oil sector that evades both accountability to the people and competitive pressure to be efficient.³⁹⁶

Al Kasim also argued that the “state has to be in the driver’s seat”³⁹⁷. He pushed Norway to increase the extraction rate, and created a structure of “squeezing the last drop out”.³⁹⁸ That mindset spurred technological investment and development, which allowed Norway to remain competitive while benefiting other economic sectors. Libya could do the same by increasing prospecting and drilling in the Gulf of Sidra. However, it is imperative that the increase in oil revenue is balanced by an increase in transparency and accountability for the state-government controlling the revenue. The most important aspect to the Norwegian model is that it is understood that no politician is allowed to discuss the possibility of freeing up oil money and distributing it to the public during campaign.³⁹⁹ This strategy secures the safety of the oil reserve fund, as well as prevents the breakdown of the political society. However, while this tactic worked in Norway, it would not necessarily work in Libya. Norway at this time (1970s) already had developed institutions and legitimacy and transparency of government in place. The oil revenue is an opportunity for Libya, and it must not be squandered but instead invested. The future government will decide how that

³⁹⁵ Farouk Al-Kasim, “The Friday Podcast: Norway Has Advice for Libya” (Interview, NPR, August 26 2011).

³⁹⁶ Martin Sandbu, “The Iraqi Who Saved Norway from Oil”, (Financial Times Magazine, August 2009).

³⁹⁷ Ibid

³⁹⁸ Ibid

³⁹⁹ Farouk Al-Kasim, “The Friday Podcast: Norway Has Advice for Libya” (Interview, NPR, August 26 2011)

money should be invested, and one can only hope that investment from the revenue will be decided based on what is best for the Libyan economy as a whole, rather than the political aspirations of those in power. It would be highly beneficial for Libyans to include outside advisement, like Farouk al-Kasim, on how to re-structure their economy and manage oil wealth.

The final and most important challenge is the diminishing of the sense of state in the minds of the Libyan people. This challenge will be overcome only by developing institutions of civil society and good governance. First, Libya has very few institutions. The state provided almost everything, and with the elimination of the Qaddafi regime, the state institutions are nonexistent. Libya needs to not only restructure their state institutions, but also institutions of civil society—private businesses, NGOs, and civic organizations from sports teams to religious entities. There was widespread corruption within the state during Qaddafi's reign and according to CSIS:

Political players will also have to overcome new patronage and corruption networks that will be strengthened by the flood of post-war aid, as well as resist the temptation to focus on distributive issues and redistribution of wealth, and instead create a sustainable, and national political framework.⁴⁰⁰

The framework must distinguish between state administration and society. Qaddafi marginalized state institutions to increase their subordination to his elite-run government, and today the only state institutions that do exist are in place "merely to extract the country's vast oil wealth and distribute it via subsidies".⁴⁰¹ Libya must build up other state institutions, like an administrative bureaucracy, educational system, military, and other government ministries. There should be mutual accountability between the central government as well as the state institutions. Second, the civil society must also be both fostered and trusted. Civil

⁴⁰⁰ Varun Vira and Anthony Cordesman, "The Libyan Uprising: an Uncertain Trajectory" (CSIS, The Burke Chair in Strategy, June 20 2011).

⁴⁰¹ Barak Barfi, "Rebuilding the Ruins of Qaddafi", (CNN, December 26 2011).

societies working accordingly *with* the government can give Libyans more opportunity to participate in society as well as create new job sectors. Establishing state and civil society institutions will not only increase the productivity and success of Libya, but it will also increase people's faith in Libyan society and government. The people's faith in the state must be restored. A major reason for the uprising was the loss of people's faith in the state. The Libyan people have not trusted their government's accountability or management (see Figures 2 and 3). Foreign experts will be looking for Libya to accomplish this through security and the development of solid institutions. However, although security is important, ideally the military would not participate in the government. This transition is a 'best case' scenario, but an optimistic specific vision is necessary to accomplish this difficult project. These views and challenges come both from foreign experts as well as Libyans. NATO and its member states currently recognize the legitimacy of the NTC, but continued recognition will help legitimize Libyan governance.

III. NATO'S FUTURE ROLE IN LIBYA [9.3]

Lastly in light of all the aforementioned challenges, *can* and *should* NATO play a role in Libya post-operation? The answer is yes: NATO should continue to play a role in the future of Libya, although it should be primarily in an advisory capacity. If necessary, NATO can provide external security to protect the current borders of Libya and be willing to respond if an external state challenges these borders. NATO could provide this external security by keeping a Naval force in the Gulf of Sidra. This NATO presence will not only allow Libya to focus on building internal institutions and governance but it will also prevent Libyan accumulation of large amounts of weaponry which could result in destabilizing effects such as spillover and blowback. However, although the Responsibility to Protect was

invoked by the UN for the original NATO invasion of Libya (See Francis Ramoin's paper), it could not be used to justify this naval presence. The first pillar of Responsibility to Protect states "The State carries the primary responsibility for the protection of populations from genocide, war crimes, crimes against humanity".⁴⁰² Since the situation in Libya is no longer at the same level as genocide or war crimes, neither the UN nor NATO can invoke the Responsibility to Protect. Doing so would violate the core principles of R2P. Although the militia violence in Libya has increased, it also has not reached the level that R2P requires. There has recently been discourse on the action that NATO and the West should take concerning militias in Libya. NATO did not use ground troops in their operation and would neither have the capacity nor the political legitimacy to militarily intervene and stop the militias. However, NATO could help train a Libyan police force, which in turn could stop the militias. Western powers can also use other methods to put pressure on the Libyan government and militias. Donatella Rovera, the senior crisis response advisor at Amnesty International, argues "There are a lot of countries and governments seeking contracts in Libya, so there's no shortage of contacts that the West can use".⁴⁰³ Libya could use outside aid to help with infrastructure building and it is a possibility that NATO and its member states can use that aid as leverage. Dr. Bates Gill admits that the "international community can play a decisive role" in this processes and that "it may also be necessary to offer incentives—economic or otherwise—for disarmament and demobilization".⁴⁰⁴ In this way judicious assistance from the international community will help the Libyan government both legitimately control its population as well as demonstrate its independence from NATO. Politically, NATO (or NATO member states) should provide advisory support, bringing in

⁴⁰² United Nations General Assembly, *Implementing of the Responsibility to Protect*, (United Nations, 12 Jan 2009)

⁴⁰³ Peter Spielmann, "Amnesty: Libyan Militias Commit War Crimes", (MSNBC, February 15 2012).

⁴⁰⁴ Bates Gill "Sept. 11: Libya at the Crossroads—the Challenge of Consolidating Peace" (SIPRI, September 2011)

experts on building institutions and offer any assistance that the Libyans want. Interim NTC Prime Minister, Dr. Mahmoud Gibril Elwarfally, suggests that the constitution should be “laid out in referendum supervised by observers from the United States”.⁴⁰⁵ Institution building will be one of the biggest obstacles in state building because during Qaddafi’s reign, the society was completely dependent on the state and lacked any formal institutions.

While the NATO countries can provide experts and even invest in institution building, it is important to keep in mind the wishes of the Libyan people. NATO, and NATO member countries should not force policies on Libya. It is important for the Libyans to build up state legitimacy, and the state will not gain that legitimacy if it is perceived to be a NATO puppet. With the US invasion of Iraq, there has been a growing trend of anti-US and anti-western feeling in the Middle East. NATO and the US are depicted as invaders, who force their western ideals onto Arab nations. This unfortunate stereotype of western democracies takes away from their “soft power” influence in the area: “NATO needs to strike a balance between helping the Libyans manage their own affairs and intervening in their decisions”.⁴⁰⁶ NATO can provide the hard power needed to protect Libyan borders from outside invasion, but the NATO states can provide economic and political experts to *advise* the Libyan governance. However, foreign aid and advice will only be accepted if it is completely advisory and not reminiscent of colonialism, or the *forcing* of western models on eastern countries without being culturally sensitive. NATO should not take away the agency of the Libyan people. The Arab league can also play a decisive role in advising Libya. However, it is imperative for international security that Libya does not fall again into internal chaos, and the NATO states can hopefully help by offering technocratic help. Finally, foreign experts continue to state that this process will not happen overnight, and nor should

⁴⁰⁵ Mahmoud Elwarfally, “The Future of Libya: A View from the Opposition” (Interview, Brookings Institution).

⁴⁰⁶ Ibrahim Sharqieh, “Imperatives for Post-conflict Reconstruction In Libya” (Brookings Institute, December 2011).

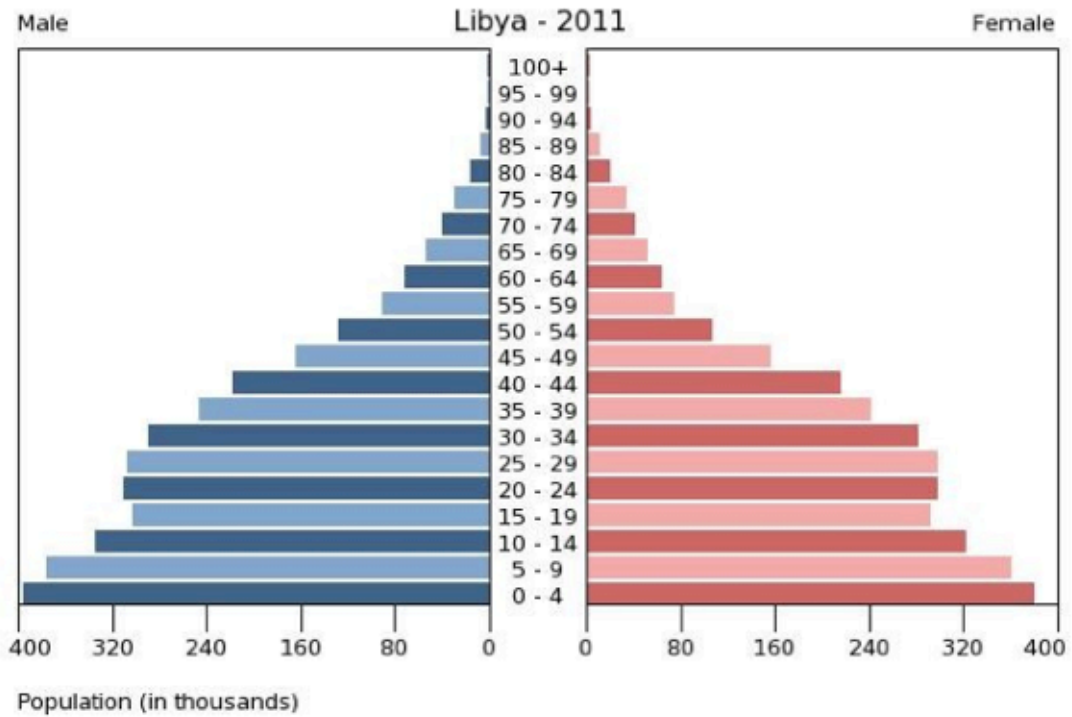
it. From Dr. Mahmoud Gibril Elwarfally to Farouk al-Kasim to Dr. Bates Gill, each implores that time is important to create legitimate institutions. The timetable that Dr. Elwarfally and the NTC have set out is vital because it allows for the development of other policies in continuity with elections. Dr. Gill expands that:

The experience of democratic transitions elsewhere has highlighted the risks of seeing democratization as chiefly a matter of holding elections and ignoring the wider and deeper processes required. Elections should be situated within a broader set of policies addressing, among other things, social justice, equitable arrangements for the territorial distribution of power, protection of minorities and measures to strengthen the rule of law. Otherwise, tensions could arise among minorities or regions may feel they could be marginalized through the ballot box.⁴⁰⁷

Legitimacy will not happen overnight, and it is a hopeful sign that both Libyans as well as foreign observers understand that.

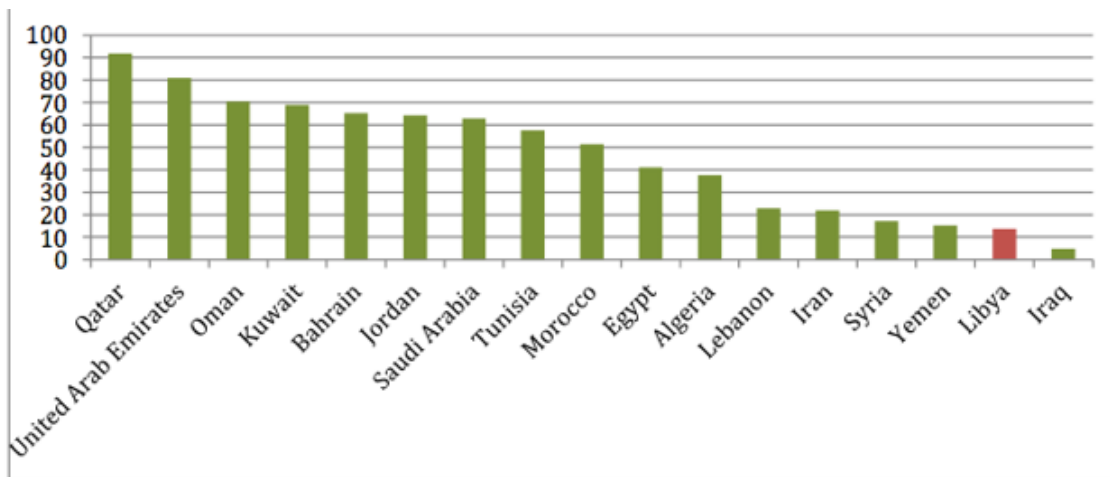
In conclusion, the four main challenges will shape the way Libyans structure their government and economy. The political challenges are a priority and foreign observers will look for Libya to build and sustain institutions that legitimize their government. NATO member states can offer advisory assistance to help Libya build these institutions, and eventually foreign acceptance will further legitimize Libyan governance. Militarily NATO can help Libya by protecting the international borders, which will prevent Libya from building up its army to fight a war with neighboring countries and free them to focus on building good stable governance. However, it is still important to understand that the situation in Libya is still very chaotic and unpredictable. This optimistic vision is a useful starting point as Libya, NATO and the international community move forward to deal with these challenges.

⁴⁰⁷ Bates Gill “Sept. 11: Libya at the Crossroads—the Challenge of Consolidating Peace” (SIPRI, September 2011)



(Source: International Census Bureau)

Figure 1: Population Bulge in Libya⁴⁰⁸



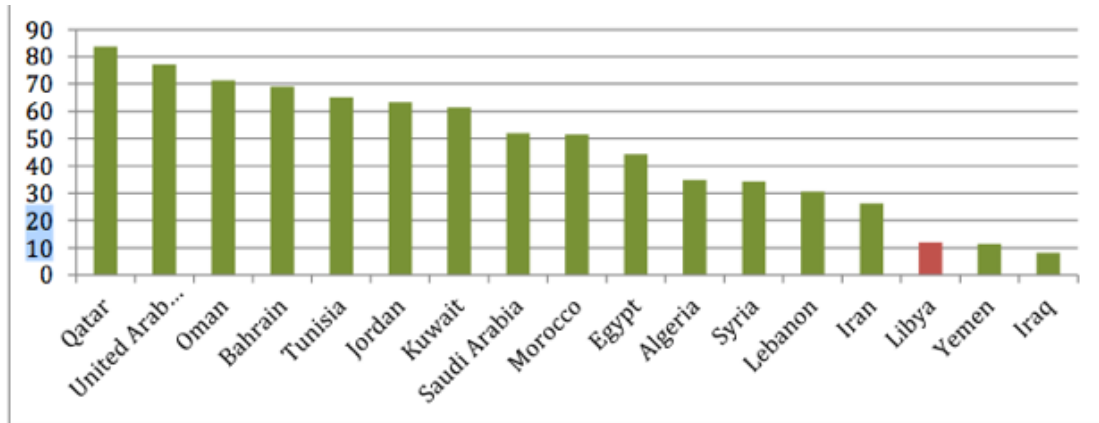
Note: Higher figures indicate greater control

(Source: World Bank Development Indicators 2010)

Figure 2 : Control of Corruption⁴⁰⁹

⁴⁰⁸ Varun Vira and Anthony Cordesman, "The Libyan Uprising: an Uncertain Trajectory" (CSIS, The Burke Chair in Strategy, June 20 2011).

⁴⁰⁹ Ibid



(Source: World Bank Development Indicators 2010)

Figure 3: Government Effectiveness by World Percentiles⁴¹⁰

⁴¹⁰ Ibid

PART IV

SYRIA

Syria's nearly year-old uprising is on the brink of civil war. The brutal forces of the Assad regime continue their crackdown, with a death toll at 5400 and rising, while the opposition grows increasingly militarized and the Free Syrian Army gathers strength. A political solution, without the backing of military force, is increasingly unlikely. The decisions of the international community on economic support or sanctions and military intervention will be pivotal in determining the balance of forces and thus the direction of Syria's conflict.

As of February, the Assad regime shows no signs of retracting military force or moving towards a peaceful solution, having violated the Arab League peace plan it formally accepted in November and ignoring ardent international calls for withdrawal of troops and tanks from the streets. The strong statement of international condemnation expressed in the recent 137-12 vote of the UN General Assembly calling for the resignation of Assad has made no significant impact on the decisions of the regime. Since the uprising began, Assad's regime has persistently refused to hear the demands of its people, blaming unrest on foreign or fundamentalist agitators and refusing to publicly acknowledge the existence of real problems. Assad preaches to a pro-regime choir inclined to accept this vision of conspiracy, calling on this base to reject the legitimacy of the discontented majority.

The last major dividing line within the opposition concerns the role of international intervention. The opposition within Syria is coalescing politically under the Syrian National Council (SNC) and militarily under the Free Syrian Army. Peaceful and armed dissidents, once divided in opinion on dialogue with the regime and the necessity of force, have united as the prospect of political solutions fades. Military intervention could divide the opposition and alienate large sectors of the populace. Humanitarian intervention and in particular

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medical aid, however, is increasingly viewed as necessary by both the Syrian people and the international community.

The role of NATO as a global stabilizer provides a case for its in the Syrian conflict. Major violations of the Universal Declaration of Human Rights also call for and justify an aggressive international response. However, in light of the negative legacies of Western intervention and the potential of Arab and Syrian resentment, NATO military intervention is highly inadvisable. The Arab League, as the major regional coalition, is the most viable player to orchestrate intervention but is currently lacking in the political and economic force necessary to carry out successful intervention, hence its calls to the UN and international community for support. Currently, the most viable form of intervention would be political and economic support for the opposition spearheaded by the Arab League and countries such as Turkey and Qatar, backed by the support of UN members. Military intervention in the form of peace-keeping force will potentially be necessary to prevent wider outbreak of conflict but, if so, must be led by regional players.

This report will examine the prospects for intervention from the perspectives of Syria's domestic situation, the humanitarian imperative, and international political dynamics. Part one looks into the shifting balance of powers within Syria and the formation of the current political and military players. Part two traces human rights abuses and weighs the prospect of intervention in terms of humanitarian goals. Part three examines the history of NATO and the practical potentials of its intervention in the current crisis.

Chapter 10

SYRIA, POLITICS AND PROTEST

Recent reports on Syria have solemnly announced the prospect of civil war. As February rolls in and the anniversary of protests approaches, the brutal crackdown in Syria continues and the Free Syrian Army, representing the militarized segment of the opposition, grows. At the top of news headlines are the continual death toll reports that have issued out of the country since March; these come no longer accompanying the images of protests and funerals that marked the early days of protest, but alongside reports of the advances and retreats of the Free Syrian Army as they fight off Syrian military and security forces.

Syria's future now seems to hinge on the loyalty of Bashar's military forces, the power of the Free Syrian Army, the support or opposition for both from the masses, and the possibilities of international intervention. A political compromise appears unlikely, or at least will be heavily contingent on the alignment of military forces, which are currently battling over territory.

This first segment of our Syria report offers a dissection of alignments of military and political power currently within Syria. This paper will recommend the following:

- Foreign powers should recognize and endorse the Syrian National Coalition, which now presents the most viable political alternative, with fairly broad popular support and representation of diverse religious and ethnic groupings.
- NATO should not materially support the Syrian National Coalition as this would sacrifice its legitimacy with the people. It should, however, stand by the Arab League to provide substantial support, as the latter is more widely favored by the Syrian people.

- NATO should publicly take a stance against military intervention, cutting off a debate which has the potential to split the opposition.

I. THE UPRISING AND ITS EVOLUTION, IN BRIEF [10.1]

Syria's opposition movement began 18 March, 2011, three months after the first outbursts of popular dissent in the Arab world. Protests emerged in the southern city of Deraa, in response to the arrest of fifteen children for scrawling anti-government slogans on their school walls. This inspired political freedom demonstrations in five cities, including Damascus; while four were uneventful, Deraa's became violent. Clashes with security forces left five civilians dead. The next day, Syrian security forces attacked a mosque associated with the protests, killing six more. From there, the revolution began. As Deraa grew increasingly bloody--a cycle of killings, funerals, and more killings during those funerals--sympathy for the protesters spread. The first Friday following these killings, solidarity protests emerged around the country, in towns, villages, and cities, from Latakia to Homs and Damascus. Videos and reports of the violence emerged over facebook, twitter, and other online and offline media, inciting masses to come out in support. Those who came out were young and old, rural and urban, but almost all came out in indignation against the raw police brutality the crackdowns revealed.

The particular narratives, sentiments, and demands that drive the Syrian movement were shaped in its first few months. The narrative of violent repression played a particularly central role in Syria, relative to other movements in the Arab Spring. Protests emerged in response to unfair censorship of children and expanded through a string of funerals commemorating those who died at state hands; the movement's primary early demands were a removal of emergency law, a restriction of security forces, and an end to the violent crackdown. Protests centered their critiques on state violence, and martyrdom became a

driving narrative of the movement. In response to small protests, Bashar took a course of action that had a particularly negative resonance among peoples who recalled both repression from Bashar in the recent Damascus Winter and the infamous massacre perpetrated by his father 1982 Hama. These narratives of repression have reemerged in Syria's Arab Spring and the unavoidable comparison of Bashar with his less-than-popular father have torn apart his image as a modernizer and liberal, emphasizing the continuities of his regime with his father's dictatorship, and the continuity of problems.

As protests spread, the state crackdown escalated, hand in hand. Bashar attempted other concessions, rapidly offering up in the first few weeks of protest military service cuts, fuel subsidies, increased media freedom, his whole cabinet, and then finally, on April 19th, the emergency law itself. But during this month dozens more had been killed, and the concessions were deemed "too little, too late." Chants evolved from targeting the emergency law to "down with the regime" slogans.

By late April, the state response intensified. On 4-25 army forces were called in for the first time to control protests in Deraa. This marked the beginning of military sieges of civilian areas, with Baniyas (in May), Hama (June), the Damascus suburbs and Homs becoming other major targets of military force. Troops and tanks have rolled into cities and in the northern port city of Latakia, even gunboats were deployed. Meanwhile, in May, government security forces began raids to round up prominent activists and intellectuals, seeking out both prominent opposition figures and new young activists involved in protests.⁴¹¹

⁴¹¹ Mona Alami, "Syrian regime ratchets up crackdowns on dissident forces," *USA Today*, January 30, 2012, accessed January 31, 2012, <http://www.usatoday.com/news/world/story/2012-01-30/syria-protesters-crackdown-assad/52894842/1>.

Over this period, protesters grew increasingly organized. Originally convening at mosques, the one socially sanctioned place of assembly, protesters moved to develop “online and offline networks” to connect with each other beyond and independent of mosque gatherings. “Local coordination committees,” networked with each other through different cities and towns around the country and coordinating protests, soon emerged. These bodies continued to coordinate grassroots action, but as repression escalated and the violence dragged on, other opposition bodies formed.

In September, signs of organized military defectors appeared. Originally two separate bodies, the Free Officers Corps and the Free Syrian Army (FSA), they later merged under the banner of the FSA. The army has been called “more a collection of small disparate groups than an army” is unified under a central command on the Turkish-Syrian border. It functions in most areas to ring protests and defend civilian activists but has increasingly moved to defend whole neighborhoods and territories, vying for control with Syrian military and security forces. The FSA has grown dramatically since September, with defection rates rising.

September also saw the formation of an organized political opposition in the form of the Syrian National Council (SNC), a 140 member transitional council based in Turkey uniting several prominent opposition groupings as well as local activists. The Syrian National Council stands posed against the National Coordination Council for Democratic Change (NCC), an internal political opposition group consisting of a coalition of left-leaning political parties. The NCC has become increasingly irrelevant as its reformist tendencies and calls for dialogue with the regime are ardently rejected by dissidents.

International intervention during this period took the form of various sanctions against government figures and finally an agreement with the Arab League that began with a

monitoring mission in December. As the mission and agreement fell through, violence has escalated once again and the battle has become one of territory between state and the opposition armed forces.

II. THE BACKDROP TO REVOLT, ECONOMIC AND SOCIAL CONTEXTS [10.2]

The Syrian uprising takes place in the context of a sharply divided and politically unstable nation. Syria's population is divided along religious, ethnic, and class lines, and those divisions are exploited to uphold the power of the ruling class. Syria is 90% Arab. Its largest ethnic minority is the Kurd population of the Northeast, while Armenians and others constitute less than 1% of the population. Religiously, the country is 74% Sunni Muslim, with significant populations of Alawite and Druze Muslims (16%), as well as a sizable Christian minority (10%). The country is 44% rural, fairly agricultural relative to other Middle Eastern states, and the economic divide between city and country widened significantly under Bashar's rule.^{412 413}

Bashar's rule in Syria is premised on a careful balancing of factions. He came to power in 2000 inheriting his father's political deck and has since somewhat rearranged the cards. The Syria Bashar took over featured a strong party-state, with a firm grip on the economy and "civil" society. The party of Bashar and his father Hafiz, the socialist Ba'ath Party, has controlled Syria since 1963, when they staged a coup and took over the country after months of turmoil following the secession of Syria's political union with President Nasser's Egypt. Under Ba'ath rule, Syria nationalized a number of key industries and established state monopolies over important commercial goods. In 1970, with the takeover

⁴¹² CIA World Factbook - Syria

⁴¹³ Mona Alami, "Ongoing unrest threatening economy," *Inter Press Service*, June 30, 2011, access January 31, 2012, <http://ipsnews.net/news.asp?idnews=56309>.

of Bashar's father Hafiz, the state extended its reach over much of civil society, establishing state controlled unions in agriculture, industry, and the professions and restricting other forms of organization. With state organizations operating as the "mediating, organizing 'brain', and each group function[ing] as not only as an association for its members but also as a government agency and an instrument of government control over its members", the elder Assad effectively established hierarchical control in all sectors of society.⁴¹⁴ As Alan George explains, "Previous regimes had perched atop the country, enforcing their will as best they could and tackling problems essentially *ad hoc*. From the start, Asad understood that to ensure real security for his regime every niche of society would have to be brought firmly under his control."⁴¹⁵ The elder Assad greatly expanded the Ba'ath Party, growing the state bureaucracy and especially its military and intelligence services. By the end of his rule, party membership encompassed nearly 10% of the population, securing a wide base of loyalty in government officials who depended on the regime for their jobs and security.⁴¹⁶

The base of political power established under Ba'ath rule was primarily in poor and minority populations, in opposition to the old Sunni merchant elite. The army, developed under the French colonial state as a counterweight to potential political challengers of the Syrian aristocracy, consisted of (then) politically marginalized populations--primarily Alawites, as well as Druze, Armenians, Christians, and rural Sunnis. It was in these populations that the Ba'ath found its power base. One of the Ba'ath sources of political power has been the fear of fundamentalist Sunni rule among minority populations, as well as its promise of political power to those not part of the economic elite. Its most loyal base is among Alawites, the Shi'ite off-shoot religious minority to which the Assads belong. The

⁴¹⁴ Alan George, *Syria: neither bread nor freedom* (London: Zed Books, 2003), 9.

⁴¹⁵ George, *Syria*, 7-8.

⁴¹⁶ George, *Syria*, 10.

state as it was established under Hafiz became an Alawite oligopoly, with the Assad family directly controlling the state and military forces and Alawites, fiercely loyal to the ruling family, spread in other positions of power.

Under Bashar, a UK-trained physician before his ascent to political power, the state began a program of economic liberalization and built its popularity with an urban commercial class, “the petit bourgeois business community,” that it had previously neglected. Bashar retracted elements of state control, allowing limited liberalization and an increasing role for the private sector. This enriched a limited, primarily urban class, concentrated in Damascus, Aleppo, and to some degree Homs, leading to growing inequality both within cities and especially between city and country. Bashar’s reforms risked alienating much the party’s traditional base, which included “hundreds of thousands liv[ing] well under the poverty line.”⁴¹⁷ His popularity currently is high among Alawites who continue to receive the patronage and protection of the state as well as the urban commercial class that has prospered under his rule. Christians and Druze, many of whom fear a backlash of fundamentalist Sunni rule, support Assad for the stability he represents.

Bashar, in the early days of his rule, based his popularity on his image as an anti-corruption reformer and modernizer for the country. He was further known for campaigns to clean up the country’s political establishment as well as a strong stance on Israel and refusal to compromise the nation’s integrity. His reformist image, however, began to erode with crackdowns on civil society activists in the Damascus Spring of 2001, when hundreds of civil society forums were closed down and prominent activists arrested. Nevertheless, Bashar’s base remained stable among a majority that was less concerned with civil liberties than with economic prospects—whether business success or the daily struggle to survive.

⁴¹⁷ George, *Syria*, 159.

The stage for Syria's recent unrest was set by declining economic conditions. As population growth continued to exceed rates of growth in the economy, and as privatization removed state jobs, unemployment was on the rise. While official reports put figures at 8.1%, it is estimated that real unemployment figures are over 20%. Among youth between the ages of 15 and 24, this crisis is especially severe, at 19% even in official statistics, while unofficial sources estimate closer to 30%.⁴¹⁸ Meanwhile, the rural-urban divide became a major source of tension, with nearly 40% of the state budget being spent on urban areas.⁴¹⁹ The crisis was exacerbated by four years of drought that heavily damaged Syria's large agricultural sector, prompting significant migrations of youth to the cities.⁴²⁰

This stratified experience of economic strain left the country divided, with strong support for Bashar remaining among urban commercial classes and the Alawite population, but growing discontent in the party's rural base. The southern region of Dera'a, where the protests started were especially hard-hit by famine. These economic strains are also reflected in the predominantly rural composition of the early protest movements.

III. POLITICAL ALLIANCES AND THE BUILDING OF ALTERNATIVE LEADERSHIP [10.3]

One of the major problems identified for the Syrian revolution has been its lack of a unified opposition and viable political alternative. Currently, the opposition is organized under two main groupings--the National Coordination Committee (NCC) and the Syrian National Council (SNC). The National Coordination Commission, under the chairmanship of Hussein Abdel Azim, is based in Damascus. It consists of 13 left-leaning political parties and a number of independent and youth activists; three Kurdish political parties participate

⁴¹⁸ Official figures from CIA World Factbook; unofficial estimates quoted George, *Syria*, 30.

⁴¹⁹ Alami, "Ongoing unrest."

⁴²⁰ Elie Elhadje, "What's behind the uproar in Syria's labor relations? The reform process and jobs?", *Syria Comment*, November 5, 2010, <http://www.joshualandis.com/blog/?p=7710>.

in the alliance. The group represents a number of long-standing civil society activists and political opposition figures. The Syrian National Council, formed in September in Istanbul, is more strongly tied to the organizing bodies of the uprising. Its 140 member council includes members of many political groupings, notably the Damascus Declaration Group, the Muslim Brotherhood, the Istanbul Gathering, the Kurdish National Bloc, and youth activists. Its foundational statement, released September 16, lays out a membership structure with “fifty two percent of SNC members belong[ing] to the new grassroots movements that sprouted from the revolution”, sixty percent coming from within the country and forty percent from abroad.

The SNC and NCC differ most significantly in their policies towards foreign intervention and negotiation with the Bashar regime. Whereas the NCC is open to negotiation with the government on the condition of troop withdrawal and release of political prisoners, the SNC strictly opposes dialogue with the regime, believing that it would compromise the unity of the opposition. Both coalitions officially oppose foreign intervention, but sub-groupings within the SNC, particularly a portion of youth activists, continue to call for intervention, including a no-fly zone in the vein of the Libyan intervention. The NCC is heavily criticized for its reformist position, and protesters have attacked the legitimacy of the committee, rejecting its ability to represent them.⁴²¹ Criticism of the SNC is directed at its large foreign composition and its ambivalent attitude towards foreign intervention as well as its heavily Muslim composition. The NCC and nationalist elements attack the National Council as foreign-influenced and point to the dominance of the Muslim Brotherhood within the group. The shortage of Kurdish representation within

⁴²¹ “Syrian opposition rivals in Cairo scuffle,” *BBC News*, November 9, 2011, <http://www.bbc.co.uk/news/world-middle-east-15661382>.

the group also serves as a point of critique. Recently, the SNC has risen in prominence as the movement militarizes and the likelihood of dialogue with the regime fades.

IV. THE MOVEMENT ON THE GROUND AND THE ORGANIZATION OF FORCES [10.4]

To understand the potential of political groupings, it is necessary to understand the bases on which they depend. Important networks of support and power include each of the parties bases, their connection to grassroots organizing committees, and the predilection of the opposition military forces of the Free Syrian Army.

One of the most prominent bodies of Syria's grassroots organizers is the nationwide Local Coordinating Committees network. The LCCs unite committees in Dara, Homs, Baniyas, Saraqeb, Idleb, Hasaka, Qamishli, Der Ezzor, the Syrian Coast, Hama, Raqqa, Swayda, the Damascus suburbs, and Damascus.⁴²² They arose as the organizational bodies for those coordinating protests and began to connect with each other formally as the protests spread. The LCCs released their first joint statement on 22 April and have since served as a voice for the grassroots through regular formal and informal statements accessible on facebook and their website ([lccsyria.org](http://www.lccsyria.org)). The Guardian also cites them as a valuable network of eyes on the ground, reporting casualty numbers. The internal structure and functioning of the LCCs is unclear--whether they possess an internal hierarchy or a direct or representative democratic structure. The various local committees appear to function autonomously, having arisen independently and seeking "greater coordination" but not centralization.⁴²³ These groups continue to publish autonomous statements and deal with vastly different situations in their respective localities. Their significance is in their role

⁴²² "About the LCCS," Local Coordinating Committees of Syria (LCCS), accessed January 30, 2012, <http://www.lccsyria.org/about>.

⁴²³ "About the LCCS."

facilitating local, national, and global communication in the grassroots resistance. Their statements and positions reach, and hypothetically represent, the broad milieu of the resistance; their alignment can serve as a valuable sign of where the resistance is headed.

In the early days of the uprising, the LCCs articulated the dominant calls for media freedom, return of the disappeared, an end to violent repression, regular elections and constitutional reform, and the creation of a national body to address grievances.⁴²⁴ The network was used to put out calls for support to various localities under attack, to release statements against each of Assad's speeches, and to articulate refusal to dialogue unless state violence stopped and troops were withdrawn. It was also used to refute the connection of the movement to Al Qaeda after Ayman Zawahiri's speech; to announce cooperation with groups like the Free People of the Revolution of Dignity, the Coalition of the Civilian Youth of Syria, the April 17th Movement for Democratic Change in Syria, the Violations Documenting Center, and Syrian Lawyers for Freedom; and to endorse the Arab League injunction and the formation of the Syrian National Council. Its organization allows it to articulate clear perspectives and analysis, coordinate action, and organize formal partnerships and coordination. Furthermore, the committees have the power to call for actions such as the December 11th "Strike for Dignity," which evolved into "the largest general strike since the protest movement began in march." This strike, occurring at the same time as the government's attempt to move ahead with a flimsy show of local elections, created a venue for expressing mass discontent against the regime, layering this message over the embarrassment of low voter turnout.⁴²⁵

⁴²⁴ "Statement of the Syrian Local Coordinating Committees," LCCS, April 22, 2011, accessed January 30, 2012, <http://www.lccsyria.org/1103>.

⁴²⁵ Mary Casey and Tom Kutsch, "Syrian workers hold general strike; voter turnout is low in local elections," December 12, 2011, accessed January 30, 2012,

The strike was a demonstration of the power of the grassroots resistance and its networks; simultaneously an attempt to call attention to the Syrian people and the extent of its discontent. Any political actor in Syria must act with consciousness of this grassroots, decentralized network that is represented in but not controlled by the Syrian National Council, which continues to organize actions and rally people on the ground. They are a major network of influence capable of building or subverting the building of a political base. The general strike, however, is a good example of the limits of this coalition's effectiveness. The ripple of the strike has been small in the context of increasing militarization. The state's attention and fear is directed not towards these coalitions, that will undoubtedly be important in considering the building of alternatives, but towards the increasingly powerful Free Syrian Army. In a sign of the turning tides, the Local Coordination Committees, which from the beginning have called for peaceful resistance, called on February 4 upon "our brothers in the Free Syrian Army to successfully protect or people in Homs and Zabadany."⁴²⁶ It has become clear, to the government, international community, and Syrian people, that this battle will be one of military forces.

The Free Syrian Army, composed of defectors from the Syrian army and reportedly some civilian participants, operates under a command based in Turkey with support bases along the border in Lebanon. It currently has control over large parts (by its own claim, over 80%) of Homs and controls pockets in many other military occupied towns and cities. The FSA is a loose alliance of at least 12 reported brigades under different commanders. Despite central leadership, the groups are only loosely connected and intergroup tensions abound. They are united in their opposition to the Syrian regime but for the most part maneuver

http://mideast.foreignpolicy.com/posts/2011/12/12/syrian_workers_strike_meanwhile_voter_turnout_is_low_in_local_elections.

⁴²⁶ "LCC's statement 4-2-2012," LCCS, February 4, 2012, <http://www.lccsyria.org/6008>.

autonomously and control different territories. Al-Akhbar reporter Radwan Mortada reports from her stay with Al-Dhaher Bibar Brigade that groups “rival each other for control and influence, and contact between these groups’ commanders is minimal. They find fault in each others’ performance, and trade charges of exploiting the “revolution” for personal gain.”⁴²⁷

The army is able to wage guerrilla warfare against the government and hold select territories--notably large sections of Homs--where they have pushed out military forces. They operate on light weaponry, including Kalashnikovs and other automatic rifles, hand grenades, rocket-propelled grenades, and tank mines.⁴²⁸ These are smuggled in through Lebanon, as well as acquired through rebels and secret supporters in the Syrian military itself. The Syrian army relies heavily on support in Lebanon for its importation of weapons and medical supplies as well as its base for support activities and injured fighters.

Demographically, the army is heavily Sunni, with brigades named after historic Muslim military commanders, but FSA spokesmen publicly deny any religious affiliation. Regardless, the FSA could potentially inspire fear along sectarian lines, especially drawing divides between Alawis--who traditionally have been highly positioned in the Syrian military--and Sunnis who identify with defectors.

As the Free Syrian Army becomes more powerful, the dynamics and fissures within the army itself will become increasingly significant in determining the course of the conflict.

⁴²⁷ Radwan Mortada, “Wadi-Khaled: the Free Syrian Army Base in Lebanon (II),” *Al-Akhbar English*, February 8, 2012. accessed February 12, 2012, <http://english.al-akhbar.com/content/wadi-khaled-free-syrian-army-base-lebanon-ii>.

⁴²⁸ Mortada, “Wadi-Khaled.”

V. GEOGRAPHIES OF RESISTANCE AND REPRESSION [10.5]

Much of the political division is reflected in the geography of the uprising and escalating conflict. Syria's revolts began in the south city of Dara'a, a heavily agricultural area hit hard by the recent famines, reflecting the rural composition of discontent. In these southern agricultural areas, division runs more heavily along lines of geographic identity than on religious or ethnic lines. As the revolts spread to larger cities, especially in the north, the tensions became more visible. In Latakia, a town hit surprisingly early by revolts considering its significant Alawi population, the lines were starkly drawn between a slim Sunni majority and a powerful Alawi minority. In Aleppo, an economically flourishing city that has benefited much from Assad's program of modernization, protest was successfully repressed for a long time; however, factory strikes which hit Aleppo during the Dec 11th general strike and the state repression carried out in response brought out fault lines in the city between the working and mercantile classes. Homs, Syria's third largest city, after the political center of Damascus and the financial center of Aleppo, has become the core of the uprisings, again with a resistance superseding identity, united by common repression at the hands of the state.

The lines of civil war will likely take place as an advance upon Syria's political and financial centers in Aleppo and Dara'a, while Homs becomes a base for the revolution. The lines of this civil war, especially in the broad-based resistance in Homs and the southern areas around Dara'a, do not appear to be drawn in any significant way along religious lines. Sectarian violence is a tool being used by the state to try to incite conflict, but the resistance to these lines of appeal within the grassroots resistance have been strong.

VI. PROGNOSIS AND POLITICAL POSSIBILITIES [10.6]

This analysis highlights a few significant points about the revolution. The first is that its future hinges increasingly on the balance of military power, setting up a decisive place in the game for foreign military intervention. The second is that popular sentiment decidedly rejects Assad and his administration; settlement with Assad and his administration is unlikely and regime change will be a necessary step. Third, the lines of disagreement within the opposition concern the role of foreign military intervention, which is a debate still undecided within both the Syrian National Council and the Free Syrian Army. Foreign intervention would be devastatingly divisive for the opposition. Fourth, religious and ethnic lines are not yet and not poised to be dominant divisive lines within this civil war. They are tensions that will continue, but appear to be navigable and actively engaged in the oppositions attempts to build coalition. Finally, an active civil society movement has organized in Syria which will remain an active player in the coming political project. The role of foreign powers should be to respect and support the grassroots-supported political opposition while carefully avoiding divisive roles.

Chapter 11

HUMAN RIGHTS VIOLATIONS & ETHICAL IMPLICATIONS IN THE SYRIAN UPRISING

Since 26 January 2011, small peaceful protests have escalated to an ongoing internal conflict in Syria. The Arab Spring that began with the Tunisian revolution of January, 2011, reached Syria by mid-March, when residents of the small southern town of Dara'a took to the streets to protest the torture of students who had put up anti-government graffiti. The protests gained momentum on 25 March 2011, on the "Day of Dignity" when thousands of Syrians took part in nationwide protests after Friday prayers in at least a dozen cities, extending from Dara'a to the capital, Damascus, to the restive northern Kurdish area of Qamishli. Although the day started off peacefully, by late afternoon there were double-digit death tolls in several regions and reports of 24 people were killed in Dara'a.⁴²⁹ After this day, the White House stated, "Syrian government's offensive in northern Syria has created a humanitarian crisis".⁴³⁰ On 21 April 2011, the government formally declared the repeal of an emergency law, in place since 1963, which allowed the government sweeping authority to suspend constitutional rights. The same month the Syrian government launched the first of what became a series of crackdowns, sending tanks into restive cities as security forces opened fire on demonstrators. Security forces used tanks and snipers to force people off the streets. Water and electricity were shut off and security forces began confiscating flour and food in particularly restive areas. By October, 2011, the United Nations (UN) estimated that over 2,000 civilians had been killed and 10,000 imprisoned. By January 2012, the UN then reported that 5,400 Syrian civilians had died.

⁴²⁹ Abouzeid, Rania. "Syria's Friday of Dignity Becomes a Day of Death." *Time Magazine*. 25 March 2011: n. page. Web. 31 Jan. 2012. <http://www.time.com/time/world/article/0,8599,2061452,00.html>.

⁴³⁰ "BBC: News -Middle East." *Syria: US warns of 'humanitarian crisis' over crackdown*. 33cBBC News, 12 June 2011. Web. 16 January 2012. <http://www.bbc.co.uk/news/world-middle-east-13740873>.

The systematic killings of protestors and bystanders caught the attention of many human rights group. Human Rights Watch accuses the Syrian government of crimes against humanity:

Human Rights Watch believes that the nature and scale of abuses committed by the Syrian security forces, the similarities in the apparent unlawful killings and other crimes, and evidence of direct orders given to security forces to 'shoot to kill' protestors, strongly suggest these abuses qualify as crimes against humanity. Unlike war crimes, crimes against humanity can also be committed during time of peace, if they are part of a widespread or systematic attack against a civilian population. (Human Rights Watch 20)

There has been history of attacks on the civilian population by Hafiz al-Assad's, Bashar's father. The massacre of Hama in 1982 showed that the Syrian police state flattened any opposition. In any police state, violence must be rationalized and routinized if it is to bring stability to a deeply divided society.⁴³¹ There is a history of violence in Syria and crimes against humanity have been going on in Syria for decades.

The ongoing killings of civilians in Syria caused outrage in the International community. The UN Security Council attempted to pass a proposal in October, 2011, but it was opposed by Russia and China. The UN tried again in February, 2012, but it was again vetoed by China and Russia. Turkey, the European Union and the United States discontinued economic relations in late 2011. The Arab League expelled Syria even as the agreement on a peace plan increased attacks on civilians. International actions reacted towards the violence witnessed across Syria with economic sanctions.

This report looks at the current humanitarian crisis in Syria and the international response with ethical implications. It is divided into four main sections. The first section explains the authoritarian regime of the Assad family. The second section explores the past and current economic situation in Syria, focusing on the outcomes of the recent international

⁴³¹ Pollack, Kenneth M. *The Arab Awakening: America and the Transformation of the Middle East*. Washington, DC: Brookings Institution, 2011. Internet resource. P. 249.

sanctions. The third section discusses the violence and the human rights violations that continue in Syria. The fourth section consists of international responses including those who support intervention and those who do not. The final section explores the future of Syria and proposes three recommendations:

- Syrian people want humanitarian help and no military intervention.
Therefore, NATO should not intervene.
- Humanitarian aid needs to be provided mainly by the Arab League and other countries in the region.
- Syria must discover democracy on its own and remove the Assad government.

I. STATE'S AUTHORITARIAN NATURE & DETERMINATION TO STAY IN POWER [11.1]

The Assad family has ruled Syria for forty-one years. Bashar al-Assad was not expected to inherit the Presidency but the violence that continues in Syria shows that Assad is determined to stay in power. This was shown in Assad's March 30th speech to Parliament. Rather than focus on the socio-economic problems behind the unrest and offer ways to address them, he blamed terrorists, conspirators, and external enemies for instigating the protests. David W. Lesch, who has met Assad explains:

Most outside of Syria were left scratching their heads after the speech, but anyone who has spent time in the country would understand that for the most part Assad was preaching to the converted. It is a national psyche that generally believes in conspiracy. Many Syrians, even those who have spent significant time in the West, still believe Monica Lewinsky was an Israeli mole planted to help weaken or bring down a US president who was deemed more favorably disposed to the Arab side of the Arab-Israeli equation at the time. The problem is that there has been just enough real conspiracy perpetrated by outside powers in Syria over the years to lend credence to such notions. (2)

One of the results is that the security forces in Syria have been given a tremendous amount of leeway to ensure domestic stability and protect the regime in what is almost always a

threatening environment in the heart of the Middle East. But the security forces accumulation of empowerment over the years overseen, if not sanctioned by the government, led to systemic recklessness that obviously backfired against the regime. After all, it was their collective hubris in arresting and roughly handling schoolchildren who had written anti-regime graffiti in the southern Syrian town of Dara'a early in February, 2011, that launched the uprising.⁴³²

The death and torture of Hamza Ali al-Khateeb only reinforced the characterization of Assad as an outlaw regime that must go. It laid the foundation for crimes against humanity charges that could be brought against Assad and his government by the International Criminal Court. Syria denies freedom of expression and association to its citizens and denies them their rights to democratic participation in the government. In the eleven months of the uprising, the government has killed thousands of its own people while denying innocent civilians their right to medical care, food and shelter. Evidence from many human rights groups shows that the government tortures on a routine basis and arrests and hold thousands without charge or trial.⁴³³ Decades of authority by the Assad regime is now being questioned internationally and the international consensus is that Assad must be removed from power.

II. SYRIAN ECONOMICS [11.2]

[11.2.a]

Oil and Economic Sanctions

Hafiz Al-Assad, Bashar's father and prior president, created an economy dependent on oil. Syria's main export became oil in the 1990s with at least 50% of its trade revenues

⁴³² Lesch, David H. "The Arab Spring - and winter - in Syria." *Global Change, Peace and Security*. 23. no. 3 (2012): 421-426.

⁴³³ Paul, James A. *Human Rights in Syria*. New York, NY: Human Rights Watch, 1990. Print. P. 175.

from crude oil exports. Without oil, Syria's overall economic performance would be far less positive. Paradoxically, without the development of new sources, Syria's proven reserves of oil are projected to run out in this decade.⁴³⁴ Most of this oil travels to Europe and the United States. Syrian economic growth remained in the 4% to 5% range from 2008 until 2010. Even though the global economic crisis affected oil prices, the economies of Syria's key export partners and Syria's sources of investment continued to rise. The Syrian government has implemented modest economic reforms in the past few years, including cutting and lending interest rates, opening private banks, consolidating all of the multiple exchange rates, raising prices on some subsidized items, most notably gasoline and cement, and establishing the Damascus Stock Exchange - which began operations in 2009. In addition, President Assad signed legislative decrees to encourage corporate ownership reform and to allow the Central Bank to issue Treasury bills and bonds for government debt. Nevertheless, the economy remains highly controlled by the government. Long-run economic constraints include declining oil production, high unemployment (especially in the youth demographic)⁴³⁵ rising budget deficits, and increasing pressure on water supplies caused by heavy use in agriculture, rapid population growth, industrial expansion and water pollution.

The excessive control of the economy by the government allowed countries around the world to apply pressure to Assad by imposing economic sanctions. The sanctions imposed on Syria in late 2011, contain various economic, financial and psychological repercussions for the general economic capacity. Thus, the sanctions represent a concerted policy package designed to weaken the regime and reduce its political capacities and, at a

⁴³⁴ Leverett, Flynt. *Inheriting Syria: Bashar's Trial By Fire*. Washington, D.C.: The Brookings Institution, 2005. Print. P.5.

⁴³⁵ According to the CIA World Factbook 61% of the population is between the ages of 15 to 64. The other staggering statistic is that the unemployment rate for this demographic is 19.1%. *The World Factbook 2009*. Washington, DC: Central Intelligence Agency, 2009. <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

maximum, to open the way for its collapse due to economic damage. Kimberly Ann Elliot, a senior fellow at the Center of Global development explains, “Sanctions by the E.U. and U.S. impacted Syria’s exports heavily. In the short-run, there are no direct sanctions that explicitly refuse to import medicines, food, etc., but they clearly have broader impacts on growth in the country. This effect will be indirect over time and may hurt the Syrian people more than the Assad government”.⁴³⁶ Economic sanctions have been in place since late 2011, but the special forces of the Syrian government continue to cling to power by killing their own people.

[11.2.b]

Russia and China

In 1954, the first Communist party member was elected into the Syrian parliament. Khalid Bakdash did not ignite a communist revolution in the area but he was the first Communist deputy in the Arab world.⁴³⁷ His position in Syria created a long-term relationship with Russia. Russia and Syria had anti-western interests. Russia, the Soviet Union at the time, sought to counter the Western presence in the region by recruiting local allies.⁴³⁸ Syria was driven to ally with Russia for defense considerations. Domestic instability arose in Syria after 1955, after Israel’s retaliatory raids on the Arab countries and Iraqi and Turkish threats.⁴³⁹ Syria tried to avoid any alliance with former colonial powers. On 29

⁴³⁶ *Will International Sanctions Help Syrians?* Interview by Melissa Block. NPR radio, 29 November 2011. Radio. <http://www.npr.org/2011/11/29/142911219/will-sanctions-help-syrians>.

⁴³⁷ *Syria Unmasked: The Suppression of Human Rights by the Assad Regime*. New Haven: Yale University Press, 1991. Print. P. 138

⁴³⁸ The Soviet Union’s main interest in the Middle East was in order to undermine the Baghdad Pact which, from the Soviet Union’s view, was a major threat. The Pact no longer made the area a buffer zone and extended NATO’s military power to the Soviet Union’s backyard. Karsh, Efraim. *The Soviet Union and Syria: The Asad Years*. London: Royal Institute of International Affairs, 1988. Print. P. 3.

⁴³⁹ Karsh, Efraim. *The Soviet Union and Syria: The Asad Years*. London: Royal Institute of International Affairs, 1988. Print. P.3.

October 1957, Syria and the Soviet Union signed their first large-scale economic arms deal at a total cost of \$579 million.⁴⁴⁰

Russia's refusal to augment Syria's missile capabilities drove Syria to seek other partners to bolster its military potential. The fall of the Soviet Union and the subsequent loss of military and economic support from Russia left Syria severely weakened in the face of its more powerful neighbors and with few viable options to emerge out of its regional isolation, save for its relationship with Iran.⁴⁴¹ As a result, Syria was eager to gain China as an ally. In fact, the Syrian regime saw China as a defender against U.S. pressure, especially amid growing concern from the U.S. over Syria's so-called links to terrorism.

China is widely recognized as a rising power that is becoming increasingly confident in exerting its interests and shape geopolitics in its favor. China's main interest is projecting its influence in the Middle East. China's controversial decision to export intermediate-range ballistic missile systems and related technology to Syria and other states in the region in the late 1980s and early 1990s represented Beijing's first significant inroads as an actor in the Middle East with the potential to shift the balance of power on the ground.⁴⁴² No treaty or arms deal has been signed between Syria and China but Syria is a source of economic potential and an opportunity to project China's influence in the region. However, as China's interests in Syria expand, Syria's complex geopolitics will pose a series of challenges for Chinese diplomacy that warrant consideration.

Despite of the fall of the Soviet Union, Russia and Syria still continue their strong alliance and the arms shipments continue. This alliance provided the Syrian government with a strong ally who holds a position on the UN Security Council and on the political

⁴⁴⁰ Karsh, Efraim. *The Soviet Union and Syria: The Asad Years*. London: Royal Institute of International Affairs, 1988. Print. P. 4.

⁴⁴¹ Zambelis, Chris. "China Tests its Mettle in Syria." *Asia Times* [Hong Kong] 6 November 2008, Print.

⁴⁴² Ibid.

world stage. Syria also has an ally in China which is also a member of the UN Security council. According to Human Rights Watch, neither Russia nor China has ever expressed public concern about Syrian human rights. Now, Syria has two allies who wield extreme power at the UN. This kind of action was witnessed in late 2011 and February 2012 when China and Russia vetoed two UN proposal for Syrian intervention.

III. HUMAN RIGHTS IN SYRIA [11.3]

[11.3.a]

The Hama Massacre

The rise of the Assad regime brought stability to Syria. However, their rise to power came at a price. Hafez Al-Assad became Syria's president after multiple military coups on 22 February 1971. In the years following, President Hafez al-Assad would repress many protests and uprisings. The most brutal attack on its own people took place in a city in the Northern Syria called Hama.⁴⁴³ Hama was the fourth largest city in Syria with a population of 200,000.⁴⁴⁴ Hama was also a tough opponent of the government and consisted of a majority of Sunni Muslims.

In 1982, the regime brutally confronted the Muslim Brotherhood-led insurgency centered on the city of Hama.⁴⁴⁵ On 2 February 1982, the regime decided to end Hama's opposition by sending in the Syrian Army to confiscate arms. The city's population decided to resist. An ambush ended up near a Muslim Brotherhood base and citizens along with Islamist fighters started fighting the Syrian Army. The battle was in a stalemate until February 5, when security forces started killing hundreds of people by mass executions.

⁴⁴³ See Appendix 1 for geographical reference. *The World Factbook 2009*. Washington, DC: Central Intelligence Agency, 2009. <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁴⁴⁴ *Syria Unmasked: The Suppression of Human Rights by the Assad Regime*. New Haven: Yale University Press, 1991. Print. P. 19.

⁴⁴⁵ Pollack, Kenneth M. *The Arab Awakening: America and the Transformation of the Middle East*. Washington, DC: Brookings Institution, 2011. Internet resource. P. 248.

Thousands of people attempted to flee the city only to be caught by security forces and arrested.

The Syrian Human Rights Committee estimated that 10,000 to 40,000 citizens were killed along with one thousand soldiers.⁴⁴⁶ Many thousands were injured and more than a third of the city's houses were completely destroyed. Thirty years later, human rights are still being violated as the people of Syria rise up to protest the Assad regime. On 2 February 2012, opposition activists in Syria say government troops deployed in flashpoint areas across the country to prevent protests marking the 30th anniversary of a massacre in the central province of Hama. Even with the Syrian government trying to crush the protests, people came out to the streets dressed in black for a demonstration after Friday prayers to commemorate the 30th anniversary of the Hama massacre.

[11.3.b]

Escalation and Continuing Deaths in the Syrian Uprising

In December, 2011, Navi Pillay, United Nations high commissioner for human rights announced that over 5,000 people have been killed since the uprising. The governmental military and security forces enacted these attacks on civilians. As of 4 February 2012, the UN reports that more than 6,000 people have been killed since the protests began in March, 2011. In June, 2011, the Human Rights Watch published a report titled "We've Never Seen Such Horror: Crimes against Humanity by Syrian Security Forces" from March, 25th, until 29 April 2011. The events during this specific time took place in the southern province of Dara'a but since then the protests and violence has spread throughout the entire country. Recently, (Feb. 2012) the city of Homs in the northern part of Syria has been under siege. In order to highlight the events in respect to human rights violations, it is important to start analyzing the situation in March, 2011.

⁴⁴⁶ "Massacre of Hama." *Syrian Human Rights Committee*. SHRC, 2 Feb 2006. Web. 1 Feb 2012. SHRC.org.

While popular uprisings swept the Arab world in January, 2011, Syria seemed to be immune. In February, 2011, the protests started appearing in Syria, but they failed to gain enough momentum because they were outnumbered by Syrian Security Forces. In mid-March, people participated in anti-government demonstrations in the city of Dara'a. In response to the arrest and torture by political security of 15 school children, protests erupted on March 18th.⁴⁴⁷ Security forces opened fire on the protestors, killing four civilians. On March 19th, the government would form a committee to investigate these incidents in Dara'a. The next day, the government sent out officials to the area, assuring people that the government would find who opened fire on individuals and they would be brought to justice.⁴⁴⁸

As the protests continued to spread in the nearby towns, security forces increased their brutality. The Syrian government-controlled media denied the Security Forces' violence, blaming the actions on foreign elements, gangs, and terrorist groups.⁴⁴⁹ On March 30, President Assad spoke before Parliament, pledging to enact reforms. However, the reforms promised by Assad resulted in more repression. In April, Friday protests resulted in thousands of protestors in cities of Syria, including Damascus. This was the first of what became weekly mass anti-government demonstrations across Syria.⁴⁵⁰

As protests continued, cities, mostly in Dara'a, set up blockades and checkpoints. By mid-April, Human Rights Watch documented that Syrian security forces prevented medical

⁴⁴⁷ Human Rights Watch. "We've Never Seen Such Horror". © June 2011 by Human Rights Watch. P. 13.

⁴⁴⁸ "Syria: Government Crackdown Leads to Protester Deaths," Human Rights Watch news release, March 21, 2011, <http://www.hrw.org/en/news/2011/03/21/syria-government-crackdown-leads-protester-deaths>.

⁴⁴⁹ "Instigators Mingle with Crowds of Prayers Trying to Cause Chaos in Daraa & Baniyas," SANA, March 18, 2011, <http://www.sana.sy/eng/21/2011/03/18/337436.htm>.

⁴⁵⁰ "Syrian Protesters Clash With Security Forces," The New York Times, April 1, 2011,

<http://www.nytimes.com/2011/04/02/world/middleeast/02syria.html?ref=world>.

personnel and others from reaching the wounded.⁴⁵¹ Human Rights Watch also interviewed 19 people who had been detained in Dara'a and Damascus. According to the report, all but two of the detainees arrested during the protests were beaten by security services and others were subjected to various forms of torture.⁴⁵²

On April 21st, President Assad issued decrees to lift the state of emergency to abolish the state security court and recognize and regulate the right to peaceful protests.⁴⁵³ This did not stop the killings of protestors. April 22nd was one of the bloodiest day of the protests. The Human Rights Watch estimated that 82 people, including three boys and an elderly man, were killed.⁴⁵⁴ Security forces launched a large-scale operation on town and cities across Syria. The forces imposed checkpoints and placed snipers on top of buildings. In Dara'a, they cut off electricity and communication and prevented evacuations by opening fire on anyone who tried to leave. When the forces obtained full control of the city, they began to arrest hundreds.

On May 25th, security forces returned the body of 13 year-old Hamza Ali al-Khatib to his family in Jeeza, a town near Dara'a. He had been missing for a month and had been injured when he was attempting to bring food to Dara'a.⁴⁵⁵ His death and reported torture ignited protestors cross the country on Friday, May 27th. These protests resulted in 16 deaths and the arrests of young men in Dara'a. At the end of May, the military stormed Homs, a city in the middle of Syria, and open fired on homes and residents.

Throughout the remainder of the spring and summer of 2011, protestors continued

⁴⁵¹ "Syria: Security Forces Barring Protesters from Medical Care," Human Rights Watch news release, April 12, 2011, <http://www.hrw.org/en/news/2011/04/12/syria-security-forces-barring-protesters-medical-care>;

⁴⁵² Human Rights Watch. "We've Never Seen Such Horror". © June 2011 by Human Rights Watch. P. 15

⁴⁵³ "Syria: Rein in Security Services," Human Rights Watch news release, April 21, 2011,

<http://www.hrw.org/en/news/2011/04/21/syria-rein-security-services>.

⁴⁵⁴ Human Rights Watch. "We've Never Seen Such Horror". © June 2011 by Human Rights Watch. P. 16.

⁴⁵⁵ Human Rights Watch interview with relative of Hamza al-Khatib, May 29, 2011.

every Friday. These Friday protests were termed “Friday of Free Woman” and “Friday of Children”.⁴⁵⁶ In June, 2011, troops besieged the northwestern town of Jisr al-Shughour and the government claims that 120 members of the security forces have been killed by “armed gangs”.⁴⁵⁷ The Syrian government continued to blame the so-called uprisings on gangs and terrorists. In response to the continuing protests, in July, 2011, Assad sacked the governor of the northern province of Hama after a mass demonstration.

By August, 2011, the international community stepped in, starting with the U.S. calling for Assad to step down. In September, 2011, the U.S., Turkey, and the E.U. imposed economic sanctions on Syria. After seven months of protesting, two opposition groups started to form. One is the Syrian National Council that claims to have a front of internal and exiled opposition activists from the Syrian Army. The other opposition group consists of the defectors of the Syrian military and are identified as the Free Syrian Army.

At the end of 2011, the UN reports that over 5,000 people have been killed along with many thousands detained. The fighting appeared to get more intense in Damascus as two suicide bombs outside a security building killed 44 people and opposition groups suspected the government of the attacks. In January, 2012, as the Arab League monitors entered Homs, a suicide bomber killed 26 in Damascus and fighting intensified between the opposition and the government. On 5 February 2012, reports indicated that over 250 were killed due to government attacks on the city of Homs after a protest.

As of 5 February 2012, human rights groups claim that 5,400 people have been killed by governmental military in the eleven-month uprisings. The area that has the most deaths since March, 2011, is the area of Homs, which suffered 250 casualties from February 3rd to

⁴⁵⁶ "Dozens killed' in fresh Syria protests." *Al-Jazeera English* 3 June 2011, Print.

⁴⁵⁷ "Syria Profile Timeline." *BBC World News*. (2012): January. Web. 5 Feb. 2012. <http://www.bbc.co.uk/news/world-middle-east-14703995>.

the 5th. On 4 February 2012, China and Russia vetoed a second proposal for humanitarian intervention in Syria. On 12 February 2012, The Arab League asked the United Nations Security Council to send a peacekeeping mission to Syria and called on Arab nations to sever diplomatic relations with Damascus in an effort to pressure the government to end the violence there. On 15 February 2012, Assad set a date later this month for a referendum on a new constitution, a gesture apparently designed to offer some kind of government-controlled change even as fighting continued in Damascus and elsewhere. Due to Russia and China's veto at the UN Security Council, the United Nations General Assembly voted on 16 February 2012 overwhelmingly to approve a resolution condemning President Assad's crackdown on the uprising and called for adoption of an Arab League proposal to resolve the conflict. The resolution, which called for Mr. Assad to relinquish powers to a vice president, was a nonbinding action with no power of enforcement at the world body.⁴⁵⁸

As this report goes to print, the bombings continue in the cities of Homs and Aleppo. According to many reports more killings go on everyday but there is no way to tell which report has legitimacy. The Syrian government will not allow outside journalists into the country. Human Rights organizations get their information from opposition groups who report the number of people who died. Without going into Syria to observe the situation, the international community is not able to determine how many total have died. What remains to be true is the fact that the government and Assad continue to repress its people by violating basic human rights.⁴⁵⁹

⁴⁵⁸ Gladstone, Rick. "United Nations General Assembly Vote to Condemn Syrian Leader." *New York Times* [New York City] 16 February 2012, Web. www.nytimes.com/2012/02/17/world/middleeast/secretary-general-ban-ki-moon-castigates-syria-ahead-of-general-assembly-vote.html?hp 16 Feb. 2012.

⁴⁵⁹ In Appendix 2 there is a visual of the rise of daily casualties in Syria provided by Juylan Arbel. 9 February 2012. <http://statisfaction.wordpress.com/2012/02/09/daily-casualties-in-syria/> 13 February 2012.

[11.3.c]**Human Rights Violations**

In the 1948 Universal Declaration of Human Rights states “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the even of unemployment, sickness, disability, widowhood, old age and other lack of livelihood circumstances beyond his control.”⁴⁶⁰ Along with shooting peaceful protestors, the Syrian authorities have denied wounded protestors access to medical assistance.⁴⁶¹ Human Rights Watch reported that security forces took control of hospitals and detained the wounded in Dara'a. Al-Jazeera English released a video reporting on the torture in Homs claiming, “Those injured have to take their chances in hospitals in pro-Assad areas. Reports of people being taken from their and being tortured are common. The only alternatives are secret, makeshift hospitals with little or no supplies”.⁴⁶² The people who are suffering are not only those that are fighting for their freedom but also those innocent civilians who fear to receive or are denied medical care.

It is clear that the security forces deliberately targeted protesters who were unarmed and posed no threat to the forces. The militarization of the opposition was not evident until late January 2012. Evidence from the Human Rights Watch highlights who the Syrian security forces were targeting, “Rescuers who were trying to take the wounded and the dead away; medical personnel trying to reach the wounded; and, during the siege people who dared to go out of their houses or to gain access to supplies. In some cases, they also shot bystanders, including women and children” (7). The Human Rights Watch also suggests that

⁴⁶⁰ *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810 (1948): at Article 25. <http://www.un.org/Overview/rights.html>. Print.

⁴⁶¹ Human Rights Watch. “We’ve Never Seen Such Horror”. © June 2011 by Human Rights Watch. P. 30.

⁴⁶² “Syria Live Blog.” Al-Jazeera English Live Blogs. 2 February 2012. <http://blogs.aljazeera.com/middle-east/2012/02/05/fighting-back-against-assads-forces>.

the security forces participating in the operation had orders “shoot to kill” from their commanders.⁴⁶³

Along with blocking medical aid within Syria, the government is also blocking any outside humanitarian aid. The Syrian Observatory for Human Rights, based in London, claimed that Syrian authorities blocked 200 activists from entering the country. The Activists were made up of Syrians who fled to the surrounding countries and are called the “Freedom Convoy”.⁴⁶⁴ Freedom Convoy spokesperson Bilal Dalati said, “The Syrian Government said ‘no’ to medical supplies, ‘no’ to doctors who are going in and treat the wounded, and they said ‘no’ to food and miscellaneous [items] that we were going to take to Syria to help the towns that’s under siege”. The only available humanitarian aid, at the moment, is the Syrian Arab Red Crescent organization. They are a voluntary humanitarian organization that provides medical assistance.⁴⁶⁵ SARC works with the International Committee of the Red Cross. The SARC is not immune to the violence in Syria. On 26 January 2012, Abdulrazaq Jbeiro, the secretary-general of the Syrian Arab Red Crescent and head of the aid group's branch in the northern-western province of Idlib, was shot dead on Wednesday. The International Committee of the Red Cross called on the government to investigate into his death. The official Syrian news agency, SANA, reported that Jbeiro was assassinated by "a terrorist group" when they opened fire with a machine gun, shooting him in the head.⁴⁶⁶ Jbeiro’s death did not stall the violence in Syria, instead the fighting became more violent.

The question now is how do we remove Assad from power? The next section

⁴⁶³ Human Rights Watch. “We’ve Never Seen Such Horror”. © June 2011 by Human Rights Watch.

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⁴⁶⁴ "Syria Observatory for Human Rights." 6 February 2012. Web. 6 February 2012. <http://www.syriaohr.org/>.

⁴⁶⁵ "Syrian Arab Red Crescent." 31 January 2012. Web. 1 Feb 2012. www.sarc.sy.

⁴⁶⁶ "Senior Red Crescent official Killed in Syria." *Al-Jazeera English* 26 Jan 2012, Web. 7 Feb. 2012. <http://www.aljazeera.com/news/middleeast/2012/01/2012125104441775248.html>.

explains the international response to the violence. The economic sanctions are a slow way to eliminate Assad. These sanctions may also have long-term negative impacts on the Syrian people. The Syrian opposition does not want military assistance and many experts, including Dr. Joujati, believe that the only intervention in Syria should be to protect innocent civilians. Russia and China are convinced that the policies that are being pushed in the UN appear to pursue a pro-democracy government in Syria in order to fulfill the Western political agenda. All of these point will be examined as the report delves further into the international reaction of the atrocities in Syria.

IV. INTERNATIONAL RESPONSE [11.4]

After reports of Human Rights violations became more public, the international community began to respond. Initially, most countries imposed economic sanctions. As of 6 February 2012, the U.S. had closed its embassy in Damascus and the UN continues to pressure China and Russia to approve a proposal. The Syrian people are still undergoing repression by their government. The UN and other western governments are pushing for Assad to step down while Russia and China are trying to maintain influence in the area. Turkey and the Arab League wish for Assad to step down in order to prevent the spread of violence into the surrounding counties such as Jordan, Lebanon, Iran and Iraq. The next section will outline the actions of countries and international institutions and their policy implications.

When the protests began in March, 2011, the UN immediately reacted. The Human Rights Committee of the UN started filling reports and countries such as France and Britain began submitting economic sanctions. It was not until October, 2011, when the UN decided to pass a proposal. On 5 October 2011, the UN Security Council voted on the proposal. Only Russia and China vetoed the Syrian recommendations. In response, Susan

Rice, the U.S. representative on the UN Security Council, explained “The international community needs to spread sanction and stop arms trading to Syria. Thousands of people have died and action needs to be taken immediately”.⁴⁶⁷ The UN proposal does not consist of military intervention in Syria.

The UN Security Council met again in February, 2012, to pursue another proposal for Syria. China and Russia vetoed the proposal again claiming it was a violation of Syria’s sovereignty.⁴⁶⁸ The second resolution was meant to endorse an Arab League plan to promote a political transition in Syria. “It was an Arab sponsored text and what made it important was that it was the first time the Arab League’s first time coming to the UN Security Council asking to back their initiative. The purpose was to give full political backing to the Arab initiative which called for a political process to which Assad would have to delegate political power to his vice President to negotiate the terms of a democratic transition. This proposal was not about military intervention nor Libya.” (Susan Rice US ambassador to the UN Security Council).⁴⁶⁹ Unlike the first proposal, the second one eliminated language that required Assad to cede power and instead, added language that specifically bans military intervention. On 7 February 2012, Russian officials traveled to Damascus to talk with Assad. Susan Rice says that Russia has a great deal of influence in Syria.

Russia remains a staunch defender, providing Damascus with a political lifeline as well as arms and ammunition. “Moscow entrenched itself as Assad’s political bulwark on Friday, declaring that it would, with China, oppose a Security Council resolution calling on Mr. Assad to step down. A deputy foreign minister, Gennadi Gatilov, told the Interfax news

⁴⁶⁷ *US Ambassador To UN Storms Out Of Security Council Meeting After Syria Resolution Vetoed*. BBC World News: YouTube, 2011. Web. 28 January 2012. <http://www.youtube.com/watch?v=ZDZ-0gkJ9S4&feature=related>.

⁴⁶⁸ Altaffer, Mary, writ. "Syria Veto 'Outrageous' Says U.N. Envoy Susan Rice." Perf. Rice Susan . *Weekend Edition Sunday*. NPR: KUOW, Seattle, 5 February 2012. Radio.

⁴⁶⁹ Altaffer, Mary, writ. "Syria Veto 'Outrageous' Says U.N. Envoy Susan Rice." Perf. Rice Susan . *Weekend Edition Sunday*. NPR: KUOW, Seattle, 5 February 2012. Radio.

agency that the resolution was ‘doomed to failure’ unless the demand for Mr. Assad’s ouster was dropped and a call for opposition forces to renounce violence was included.”⁴⁷⁰

Russian political support has proved essential to the Assad government. “They believe that the international community is divided. So Russians are providing cover for the regime to push forward with their approach.”⁴⁷¹ Russia has staked out this position for a variety of reasons that have little to do with the specifics of Syria’s political crisis, chief among them weapons exports, domestic politics and resentment over the Libyan campaign. It reflects a shift that has taken place as Prime Minister Vladimir V. Putin prepares to return to the presidency, deeply distrustful of the West’s intentions both in Russia and in the Middle East. He has accused the United States of orchestrating uprisings in both regions.

The economic sanctions imposed on Syria have had some effects on the Assad regime. There are two sides to the economic sanctions: one, is to push out Assad by cutting off his economic and political ties with the rest of the world and two, is to support the Syrian people. Andrew Tabler claims that there has been a difference in opinion between Western allies on how to deal with the situation because Syria is central in the world. Everyone wants a role in post-Assad Syria and by backing the Syrian people now they may play a role in the future.

Turkey also has two sides in the issue: one is that it wants pro-democracy and two it does not want the uprising of the Kurdish minority in their country. The Turkish Prime Minister, Recep Tayyip Erdoğan, said “No regime can survive by killing and jailing its citizens”. On 1 December 2011, Ahmet Davutoglu, the Turkish foreign minister announced

⁴⁷⁰ Barry, Ellen, and Michael Schwirtz. "Russia Warns Against Support for Arab Revolts Could Cause a 'Big War'." *New York Times*, January 18, 2012. http://www.nytimes.com/2012/01/19/world/europe/russia-warns-against-support-for-arab-uprisings.html?_r=1&ref=world.

⁴⁷¹ Ibid.

that “Until a legitimate government at peace with its people a travel ban has been enacted on those Syrian officials who have allegedly used violence against the Syrian people. Their assets in our country will be frozen. Similar measures will be taken for businessmen who have supported the Assad regime”.⁴⁷²

Syria was expelled from the Arab League after it agreed to a peace plan only to step up attacks on protesters. On 28 November 2011, the league imposed economic sanctions on Syria that included a travel ban against scores of senior officials, a freeze on Syrian government assets in Arab countries, a ban on transactions with Syria’s central bank and an end to all commercial exchanges with the Syrian government. Iraq and Lebanon were the only two countries in the league who decided to keep their ties with the Syrian government. On 19 December 2011, Syria again agreed to allow Arab observers into the country, a day after the league threatened to take the initiative to the United Nations Security Council. The observers arrived on 27 December 2011, but their presence did nothing to slow the violence. Through it all, Assad’s government has stubbornly clung to the narrative that a foreign plot besieges it. On 22 January 2012 the Arab League unexpectedly floated a proposal under which Mr. Assad would relinquish power to a deputy and start negotiations with opponents within two weeks. It was promptly rejected by Syria. When the Arab League recently decided that they would go to the UN, they were urged to seek help at the UN from the Free Syrian Army. Going to UN Security Council meant that the crisis was not internationalized and the EU and US would have the upper hand.

The Human Rights violations call for international intervention and can be seen throughout how many countries and organizations are responding to the violence. As of 22 February 2012, there is no clear initiative for Syria but the Red Cross is now negotiating

⁴⁷² Davutoglu, Ahmet. "Syria faces fresh Sanctions from Turkey." 1 December 2011. Speech.

humanitarian access with Syrian authorities and opposition groups to provide humanitarian access but these talks are at a very early stage.⁴⁷³ As innocent people continue to die, the international community continues to work to find a solution but escalating violence results in the removal of diplomats from Syria. Russia is the only player that seeks to help Syria independently.⁴⁷⁴ The next section of this report details the policy recommendations for Syria and what the future holds.

V. THE FUTURE OF SYRIA [11.5]

This report specifically examines the human rights violations in the Syrian Uprisings. As of 19 February 2012, the conflict in Syria has not subsided. China and Russia are acting alone with Syria while the UN is now enacting the proposal put forward by the Arab League. As the violence continues, protests now engulf both Lebanon and Iraq. Syria has already crossed the threshold of civil war and the situation is likely to get worse before it gets better. Unlike the cases examined throughout this task force, there is no peaceful revolution like Tunisia and Egypt. Instead, like Libya, it is a recipe for deepening conflict. One of the biggest concerns is highlighted by Kenneth Pollack, “Spillover from the civil war manifests itself in six pernicious ways: terrorism, refugees, economic dislocation, radicalization of the neighboring populations, secessionism and intervention by neighboring states”.⁴⁷⁵ Currently we have seen most of these outcomes with emerging intervention by neighboring states and radicalization of neighboring populations. This task force has proposed recommendations

⁴⁷³ "Syrian opposition says military intervention may be needed if cease-fire calls fail." *Washington Post* [Washington, D.C.] 22 February 2012. Web. 22 Feb. 2012. http://www.washingtonpost.com/world/europe/russia-says-it-supports-red-cross-call-for-daily-humanitarian-ceasefire-in-syria/2012/02/22/gIQRN9qSR_story.html

⁴⁷⁴ Bakri, Nada. "Russian Envoy Calls Syria Visit 'Very Productive'." *New York Times* [New York City] 7 February 2012, Web. 7 Feb. 2012. <http://www.nytimes.com/2012/02/08/world/middleeast/syria-renews-bombardments-after-us-embassy-closes.html?pref=world>.

⁴⁷⁵ Pollack, Kenneth. "The Revolt in Syria Could Easily Spread to Other Middle East Countries." *Brookings Institute*. (31 January 2012).

for NATO's role in the Arab Spring. This report concludes that NATO should not be used in Syria. The Syrian people do not need military help. Instead, they need humanitarian aid.

The Syrian people want humanitarian help and not military help. NATO is seen internationally as a military force. Instead of using NATO to help the people of Syria, other recommendations include having the Red Cross provide aid and have NATO forces protecting humanitarian aid workers. However, this could be taken as military action. The next question is whether it should be UN humanitarian aid or NGO humanitarian aid, such as the Red Cross. At the moment, NGO humanitarian aid seems welcome internationally and by the opposition forces in Syria. Syria is not Libya. NATO should not carry out a bombing operation there. The United States and Europe have little appetite for another war in the Middle East, particularly without UN cover. Meanwhile, sanctions are reshaping Syrian politics. Those sanctions, including travel bans and frozen assets, are devastating Syria's tourism and energy sectors. The value of the Syrian pound is collapsing. All of this places tremendous pressure on Assad.

One important thing to consider in this recommendation is that using only western humanitarian aid is not a wise choice. This is why the UN should train Arab League monitors or create a peacekeeping force within the Arab League. Turkey should be involved in the humanitarian process. The Economist recommends that Turkey and NATO take a more forceful route, "To help persuade them, Turkey, with the blessing of NATO and the Arab League, should create and defend a safe haven in north-western Syria. The FSA (The Free Syrian Army) can train fighters there, and a credible opposition can take shape. Turkey seems willing to do this, providing it gets Western support. The haven would be similar to that created for the Kurds in northern Iraq; Assad would suffer only if he attacked it".⁴⁷⁶

⁴⁷⁶ "How to Set Syria Free." *The Economist*. 11 February 2012. Print.

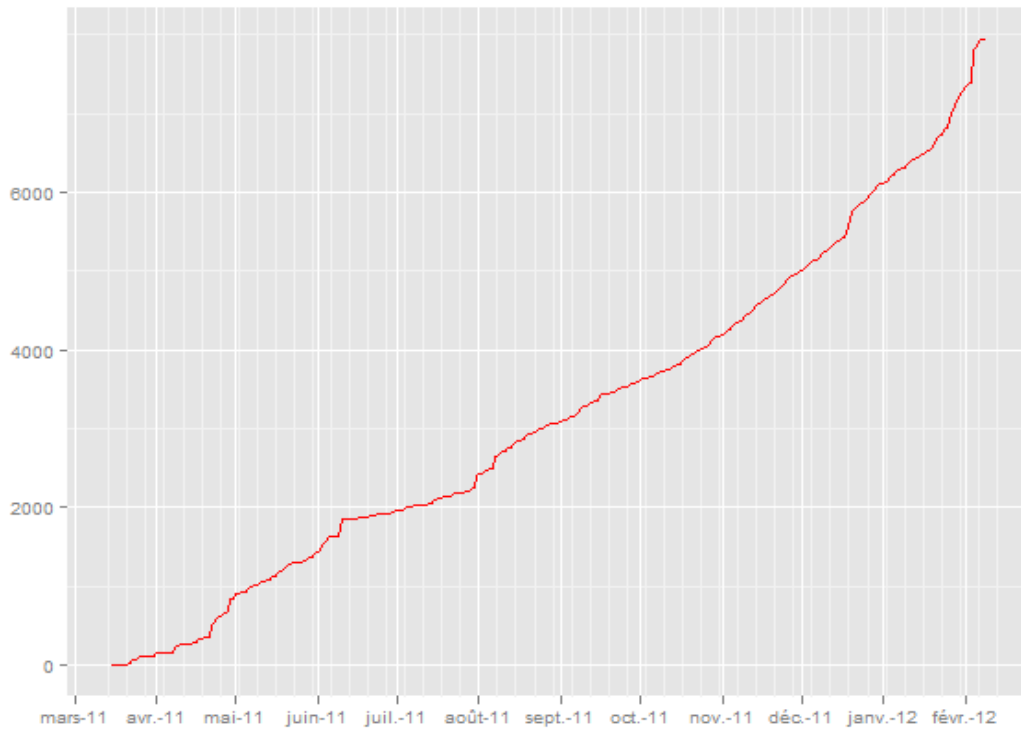
Unlike the recommendations above, this would be militarization action and may result in war between Turkey and the government of Syria. At the moment, the violence is spreading into Lebanon and contrary to the Economist article, Lebanon is now serving as a base for refugees and opposition forces. The critical point to highlight in this recommendation is that Western countries should not be the only ones intervening. The Arab League and other Middle Eastern countries should help provide humanitarian aid.

One important factor to consider for Western policies is mentioned in Robin Wright's book, *Rock the Casbah*. Instead of implementing democracy upon these countries, it is necessary for these countries to discover democracy on their own. As Wright argues, it is not for outsiders to determine the shape of change in Islamic societies. That is why it is important to work with these newly formed governments instead of forcing Western ideology. The U.S. and other countries sometimes intervene for their own self-interests. The Syrian uprisings do undermine the regional stability, but past humanitarian intervention came about on rare occasions when U.S. international policies were at stake.

If NATO cannot intervene and help the people of Syria then what is the future of Syria? Should it be a peacekeeping force or be restructured to minimize the military focus? The next report titled *A Case for NATO: Intervention in Syria* will answer these questions.

Appendix 1

“Map of Syria”. *The World Factbook 2009*. Washington, DC: Central Intelligence Agency, 2009.
<https://www.cia.gov/library/publications/the-world-factbook/index.html>.

Appendix 2

Arbel, Juylan. "Daily Casualties in Syria". 9 February 2012.

<http://satisfaction.wordpress.com/2012/02/09/daily-casualties-in-syria/>

Chapter 12

A CASE FOR NATO INTERVENTION IN SYRIA

No one expected that the self immolation of Mohamed Bouazizi would cause a reaction that itself would spread like wild fire across the countries of North Africa and the Middle East. Popular dissatisfaction, economic woes, an increasingly growing, educated, and dissatisfied youth-bulge, among other factors led to mass popular movements across North Africa and the Middle East demanding change and democracy in a stagnant region ruled by dictators and full of religious extremists and terrorists. The reactions to these movements varied greatly; Egypt and Tunisia were able to overthrow authoritarian dictators through peaceful protests and minor pressure from the international community, while on the other hand, in Libya and Syria, Bashar al-Assad and Muammar Qaddafi clung to power by using repression and violence to stunt the popular movements. The Libyan experience itself and the ousting of Qaddafi with the assistance of a United Nations (UN)-backed NATO operation will be the backdrop with which we will consider the role of NATO in the development of the Arab Spring. NATO's intervention created a powerful precedent for intervention in order to maintain global security and to prevent mass atrocities from occurring which will have lasting effects for NATO as a global institution but in the more proximal scope will help us to discover what NATO's role will be as the events of the political turmoil in the greater Middle East and North Africa unfold. While the Libyan experience will help us understand the prerequisites for intervention by the UN and subsequently NATO, this paper will consider the case for Syria as it develops dialogue about the future of NATO.

This paper will begin by examining the history of NATO and its past interventions in Bosnia, Kosovo, and Afghanistan as precedents for what could happen in Syria. This will

help us to develop an understanding of NATO's role in the past and how it has evolved in order to meet the demands of an increasingly globalized world. NATO's interventions in the Balkans will be considered in terms of being peace-enforcing missions within NATO's geopolitical proximity and the intervention in Afghanistan will be taken into account as an example of a military exercise in regional stabilization that occurred relatively out of NATO's mandated range. The paper will conclude by looking into the future of NATO, particularly in the Middle East and North Africa through more discussion on what could happen in Syria based on what has already happened in previous interventions. It will look into the efforts of intervention by other actors while doing so and draw a timeline of these events. As of 19 Feb 2012 several developments have been made. NATO's chief officer has denied the possibility of a NATO response to the Syrian uprisings, the UN General Assembly has officially condemned the Assad regime, and China has expressed support for a peaceful transition of power led by the Arab League. The paper will draw from these events in conjunction with historical precedents of past NATO interventions and will recommend the following:

- Action must be taken. Particularly in regards to the humanitarian crisis. As events unfold we can decide the scope of such action. Right now, it is necessary for the UN and NGOs to provide humanitarian aid.
- The Arab League and countries like Turkey and Qatar should lead whatever action is taken, whether humanitarian aid or military intervention.
- The Arab League does not have the political or military capacity to act alone. It should work alongside other international actors, such as the UN or NATO.

I. NATO [12.1]

On 4 April 1949, the North Atlantic treaty was signed by several European nations and the US as a means of countering the threat of the Soviet Union and its Communist bloc. The treaty gave rise to the North Atlantic Treaty Organization (NATO), which was originally founded with three specific goals, “detering Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent, and encouraging European political integration.”⁴⁷⁷ Once the Cold War was over, many questioned whether NATO would be necessary. While the threat of Soviet expansionism was averted, the latter goals of NATO remained front and center, particularly with a united Germany and the political spill over of the disintegration of many Eastern European countries. It was not until after the Cold War era that NATO began to fully flex its muscles. The organization has increasingly evolved to better suit the needs of its member states, and while it was originally a deterrent against the Soviet Union and the Communist bloc, throughout history it has proven to be an effective tool used to ensure European security and perhaps in totality global security as well. To better understand NATO’s role today, it is vital to look at how it has evolved as an institution and has come to understand itself through the experiences and roles, which it has taken on overtime. Stephen Cimbala and Peter Forster argue that today, “NATO is committed to war fighting, stability and security operations, social and economic reconstruction, and creative diplomacy for regional stability.”⁴⁷⁸ If these are NATO’s commitments, then have they changed? And what is the scope of these goals and priorities? Taking past interventions into consideration we will be able to establish an idea of NATO’s evolving role as an international mechanism and

⁴⁷⁷ "A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

⁴⁷⁸ Cimbala, Stephen, and Peter Forster. *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing*. Ashgate, 2010. 254. eBook. <<http://www.orbis.ebiblib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=495287>>.

arguably enforcement tool for the UN. This paper will look into three military interventions led by NATO as a means of understanding how the organization understands itself through its past actions.

In the early 1990's NATO became involved in the former Yugoslavia after what had been once perceived, as a civil war quickly became a case of ethnic violence and other atrocities. NATO acted in concert with the UN and "offered its full support to United Nations efforts to end war crimes, including direct military action in the form of a naval embargo."⁴⁷⁹ Eventually the continuation of the conflict led to a no-fly zone enforced by NATO and then a nine-day airstrike campaign in 1995 that would play a major role in ending the conflict. December of that same year, NATO under an UN-mandated peace agreement, deployed a multinational force with the goal of helping the region "create the conditions for a self-sustaining peace."⁴⁸⁰ NATO's intervention in what is now Bosnia can be seen as its first military exercise under the UN as a means of stabilizing the region and preventing what could have led to a humanitarian crisis past saving. Taking a lesson from this experience in hopes of applying it to NATO and its role in the Arab Spring, it is important to understand that NATO acted under the UN and because of this its actions were politically legitimate. Another important thing to consider is that the conflict was geographically situated in Eastern Europe and the implications of regional instability were of great concern because even though NATO had originally been a Western European alliance, with then fall of the Soviet Union, the concept of Europe began to reach eastward and encompass Central and Eastern Europe as well. NATO had no choice but to step in because of the regional security interests of its member states. However NATO did not step in right

⁴⁷⁹ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

⁴⁸⁰ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

away because of the nature of this conflict, which did not necessarily necessitate action by NATO because of a lack of precedent. The main lesson that the intervention in the Balkans demonstrates is the dissatisfaction that was felt with the West's inaction pertaining to the situation as a whole.

What Bosnia shows is the inability of Europe to act and the failure of America to lead.' In Bosnia, the fundamental principles of the "new world order" that theoretically formed the basis of the coalition against Saddam Hussein – the rule of law and the opposition to unprovoked aggression – were violated. The authority of the United Nations was ignored. Protection of human rights, including access to humanitarian aid, was denied. Moral outrage caused by the brutality of the conflict, and more importantly, the threatened credibility of the UN and later NATO attracted global attention.⁴⁸¹

This demonstrates that NATO has taken the role of defending the defenseless and stepping somewhat outside of its original mandate in order to ensure security and stability as well as to uphold the right to protect.

Shortly after the Bosnian conflict, NATO had to intervene in Kosovo after the failure of intense international efforts to settle the crisis had failed. "Increasing regional instability, the atrocities of war, and the threat of expanding conflict eventually captured European and UN attention prompting a larger international effort,"⁴⁸² This intervention in the Balkans was another humanitarian crisis in Eastern Europe that included a refugee crisis alongside possible genocide from ethnic violence between three different ethnic groups. NATO led an airstrike in order to allow a peacekeeping mission to enter Kosovo and after the withdrawal of the Serbian army on 4 June 1999 deployed troops to help establish stability in the region. This intervention is not only another example of NATO's evolving role as a last resort military force used as peacekeeper and peace enforcer but also it demonstrates the willingness of NATO member states to intervene in conflicts so long as all other efforts

⁴⁸¹ Cimbala, Stephen, and Peter Forster. *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing*. Ashgate, 2010. 254. eBook.

<<http://www.orbis.ebilib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=495287>>.

⁴⁸² Cimbala, Stephen, and Peter Forster. *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing*. Ashgate, 2010. 254. eBook.

<<http://www.orbis.ebilib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=495287>>.

were exhausted and regional security was at stake which was the case both in Kosovo and in Bosnia before.

NATO's experiences in Bosnia and Kosovo demonstrated that the debate of whether NATO was to enforce a European peace was moot: events had forced the Alliance's hand. Before the fall of the Berlin Wall, NATO had been a static organization whose mere existence was enough to deter the Soviet Union. Balkan intervention began the Alliance's transformation into a more dynamic and responsive organization. Gone was the Cold War doctrine of nuclear retaliation, and in its place, the determination to use, after all peaceful means had failed, measured and carefully applied force in combination with diplomatic and humanitarian efforts to stop conflict, and to do so, if necessary out of NATO's traditional North Atlantic sphere.⁴⁸³

For our purposes both of these interventions, through necessity, changed the dynamics of NATO and have shifted the organization's goals and the scope through which it is determined to meet these goals. Understanding NATO through past interventions will help us to understand the direction in which NATO will continue to follow and what that means for the developments unfolding as a result of the Arab Spring.

After the events of 11 Sept 2001, NATO was called upon to respond because of the legally binding nature of the North Atlantic Treaty. Intervention in Afghanistan was the first time in NATO's history that NATO acted out of regard for Article 5 of the North Atlantic Treaty, which defines the commitment by which members of the treaty must respond to an attack on another member. The UNSC passed a resolution after the fall of Afghanistan's Taliban regime to allow for the deployment of the "International Security and Assistance Force (ISAF), a multilateral force in and around Kabul to help stabilize the country and create the conditions of a self-sustaining peace,"⁴⁸⁴ Shortly after, NATO took control of the mission. NATO's mission in Afghanistan included much more than a military campaign for victory against the aggressor but the stabilization of the region as a whole particularly

⁴⁸³ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

⁴⁸⁴ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

through the nation building efforts of a democratic Afghan state. “Real success is predicated upon a continuous presence of military force to quell insurgents in order that civilian-led political and economic development may take hold. Security, economic development, and legitimate governance are the triad of afghan success. This plan requires a concerted effort by the international community.”⁴⁸⁵ In this case, NATO led a mission that required nation-building exercises that included political, social, and economic factors. NATO’s role once again evolved because it acted somewhat as a stabilizing agent rather than just a military force. Before in the Balkans, NATO acted as a stabilizing factor that hoped to ensure peace in the region and quell ethnic violence; In Afghanistan, NATO’s role was defined by ensuring a peaceful political and economic transition after the fall of the Taliban regime and amidst the threat of al-Qaeda and other militant extremist groups. NATO cannot hope to take on the role of nation-building by itself and so must continue to and begin forging new partnerships in order to achieve its goals and priorities and maintain peace and security.

As time progresses and new conflicts arise, NATO will have to continue to evolve in order to meet the needs and interests of its member states.

Since its founding in 1949, the transatlantic Alliance’s flexibility, embedded in its original Treaty, has allowed it to suit the different requirements of different times. In the 1950s, the Alliance was a purely defensive organization. In the 1960s, NATO became a political instrument for détente. In the 1990s, the Alliance was a tool for the stabilization of Eastern Europe and Central Asia through the incorporation of new Partners and Allies. Now NATO has a new mission: extending peace through the strategic projection of security.⁴⁸⁶

The lessons that can be learned from past interventions help us understand NATO’s role and how it has changed from being an instrument of the West to use against the Soviet Union during the Cold War to now being an instrument of the UN and of Western interests to intervene when intervention is deemed necessary and can be seen as legitimate.

⁴⁸⁵ Cimbala, Stephen, and Peter Forster. *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing*. Ashgate, 2010. 254. eBook.

<<http://www.orbis.ebib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=495287>>.

⁴⁸⁶ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012. <<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

“Stabilization missions like the one in Afghanistan are likely to remain the most high-profile tasks NATO undertakes for the foreseeable future,”⁴⁸⁷ and as of the intervention in Libya which closely resembles the Balkan intervention but may continue on to resemble the Afghanistan intervention in that it be a nation building exercise, NATO’s role may continue to evolve to become much more globally influential and political.

NATO’s involvement in the Middle East began with its intervention in Afghanistan in 2001 and continued with an intervention in Libya in 2011, which I will not discuss but is discussed in depth in an (previous) essay. The events that unfolded alongside the Arab Spring eventually sparked mass protests in Syria. These protests were met by a strong response by Syrian forces at the command of Syrian President Bashar al-Assad. In order to prevent redundancy this section of my paper will forgo discussing the timeline of events of the Syrian uprising nor will it attempt to make a humanitarian call for help. Instead I will attempt to discuss the prospect of a NATO response in Syria through developments in what it would take for a response to be given, by using deductive reasoning as provided by previous interventions and NATO missions as to whether or not a NATO response is merited, and then prescriptions to how a NATO response would take place and what it would look like.

II. NATO & SYRIA [12.2]

Before prescriptions can be made it is imperative that we discuss efforts for intervention that have already been made. As of 18 Feb 2012 there have been many attempts made by both regional actors such as the Arab League as well as the United Nations to have Bashar al-Assad step down and for a peaceful transition of power to take place. Many

⁴⁸⁷ Kitchen, Veronica. *The Globalization of NATO: Intervention, Security and Identity*. 1st ed. Routledge, 2010. 1-164. eBook. <<http://www.orbis.eblib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=515385>>.

European and Arab countries have set heavy sanctions against the regime of Bashar al-Assad in hopes of using soft power to force the regime's demise. The Arab League, represented by 23 Arab states, has been quite vocal about their stance on a peaceful transition of power in Syria. The League has already been responsible for deploying monitors in Syria to observe the situation but quickly retreated the observers because of the escalation of violence. The Arab League has also drafted a proposal for a peaceful transition of power and the stepping down of Bashar al-Assad that it presented to the UN in hopes that the UNSC would vote on a resolution condemning the Syrian government and then taking steps towards this goal through whatever means necessary. Al-Jazeera reported that "thirteen countries voted for the resolution proposed by European and Arab nations to give strong backing to the Arab League's plan to end the violence in Syria that has claimed thousands of lives across the country since March 2011."⁴⁸⁸ Russia and China however used their veto to stop the resolution from passing. Both Russia and China had become disillusioned with NATO's military intervention in Libya and have therefore been very keen on not allowing Syria to become another Libya. Both nations are also known to have strong diplomatic relationships with the regime of Bashar al-Assad and strongly believe that state sovereignty should be respected. Much like in the Balkans in which, "Russia and China were concerned that by authorizing international intervention in Kosovo, [because] they would be establishing a precedent in which human rights violations become a *raison d'etre* for violating national sovereignty potentially curtailing their freedom of action in Chechnya and Tibet, respectively,"⁴⁸⁹ they believe that national sovereignty should not be undermined. Among these reasons, both countries also claim that before any action can be taken much more

⁴⁸⁸ "Veto on Syria sparks Arab and Western fury." Al Jazeera 05 02 2012, n. pag. Web. 25 Feb. 2012.
<<http://www.aljazeera.com/news/middleeast/2012/02/201224162422121856.html>>.

⁴⁸⁹ Cimbala, Stephen, and Peter Forster. *Multinational Military Intervention: NATO Policy, Strategy and Burden Sharing*. Ashgate, 2010. 254. eBook.
<<http://www.orbis.ebib.com.offcampus.lib.washington.edu/patron/FullRecord.aspx?p=495287>>.

consultation must be taken into account. Both European and Arab states were outraged at China and Russia's decision to veto the resolution and called for further condemnation of the Syrian regime. France's Nicolas Sarkozy even went as far as arguing that, "the veto would encourage further crackdowns by the Syrian regime."⁴⁹⁰ There is a wide consensus that action must be taken to prevent further civilian deaths by the Syrian regime as well as what could if it has not already, escalate into a humanitarian crisis, civil war, and a massive refugee crisis as well. On 17 Feb 2012, the United Nations General Assembly "voted 137 to 12 to approve a non-binding resolution calling for an immediate halt to the Syrian government's crackdown on protests against President Bashar al-Assad's rule."⁴⁹¹ The Assembly's resolution while not binding like a UNSC resolution is an important step towards a multilateral response for Syria. Chinese Vice Foreign Minister Zhai Jun met in Damascus with President Bashar al-Assad on 18 Feb 2012 and stated that China would support the Arab League's proposals for Syrian peace. "The seemingly contradictory stance on the Arab League's proposals appear to reflect Beijing's desire for mediation but aversion to UN involvement that could lead to authorizing force, as happened with Libya."⁴⁹² This change in direction for Beijing is an important development for the Syrian people and will undoubtedly have many implications.

It is clear that NATO's involvement in Syria if any will not resemble the Libyan intervention because of the complex nature of Syrian society as well as Syria's geopolitical context. Based on previous NATO interventions, an intervention in Syria would not be completely unprecedented. While Syria is not traditionally considered to be within the

⁴⁹⁰ "Veto on Syria sparks Arab and Western fury." Al Jazeera 05 02 2012, n. pag. Web. 25 Feb. 2012.
<<http://www.aljazeera.com/news/middleeast/2012/02/201224162422121856.html>>.

⁴⁹¹ "UN condemns crackdown in Syria." Al Jazeera 17 02 2012, n. pag. Web. 25 Feb. 2012.
<<http://www.aljazeera.com/news/middleeast/2012/02/201221621362371553.html>>.

⁴⁹² AP. "China supports Arab League's proposals for Syria." CBS News [Beijing] 18 02 2012, n. pag. Web. 25 Feb. 2012.
<http://www.cbsnews.com/8301-202_162-57380952/china-supports-arab-leagues-proposals-for-syria/>.

regional mandate of NATO, regional stability is still in the best interest of NATO member states, particularly Turkey. If intervention in Afghanistan and Libya were merited even though both states are geopolitically out of NATO's tradition North Atlantic sphere, then Syria would surely not be considered regionally out of strategic reach. Considering the escalation of violence in Syria, in which the UN "says more than 5,400 people were killed in Syria last year. In addition, 25,000 people are estimated to have sought refuge in neighboring countries and more than 70,000 are internally displaced."⁴⁹³ A humanitarian case for intervention would also have strong precedent in consistency with NATO interventions in Bosnia, Kosovo, and Libya based on the premises of quelling humanitarian crises and civil wars. NATO has a strong precedent for intervention in Syria as we have taken note of based on past interventions. However, on 17 Feb 2012, in Ankara, NATO Secretary General Anders Fogh Rasmussen stated "the Western military alliance will not intervene in Syria even in the event of a United Nations 'mandate to protect civilians.'"⁴⁹⁴ The NATO chief has stated that even with UN mandate NATO would likely not respond because of the unique nature of Syrian society which he claims to be "complicated ethnically, politically, [and] religiously."⁴⁹⁵ Rasmussen argued that a regional response and solution would be a much more effective response. In regards to this new development it is important to keep in mind that the Syrian uprisings are perhaps the most violent in regards to the other uprisings to have come from the Arab Spring. With a massive refugee crisis, a humanitarian crisis, and the possibility of civil war looming ever greatly, will the Arab League be sufficient in

⁴⁹³ AP. "China supports Arab League's proposals for Syria." CBS News [Beijing] 18 02 2012, n. pag. Web. 25 Feb. 2012. <http://www.cbsnews.com/8301-202_162-57380952/china-supports-arab-leagues-proposals-for-syria/>.

⁴⁹⁴ "NATO Chief rules out Syria intervention." Tehran Times 18 02 2012, n. pag. Web. 25 Feb. 2012. <<http://www.tehrantimes.com/middle-east/95574-nato-chief-rules-out-syria-intervention>>.

⁴⁹⁵ "NATO Chief rules out Syria intervention." Tehran Times 18 02 2012, n. pag. Web. 25 Feb. 2012. <<http://www.tehrantimes.com/middle-east/95574-nato-chief-rules-out-syria-intervention>>.

responding? Does the Arab League have the enforcement capabilities and/or the peacekeeping abilities necessary for a peaceful transition of power to come about in Syria?

Ruling out a NATO intervention in Syria because of the complex dynamics of Syrian society still leaves us with the question regarding what should be done in this situation. Opposition groups in Syria cannot come together to form a successful challenge to the Assad regime and the Arab League does not have the mechanisms to successfully implement a peace plan which is the reason why they presented their proposal to the UN in hopes of obtaining multilateral support in the form of a peacekeeping mission or perhaps even a NATO intervention. Does the UN alone; even have the recourses to deploy such a force? China has agreed that an Arab led peace plan would be in the best interests of all and NATO as well as many other groups including the US seem to agree with that thought. Even if NATO does not respond to the Syrian uprising, many NATO member states would most likely be involved in a response. Turkey which is a NATO member state has vital interest in stabilizing the region not only because refugees would likely flee to Turkey, but also because at the outbreak of a civil war the Syrian state would be a breeding ground for terrorist groups and extremists which because of its proximity to Iran could hold very dangerous implications. Turkey should lead along with Qatar and the combined aid of the UN, a peacekeeping mission made up of Arab state forces and some help from European states and the US for the man power and enforcement mechanisms that the Arab League lacks. NATO has learned from past interventions and it's ever evolving dynamic that success can best be found within a conjoint effort.

The Alliance is not and cannot be a civilian reconstruction agency, but NATO can make a significant contribution provided that it is part of a coherent international response. In this way, the Alliance's

efforts are only as effective as its ability to work with others, and NATO must liaise with countries and organizations that can provide resources and expertise in civilian reconstruction.⁴⁹⁶

Even if NATO does not intervene, the Arab League will need to follow this same advice.

True success in an effort to intervene in Syria will only be possible through cooperation between different states and organizations. As of 25 Feb 2012, two new developments have come to be that could help in deciding how intervention will be applied to Syria. The first being the International Red Cross's appeal to opposition groups in Syria to allow for a daily two hour ceasefire in order to distribute aid. "The International Committee of the Red Cross said it had asked authorities and rebels to agree daily ceasefires so life-saving aid can reach civilians in hard-hit areas including Homs."⁴⁹⁷ This is the first sign of intervention from an NGO and would provide humanitarian relief. The second development is the formation of the Friends of Syria group. The group assembled foreign ministers from several countries as well as the leaders of many international organizations and began to draw out plans that would both support the Syrian opposition, particularly the Syrian National Council, and call for the stepping down of power of Bashar al-Assad and a peaceful transition of power.

The Friends group recognized this call by giving a green light to U.N. chief Ban Ki-moon to start drawing up plans for such a joint Arab League-U.N. peacekeeping operation that would be comprised of civilian police officers. Ban is expected to begin recruiting possible contributors to the mission and preparing its mandate. Such an operation would not be a military intervention but would still require authorization from the U.N. Security Council, where it will likely face opposition from veto-wielding members China and Russia, neither of which attended the Tunis conference, and Iran. Russia and Iran are Syria's two biggest military suppliers.⁴⁹⁸

⁴⁹⁶ A Short History of NATO." NATO History. North Atlantic Treaty Organization, n.d. Web. 25 Feb 2012.

<<http://www.nato.int.offcampus.lib.washington.edu/history/nato-history.html>>.

⁴⁹⁷ Karouny, Mariam, and Stephanie Nebehay. "Red Cross seeks Syria ceasefires; more than 100 killed." Reuters [BEIRUT/GENEVA] 21 02 2012, n. pag. Web. 25 Feb. 2012.

⁴⁹⁸ Lee, Matthew. "'Friends of Syria' vow support for opposition." Associated Press [Tunis] 25 02 2012, n. pag. Web. 25 Feb. 2012.

<<http://www.google.com/hostednews/ap/article/ALeqM5hMJVxHA5Hpt0XGR65vhGYPvIPWov?docId=0c4d5fea5c7e41afa69e651d9517947e>>.

The group disagreed on whether to arm the opposition, on creating protected “humanitarian corridors” to deliver vital aid, and on the scope of intervention. The importance of this group however lies on the demonstration of international cooperation against the Bashar regime. Many of the countries included NATO members and Arab League members, and whether the group calls on a NATO led mission or a peacekeeping mission by the UN, or even a multilateral intervention by independent countries, the group is sending a clear message to Assad, and that is that the international community no longer considers his regime legitimate and will do whatever it takes to end it.

The case for intervention in Syria has gotten ever more convoluted because of the complex dynamics of Syria society, the threat of civil war because of sectarian disagreements, the humanitarian crisis, the refugee crisis, and the lack of an organized opposition that could peacefully replace the Assad regime. Along with these challenges, intervention seems unlikely because of the inability of the UNSC to pass a resolution and the fact that the Arab League, the only regional organization that could garner enough support, does not have the mechanisms for enforcement necessary to achieve a peaceful transition of power in Syria. This paper has focused on NATO and the possibility for intervention based on past interventions, NATO goals and interests, and developments that are occurring in real time that could allow or prevent a NATO intervention in Syria like the one in Libya. As of 20 Feb 2012, a NATO intervention seems highly unlikely and NATO’s Secretary General has even expressed that a military intervention even under UNSC mandate would likely not occur. Because these events are occurring as you read this, anything could happen and further developments could lead to intervention or some other plan lead by the Arab League.

PART IV—A

HUMAN RIGHTS WATCH & THE ARAB SPRING

Human Rights Watch is an organization dedicated to publicly shaming governments and countries that do not observe the proper respect for human rights. The organization defends a set of universal rights, first outlined in the United Nation's Universal Declaration of Human Rights. The idea of human rights as universal is inherently flawed in that it assumes a universal morality as well. This paper aims to criticize the western-centric democratic ideology surrounding modern human rights discourse. The growing trend to combine morality and politics has led to a system in which human rights rhetoric is beginning to challenge the existing framework of international law. This ideology has, in the recent past, led to humanitarian intervention: the justification to use foreign military force to protect individuals from further human rights violations. This paper will situate Human Rights Watch within framework of western ideology; the organization's democratic and western biases will be investigated through its coverage of the Arab Spring. This paper aims to answer: How does the ideology of Human Rights Watch mirror NATO countries dealings in the Middle East and North Africa in the wake of the Arab Spring?

Chapter 13

HUMAN RIGHTS WATCH AND THE ARAB SPRING **HOW DOES HUMAN RIGHTS WATCH COVERAGE OF THE ARAB SPRING REFLECT THE DILEMMAS FACED BY NATO IN THE MIDDLE EAST AND NORTH AFRICA?**

Human Rights Watch is an independent organization, dedicated to educating the global community on, and promoting respect for, human rights worldwide. In the wake of the Arab Spring, Human Rights Watch has been active in covering the events taking place in the Middle East and North Africa, and reporting on the human rights violations taking place. The organization Human Rights Watch is based out of democratic countries, therefore the information on global human rights is situated within a western, democratic ideology. This paper will focus on the organization, Human Rights Watch, as lens for the dilemmas facing the western global powers, specifically the democratic countries of NATO, as they adjust to new order arising in the wake of the Arab Spring.

This paper will investigate the idea of “humanitarian intervention” based on the protection of human rights, specifically focusing on the current issues in human rights taking place in the wake of the Arab Spring. To begin, I will present a background of the current human rights discourse that has been widely accepted as the ideal by democratic global powers. The next section will situate Human Rights Watch as a western-based organization with western ideals and perspective. Next, I will address the situation in the Middle East and North Africa as reported by Human Rights Watch. This section will center on the West’s attitude toward human rights in the Middle East and North Africa. I will then focus on the ideas of humanitarian intervention, and the use of human rights to justify military intervention. In the following section, continuing with Human Rights Watch coverage, I will narrow my scope of focus to two countries: Libya and Syria. The last section will focus on

the future of human rights in the region based on the Human Rights Watch coverage, and potential for international response.

I. HUMAN RIGHTS DISCOURSE [13.1]

Human rights have been given a place of utmost importance in the realm of international politics. The idea that there is a set of universal human rights that must be protected by any means possible has established a radical framework for progressive change in the West's approach to international relations. The document that best encompasses the idea of a set of universal human rights is the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948. The declaration extensively outlines the rights that should be provided to all people at all times. The UDHR declares the civil political, economic, social and cultural rights of humans: it lists, among others, the rights to freedom from arbitrary arrest and torture; to freedom of thought, expression and religion; to property and marriage rights; to a healthy standard of living.⁴⁹⁹ It promotes the respect for fundamental rights and freedoms on an international level. The UDHR is not legally binding, but it is often cited as the human rights standard to which all nations should be held.

The key point of importance to the UDHR is that it is written based on a set of values specific to democratic, western societies with little respect to global cultural diversity. The "universality" of the UDHR is flawed. Cultural diversity should not be used to protect unjust dictators, explain the use of torture, or allow the oppression of minorities within a country. There is a limited set of human rights that should be enjoyed by all citizens, but the core of human rights that are truly universal, are much smaller than those outlined in the

⁴⁹⁹ Mary E. Williams. *Human Rights: Opposing Viewpoints*. (San Diego: Greenhaven Press, 1998), 12.

UDHR. It is not adequate to think that the true social nature of human rights was settled with the adoption of the UDHR.⁵⁰⁰

According to David Chandler in *From Kosovo to Kabul and Beyond: Human Rights and International Intervention*, the attractiveness of human rights in the arena of international relations is based around three ideas: universality, empowerment and a human-centered approach to politics. In an increasingly connected world, the protection of human rights is for the greater good of the global community. This lends a sense of universality to the importance of human rights in that the importance of protecting human rights, however they are defined, is universally beneficial. Second, human rights provide a sense of empowerment to the average citizen; unlike traditional politics, in which power is held by the government or elected elite, human rights redistribute the power into the hands of the individuals and address the needs of oppressed groups and minorities. Third, human rights policy provides a human-centered approach to politics, based on ethics and morality rather than an adherence to the grand ideas connected to traditional politics of the “Left and Right”.⁵⁰¹ Human Rights Watch also focuses on these three appeals of human rights to strengthen their methodology of public “naming and shaming” of abusive governments and leaders. These three points lead to the emerging paradigm of human security. A vague concept, supported mainly by democracies, human security challenges the traditional notion of national security. The paradigm of human security posits that the true symbol for security should be the individual as opposed to the state, and that this shift in discourse is necessary for national, regional and global stability. Human rights, and subsequently human security,

⁵⁰⁰ Bilahari Kausikan. “A Universal Definition of Human Rights Ignores Cultural Diversity” in *Human Rights: Opposing Viewpoints*, ed Mary E. Williams. (San Diego: Greenhaven Press, 1998), 22.

⁵⁰¹ David Chandler. *From Kosovo to Kabul and Beyond: Human Rights and International Intervention* (London: Pluto, 2006), 3.

have grown in popularity based on the ideas universality, empowerment and human-centered approach to politics.

Mirroring some of Chandler's arguments outlined above, Rainer Forst, outlines the different aspects of human rights as they are defined today in his piece "The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach". Favoring a less western-centric position than Chandler and Human Rights Watch, Forst states that human rights have moral, legal, political and historical aspects: moral in that they express human concerns that must not be ignored or violated; legal as they are outlined in national constitutions, lists of basic rights and within international declarations; political because they can be legitimized politically, fulfilled or violated by governments; historical existence although circumstances of the appearance of human rights is contested.⁵⁰² While these four aspects are important when considering human rights history, it is imperative not to overlook the essential social aspect of human rights: "namely, that when and where they have been claimed, it has been because the individuals concerned suffered from and protested against forms of oppression and/or exploitation that they believed disregarded their dignity as human beings."⁵⁰³ This definition by Forst of the social nature of human rights encompasses the overarching goal of the Arab Spring to rise up against the oppression and exploitation that they have suffered from in past at the hand of their political leaders.

II. HUMAN RIGHTS WATCH AS A WESTERN ORGANIZATION [13.2]

In 1975, the Helsinki Final Act was signed by thirty-five states that participated in the Conference on Security and Cooperation in Europe. The act was seen as an attempt to improve relations between the Communist bloc and western democratic countries in the

⁵⁰² Rainer Forst. "The Justification of Human Rights and the Basic Right to Justification: a Reflexive Approach." *Ethics*. 120.4 (2010): 711.

⁵⁰³ Forst, "The Justification of Human Rights and the Basic Right to Justification: a Reflexive Approach," 712.

midst of the Cold War. The Helsinki Final Act established ten basic principles for relations among the participating states, the most relevant of which was “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief (principle 7).”⁵⁰⁴ Human Rights Watch as an organization emerged in 1978, as Helsinki Watch, and was dedicated to monitoring the Soviet Union’s compliance with the act. Through media coverage and critical publications Human Rights Watch used public “shaming and naming” of abusive governments to encourage democratic transitions in the region through the 1980s. Throughout the 1980’s America, Africa, Asia, and Middle East Watch were founded and in 1988, the organization adopted the all-inclusive name Human Rights Watch.⁵⁰⁵

Today, Human Rights Watch has its main headquarters in New York City. The organization’s directors consist mainly of members based in the United States; the Executive Director, Chairman of the Board, and even the Middle East and North African Director are all Americans, with educations from prestigious American universities.⁵⁰⁶ In 2011 Human Rights Watch received the first ten million dollar installment of a ten-year grant from The George Soros Open Society Foundation.⁵⁰⁷ The private foundation providing the grant is based in New York and aimed to shape public policy to promote democracy, human rights, and economic and social reform.⁵⁰⁸ With a budget of slightly over 51 million dollars in 2011,⁵⁰⁹ an annual contribution of ten million over the next ten years will be significant for the future of Human Rights as an organization. The ties to North America through the corporate leadership and foundation contributions inevitably lend an unavoidable western,

⁵⁰⁴ Daniel C Thomas. *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*. (Princeton, N.J: Princeton University Press, 2001), 5.

⁵⁰⁵ “Our History”. *Human Rights Watch | Defending Human Rights Worldwide*.

⁵⁰⁶ “Our People”. *Human Rights Watch | Defending Human Rights Worldwide*.

⁵⁰⁷ Financial Statements: Year Ended June 30, 2011. *Human Rights Watch, Inc.* 16.

⁵⁰⁸ “About” *The Open Society Foundations*. <http://www.soros.org/about>

⁵⁰⁹ Financial Statements: Year Ended June 30, 2011. *Human Rights Watch, Inc.* 7.

democratic bias to the work taken on by Human Rights Watch. Human Rights Watch has been criticized for its western-centric biases.

In a *New York Times* Op-Ed piece Robert L. Bernstein, who served as Human Rights Watch chairman from its inception in 1978 through 1998, and is now the founding chairman emeritus, states: “I must do something that I never anticipated: I must publicly join the group’s critics.”⁵¹⁰ Bernstein goes on to criticize the organization’s dealings in the Middle East and the organization’s apparent bias against Israel. He argues that, regardless of the situation in the Middle East as a whole, Human Rights Watch has written more condemnations of Israel for human rights violations than any other country in the region. Bernstein believes this bias has not shed enough light on violations by other despotic regimes in the Middle East:

Meanwhile, the Arab and Iranian regimes rule over some 350 million people, and most remain brutal, closed and autocratic, permitting little or no internal dissent. The plight of their citizens who would most benefit from the kind of attention a large and well-financed international human rights organization can provide is being ignored as Human Rights Watch’s Middle East division prepares report after report on Israel.⁵¹¹

Bernstein is intimate with the inner-workings of Human Rights Watch and yet finds flaw with the organization’s tendency to link western values to the values of minorities in the Middle East when addressing the human rights situation in the region.

III. HUMAN RIGHTS WATCH AND THE ARAB SPRING [13.3]

Powerful democratic countries, some of which were past colonial powers in the Middle East and North Africa, have been critical of the human rights situation since long before the beginning of the Arab Spring. The current situation in the Arab world is one of

⁵¹⁰ Robert L. Bernstein. “Rights Watchdog, Lost in the Mideast.” *The New York Times*. (20 Oct. 2009).

⁵¹¹ Bernstein. “Rights Watchdog, Lost in the Mideast,” 2009.

political unrest and a widespread shift in cultural ideals. The people, especially the large proportion of the population between the ages of eighteen and thirty, are rising up against the powerful regimes and dictatorships in the name of political rights and social justice. Often, as in Tunisia and Iran, the political and social revolutions have been sparked by a specific event that moves the population into action. In the case of Tunisia, the self-immolation of a disparaged fruit seller shocked the population into action against its political system, successfully ousting the long-standing president.

In a handful of countries in the Middle East and Northern Africa these largely peaceful uprisings have been successful in overthrowing political leadership that has been in power for decades. During the uprisings and in the melee after, Human Rights Watch has made a concentrated effort to cover and report on the historical events taking place. While they are thorough and appear to be unbiased in their reporting, Human Rights Watch supports an ideal of human rights based on western-centric democratic values. While being heavily anchored in the morals of the west, the organization's coverage of human rights abuses in the wake of the Arab Spring can be used to mirror the dilemma faced by NATO democratic world powers as they begin to respond to the new order of the Middle East and North Africa.

In the *Human Rights Watch 2011 World Report*, the organization's Executive Director Kenneth Roth writes on the history of the West's complacency toward the region's autocratic leaders. Many of these leaders have created systems of ongoing human rights abuses in their countries; human rights violations that continue to grow exponentially in some countries where the leaders of the past attempt to cling to power by any means necessary. He argues that in the past the West has approached the region with a policy of

containment; “as if the Arab people were to be feared, hemmed in and controlled.”⁵¹² As democracy flourishes around the world, the Middle East and North Africa continued to be controlled by autocratic leaders. Where democratic ideals prevail governments are expected to serve and be held accountable to their people, but in the Middle East and North Africa autocratic rulers were seen by western powers as stabilizing agents in the otherwise unstable regions. This viewpoint is shifting as citizens in the region are beginning to demand to be full citizens of their country, afforded with all the same rights. In the past the West has been supportive of Arab autocrats for many reasons.

A primary reason for democratic world power’s past support of autocrats in the Middle East and North Africa is based on the perceived threats to western ideals from political Islam. Democracy promotion has been a loudly argued justification for invasion and intervention in the region, but these voices quieted as Islamic political parties have come into power through fair elections: Hamas in the West Bank and Gaza in 2006, and the Muslim Brotherhood in Egypt’s 2005 parliamentary elections.⁵¹³ In a region known for terrorism against Western countries by extremist groups, autocrats that have been perceived to fight terrorism in their own countries have garnered support from the West. Another reason for Western support of autocrats is sustained peace between Israel and the Arab world. Autocratic leaders that signed peace treaties with Israel often saw massive US aid regardless of their domestic policies.⁵¹⁴ One of the most important reasons for the West’s complacency toward autocratic rulers stems from the importance of oil to the global economy. The threat of economic turmoil from a disruption of the flow of oil has allowed autocrats to remain in power stemming from democratic country’s fear that a shift toward a

⁵¹² Kenneth Roth. “Time to Abandon Autocrats and Embrace Rights: The International Response to the Arab Spring” in *Human Rights Watch World Report*. (New York: Human Rights Watch, 2011), 1

⁵¹³ Roth, “Time to Abandon Autocrats and Embrace Rights: The International Response to the Arab Spring”

⁵¹⁴ *Ibid* [P.5]

citizen run government would upset energy markets. The revenue collected by autocrats in oil-rich countries is also a coercive means to retain power without public support from the tax-paying citizens.⁵¹⁵ With these arguments, Roth is openly critiquing western policy that has a history of disregarding human rights in favor of economic and strategic incentive. Incidentally none of these forces feared by democratic world powers lay behind the recent uprisings of the Arab Spring.

By supporting autocratic dictators, democratic global powers have created an extensive history of overlooking and putting at risk the human rights of the citizens in Middle East and North Africa. In the wake of the uprisings democratic countries have had a chance to redeem themselves by acknowledging the importance of human rights for the citizens of the countries involved in the Arab Spring. The international community must encourage, and if need, place pressure on, new governments to respect basic rights. The intrinsic problem in this is that democratic world leaders will hold the new governments, arisen from the Arab Spring, to a set of human rights based in western morals and values. Rainer Forst presents the idea of “right to justification” within human rights as a means to avoid the ethnocentrism inherent in modern day human rights discourse.

Forst’s argument assumes that the human rights are meant to ensure that no human being is treated in a way that cannot be justified to themselves as fair treatment as a person equal to others. He states:

One claim underlies all human rights, namely, human beings’ claim to be respected as autonomous agents who have the right not to be subjected to certain actions or institutional norms that cannot be adequately justified to them... human rights have a common ground in one basic moral right, the *right to justification*.⁵¹⁶

⁵¹⁵ Ibid

⁵¹⁶ Forst, “The Justification of Human Rights and the Basic Right to Justification: a Reflexive Approach,” 712.

Forst states that the legal and political function of human rights should be to make effective the right to justification. He argues that rights must be formulated so that they express mutual respect between government and individual. As an extension, a government should not subject its citizens to any set of laws which they as an individual cannot participate in as an autonomous agent of justification. “Thus, human rights do not just protect the autonomy and agency of persons, they also express their autonomy politically”.⁵¹⁷ This point is extremely important to take into consideration when addressing the future of human rights in the wake of the Arab Spring. Human Rights Watch acknowledges the moral, legal, political and historical realms of the global human rights campaign, but does less to address the social aspect of human rights. Human Rights Watch, in this sense, can appear to be a western centered organization pointing a finger at the wrongdoings of another culture. Forst’s approach to human rights supports humans as their own autonomous actors. The Arab Spring uprisings started at a grassroots level with citizens of each country mobilizing against the oppressive government and demanding autonomy. The citizens of the countries involved in the Arab Spring have been taking their rights into their own hands, demanding justification, and fighting back against the traditional rhetoric of autocratic leaders and western ideologies that have in the past dictated their treatment as humans.

IV. HUMANITARIAN INTERVENTION [13.4]

Human rights based humanitarianism is very different in content and form from the practice and principles of the original humanitarian movement, which focused more on “needs” and less on “rights” of citizens. Until recently, the promotion of human rights policy was limited to fundraising and campaigning attempts by NGOs. The transformation of humanitarianism from the margins of the political arena, to the center of the international

⁵¹⁷ Forst, “The Justification of Human Rights and the Basic Right to Justification: a Reflexive Approach,” 712.

affairs has been achieved through the redefinition of humanitarian policy and practice, and its integration into the quickly growing human rights agenda. The new international discourse of human rights based humanitarian policy no longer separates states and international aid from humanitarianism but attempts to combine the two under “ethical” or “moral” foreign policy.⁵¹⁸ The growing trend to combine morality and politics has led to a system in which human rights discourse is beginning to challenge the existing framework of international law: “Democracy and human rights have very different, and often competing, theoretical and moral foundations.”⁵¹⁹ Democracy and state sovereignty are held in high regard by the democratic countries of NATO. With the shift in discourse surrounding international human rights policy, democracy and state sovereignty have begun to take the back seat to the protection and respect of human rights. Since the end of World War II, human rights violations have garnered a more drastic international response. International agencies have begun to use military action to protect human rights. In the case of human rights, war is seen as the lesser of two evils.

The Kosovo war in the late 1990s marked the beginning of a new age of human rights enforcement. A war not fought for self-interest or the promotion of democracy, but as according to Tony Blair fought “over the values of civilization”.⁵²⁰ Despite the fact that the NATO bombing campaign for the protection of the Kosovars resulted in many targeting errors, and unnecessary civilian deaths, the general international opinion was that the war was likely to be remembered “not for its military and political misjudgments, but as the first war waged for ethical principles alone”.⁵²¹ The human rights justification for military action

⁵¹⁸ Chandler, *From Kosovo to Kabul and Beyond: Human Rights and International Intervention*.

⁵¹⁹ Ibid [P.13].

⁵²⁰ Tony Blaire, 1999: Cited in Chandler David Chandler. *From Kosovo to Kabul and Beyond: Human Rights and International Intervention*, 15.

⁵²¹ Chandler, *From Kosovo to Kabul and Beyond: Human Rights and International Intervention*, 15.

has opened the floodgates for countries to use human rights violations as an excuse for more a self-interest centered military occupation.

V. HUMAN RIGHTS IN LIBYA AND SYRIA [13.5]

The autocratic leaders in the Middle Eastern and North African countries involved in the uprisings of the Arab Spring have extensive histories of mistreatment of their citizens. As a whole, the West has chosen to largely ignore the human rights violations, in favor of the “stability” provided to the region by the autocratic leaders. Recently, with widespread the populist uprisings against these leaders, and subsequent violent response, western opinion leaders have shifted support toward the citizens.

As one of the preeminent human rights organizations in the world, Human Rights Watch provides an important perspective for the past and present events in the largely peaceful uprisings involved in the Middle East and North Africa. Using real time reporting of events as well as in depth documentation, Human Right Watch works to educate the global community on the human rights atrocities taking place in the wake of the Arab Spring. Every year Human Rights Watch publishes a comprehensive document on the state of human rights respect worldwide. The World Report goes by through each country and outlines the state of the human rights in the past year. The 2011 World Report focused on heavily on the circumstances surrounding the Arab Spring. This paper focuses specifically on the Human Rights Watch coverage of the human rights situation in Libya and Syria because of the implications for past and future humanitarian intervention in the two countries respectively.

In Libya, the popular uprising against Gaddafi’s autocratic rule led quickly to a government crackdown against protestors; a subsequent armed revolt, a NATO response, and ultimately the death of a dictator who, according to Human Rights Watch, has amassed

a “deplorable human rights record over 42 years”.⁵²² The human rights violations that took place in Libya in 2011 are extensive. The revolt stemmed from the arbitrary arrest of government critics, including a lawyer who represented the families of more than a thousand prisoners who had been killed in Abu Salim prison in 1996. As the government repression grew in violence and strength, the uprising rapidly degenerated into an armed conflict. Human Rights Watch reports that from February until August when Tripoli fell, Gaddafi forces arrested thousands of people across the country. The government provided no information on how many people had been arrested, where they were being held, or what charges they faced. Those released from government custody reported frequent torture, some apparently even died from the abuse or the subsequent lack of medical care. Many prisoners of Gaddafi’s forces were executed during the conflict, especially leading up to the fall of Tripoli.⁵²³ Human Rights Watch reports at least ten cases of apparent gang rape and sexual assault of men and women by Gaddafi forces. The extent of sexual violence remains unknown, due in part to the stigma surrounding rape in Libya. Gaddafi forces were not the only ones to commit human rights and humanitarian law violations. HRW reports that rebel forces and localized volunteer security groups were also found to have participated in torture, revenge attacks, arbitrary arrests, and mass killings of Gaddafi supporters and officials.

Syria also saw extensive human rights abuses during the 2011 pro-democracy Arab Spring movements, atrocities and violations that continue to this day. Syria has been ruled under emergency law by a repressive police state since 1963. Anti-government protests erupted in southern Syria in mid-March, and quickly spread to the rest of the country. Government security forces responded brutally, according to HRW, killing at least 3500

⁵²² *Human Rights Watch World Report*. (New York: Human Rights Watch, 2011), 595.

⁵²³ *Ibid*.

protesters, and detaining thousands more, including children under age 18. Many of these prisoners were held incommunicado and subjected to torture. Security forces have also arrested many protesters at hospitals, even from operating rooms. This has forced many wounded people to seek medical treatment in private field hospitals, for fear of arrest. Although the government enacted reforms in an effort to quell protest movements, security forces continued bloody repression that showed the government's determination to crush dissent and reject reforms that might undermine its authority.⁵²⁴

VI. FUTURE OF HUMAN RIGHTS AND THE ARAB SPRING [13.6]

In the case of the Arab Spring, international organizations must adopt a more culturally diverse definition of human rights, as opposed to the current dominant discourse that situates human rights from a democratic, western-centric point of view. While Human Rights Watch makes a concentrated effort to report human rights violations from an unbiased stance they are equally guilty of being situated within this discourse. An approach to human rights as outlined by Forst would allow increased individual autonomy and for better tailoring of human rights to suit the needs of the new political order rising from the ashes of the Arab Spring.

Human rights violations as outlined in broad terms in the 2011 World Report, and pressure from organizations such as Human Rights Watch most certainly add to the international pressure on NATO to intervene. This has led to the discovery that military power may not be a useful instrument in dealing with specific country by country issues in the region. NATO is a group of democratic countries who in turn each have an individual agenda when dealing in the Middle East and North Africa, and are tied to the region by their oil dependency; but protection of human rights as justification for military intervention must

⁵²⁴ Ibid

be across the board or not at all. Military intervention in Libya was completed swiftly based largely on the economic incentives of NATO's democratic powers, whereas in Syria, NATO has been immobilized as more people die everyday.

Human Rights Watch is an organization dedicated to publicly shaming governments and countries that do not observe the proper respect for human rights. The organization defends a set of universal rights, first outlined in the United Nation's Universal Declaration of Human Rights. The idea of human rights as universal is inherently flawed in that it assumes a universal morality as well. Forst presents "the right to justification" as a valid alternative to the current human rights rhetoric. The growing trend to combine morality and politics has led to a system in which human rights discourse is beginning to challenge the existing framework of international law. NATO and Human Rights Watch share a similar ethos on human rights. Based on the pressure from nongovernmental organizations such as Human Rights Watch, NATO is able to justify humanitarian intervention and the foreign military force to protect individuals in countries of economic interest from further human rights violations.

PART IV—B

THE ARAB SPRING & ISRAEL

Since the formation of the State of Israel in 1948, the world's only majority Jewish State has played a prominent role in the political, social and cultural landscape of the entire Middle East. It has been at the heart of violent conflicts for over sixty years and it has defined regional dynamics. However, the unprecedented events of the Arab Spring have provided the impetus for the next chapter in Israeli-Arab relations. Today, Israel faces enormous challenges in the form of uncertainty in neighboring countries, increased isolation on the global stage and growing hostilities with Iran over its nuclear program.

Additionally, the calls for democracy across the Middle East have placed an all-new pressure on Israel to address the Palestinian population under occupation, largely void of democratic rights. In order to confront these challenges and secure its long-term survival, Israel must agree to a lasting solution with the Palestinians. Both negotiations and implementation will require the assistance of the Quartet on the Middle East and/or NATO. No matter how difficult this may be, an Israeli-Palestinian peace is the prerequisite for any sense of regional stability.

Once Israeli-Palestinian peace is secured, Israel and the member states of NATO can greatly promote democracy, human rights and the rule of law through heavy investment in the Arab World. In addition, Israel can provide a valuable model to emerging Arab democracies of how a first-world democracy with a distinct ethno-religious identity can both exist and flourish in the modern world. Since 1948, the major roadblock to Middle Eastern peace has been the unending Arab-Israeli conflict. However, using the extraordinary events of the Arab Spring as motivation, Israel and the West must begin to actively seek an end to the world's most complex geopolitical crisis.

Chapter 14

THE ARAB SPRING AND ISRAEL HOW THE SWEEPING CHANGES ACROSS THE MIDDLE EAST WILL IMPACT THE JEWISH STATE

In the early hours of 15 May 2011, tens of thousands of protesters, inspired by the popular uprisings taking place across the Middle East, began to march towards Israel's borders. Protesters from Syria, Jordan, Egypt and from within the occupied West Bank and Gaza strip marched in commemoration of al-Nakba Day. Nakba, Arabic for "*catastrophe*," is the day the Arabic-speaking world has used to commemorate the establishment of the state of Israel in 1948 and the subsequent creation of Palestinian refugees. The Israeli Defense Forces (IDF), defending their national sovereignty, fired upon the protesters attempting to enter the country, particularly along the Syrian border. The symbolic attempt to "return" to Palestine was met with a forceful response from the Israeli military. However, the message sent to the Israeli government and the entire Western World cannot be denied. The Arab Spring, the collective name given to the popular protests across the region, had reached Israel.

While the nature of the conflict has changed over time (Israel has become a regional power, Palestinian nationalist movements have fluctuated), it is still undoubtedly one of the most pressing and complex political challenges in the world today. The calls for democracy and accountability across the Arab World along with continued isolation of Israel on the world stage have placed new pressure on Israel, the United States and the international community.

In the wake of the Arab Spring, Israel must act to secure its long-term survival with the accomplishment of three primary objectives. First, a lasting peace agreement with the Palestinians is a necessity for any sense of regional stability and cooperation in order to move forward, no matter how daunting that task may seem. Second, the changes across the Arab World present new opportunities for Israel to positively impact the region in an unprecedented way. As a highly

developed first-world nation, Israel can and should be a major source of investment and resources as new Arab democracies begin the difficult task of state building. Lastly, while Turkey is generally viewed as the primary model of democracy and Islam, Israel should be viewed as a potential theoretical model of a developed religious democracy with high levels of economic and political freedom. As Arab nations continue to develop in the wake of the Arab Spring, they can look to Israel as an example of how a liberal democracy in the western mold can coexist with an ethno-religious national identity.

Why does Israel matter to NATO policy? When discussing the Arab Spring movement, Israel's unique place in the geopolitical landscape of the modern Middle East cannot be overlooked. For all its polarity on the international stage, Israel still receives bipartisan support from Washington D.C. and remains a key strategic interest for US policy in the region. Therefore, an uncertain future for Israel translates to an uncertain policy for the US. Given NATO's reliance on the United States, US concerns are NATO concerns. Consequently, any NATO response to the Arab Spring must consider American and Israeli interests. The fear of another Arab-Israeli war will constrain the US and NATO responses to shifting regional dynamics. Regional instability and the overthrow of relatively *friendly* regimes, most notably Hosni Mubarak of Egypt, could pose a new set of challenges and potential violence towards Israel. However, the sweeping changes across the region could also present a new opportunity for cooperation between Israel and its historically hostile neighbors that would enable a lasting peace.

This paper will make the following recommendations: 1) Israel will be able to secure its future and provide stability to the entire region through a lasting agreement with the Palestinians; 2) NATO, along with the Quartet on the Middle East, must provide necessary support in implementing an Israeli-Palestinian peace agreement; 3) Once a lasting arrangement is in place, Israel and the NATO member states will be able to assist in stabilizing the region through investment in

infrastructure and the formation of a trade union; 4) As highly developed first world democracy, Israel should play a useful role as a model for newly emerging democracies in the Middle East.

I. ISRAEL AND THE MODERN MIDDLE EAST [14.1]

Historical Context

On May 14th, 1948, David Ben-Gurion read aloud the Declaration of Independence of the newly formed State of Israel. The next day, armies from Egypt, Syria, Jordan, Iraq and Lebanon invaded the fledgling state with the intention to destroy the Jewish community in Palestine. After nearly a year of fighting, Israel emerged victorious and took control of 77% of mandate Palestine as opposed to the 56% that had been allotted to them in the 1947 UN partition plan.⁵²⁵ From 1948 to 1973, Israel and its neighbors coexisted in a state of perpetual war. Even after ceasefire agreements were enacted in 1949, small border skirmishes eventually erupted in to major conflicts in 1956 and 1967. The latter, known in Israel as the Six-Day War and across the Arab World as An-Naksah (“*the Setback*”), had profound implications across the entire Middle East. After the war, the number of Palestinian refugees roughly doubled as the Golan Heights, the West Bank (including the old city of Jerusalem), the Gaza Strip and the Sinai Peninsula all came under Israeli military occupation. The 1967 Arab-Israeli War marked a monumental turning point in the history of Israeli-Arab relations. Israel asserted itself to the level of regional superpower while the results of war shocked and embarrassed the Arab world. At the Khartoum Summit of August 1967, the Arabs solidified their rejectionist policies towards the Jewish State and issued their “three noes: no peace, no recognition and no negotiation with Israel.”⁵²⁶

⁵²⁵ Jones, Clive, and Emma Murphy. *Israel: Challenges to Identity, Democracy, and the State*. London: Routledge, 2002. Print. Pg. 17

⁵²⁶ Stephens, Elizabeth. "Caught on the Hope: The Yom Kippur War." *History Today* 58.10 (2008): 44-50. EBSCO Host. Web. 1 Feb. 2012.

In 1973, Arab armies launched a surprise attack against the state of Israel on the eve of the holiest day of the Jewish calendar, Yom Kippur. Despite heavy initial losses, the Israeli Defense Forces (IDF) eventually drove back the invading Arab armies before the US and Soviet Union pressured both sides to accept a ceasefire. The United States pledged to support Israeli prior to the war and a \$2.2 billion commitment to Israel during the war solidified the “special relationship” between Israel and the United States that has continued to this day.⁵²⁷ Around the world, the Arab members of OPEC led by Saudi Arabia announced an oil embargo to protest US support of Israel during the conflict, contributing to the 1973 energy crisis.

However, the fighting also paved the way for a major breakthrough in relations between Israel and its Arab neighbors. Building around a strategy of “Land for Peace,” President Jimmy Carter hosted negotiations at Camp David between Egyptian president Anwar Sadat and Israeli Prime Minister Menachem Begin. In 1979, Israel agreed to return the entirety of the Sinai Peninsula to Egypt (although the Gaza Strip remained under Israeli occupation) in exchange for a peace treaty with Egypt and normalized diplomatic relations. Additionally, Egypt became the second highest recipient of foreign aid from the United States (after Israel).

In the face of Israeli-Egyptian peace, the Palestinian Liberation Organization (PLO) continued their campaign calling for the destruction of Israel. In 1982, Israel launched a military campaign into southern Lebanon to drive Palestinian factions from the territory. Growing public unrest in Palestinian leadership and the 1987 popular uprising against Israeli occupation – the Intifada – forced Yasser Arafat and the PLO to informally recognize Israel and pursue negotiations in the late 1980’s.⁵²⁸ This willingness to negotiate led to the Madrid conference of 1991. While the conference had few significant accomplishments, it was the first time the Israel-Palestinian conflict was addressed in an international forum and negotiations were conducted face-to-face. More

⁵²⁷ [Ibid](#)

⁵²⁸ Ghanem, As’ad. *Palestinian Politics after Arafat: A Failed National Movement*. Bloomington: Indiana UP, 2010. Print. Pg. 11

importantly, Madrid laid the groundwork for the 1993 Oslo Accords. Based upon declarations of mutual recognition and eventual Israeli withdrawal, the Oslo Accords seemed to be a crowning achievement in the search for a lasting peace.

Since 1993, the peace process has been defined by failure. In spite of its early successes, the Oslo Accords were not a final solution to the Israeli-Palestinian conflict. Over the course of the 1990's, internal forces on both sides stalled negotiations, namely the election of the right-wing Netanyahu government and reports of widespread corruption pushing the Palestinian National Authority (PNA, created as a result of the Oslo Accords) near bankruptcy. In September 2000, renewed violence in the form of the Second Intifada effectively destroyed the peace process. The death of Arafat in 2004 coupled with a declining legitimacy of the PNA and Fatah gave way to the rise of Hamas as a genuine alternative. Hamas, a militant Islamist group with strong ties to Egypt's Muslim Brotherhood, has been the ruling political party in Gaza following a coup d'état against Fatah in 2006. Since then, a factional conflict (in some cases violent) between Hamas and Fatah and an increasingly hard-line Netanyahu government supporting settlement construction have contributed to a notable absence of optimism in the Israeli-Palestinian conflict. Recent developments such as the Palestinian Authority's unilateral push for full member status at the United Nations in late 2011 or a unity agreement between Hamas and Fatah in February 2012 have reinvigorated the discussion. However, these developments do not appear to have brought negotiations any closer to a final resolution. The promising post-Oslo image of Yasser Arafat and Yitzhak Rabin shaking hands on the White House lawn has been replaced by hostility and a failed peace process. At the onset of the Arab Spring, a lasting Israeli-Palestinian agreement seemed as distant as ever.

II. THE ARAB SPRING AND ISRAEL - CHALLENGES AND CONCERNS [14.2]

[14.2.a]

Egypt: The End of “Cold” Peace or a New Partner in the Region

Before the 1978 Camp David Accords, Israel and Egypt seemed to be locked in an endless state of war. Full-scale conflicts in 1948, 1956, 1967 and 1973 solidified Egypt as the principal threat to Israeli sovereignty and the leading voice of the Arab opposition to the Jewish State in Palestine. However, over the course of 30 years, geopolitical shifts in the region and the proverbial carrot offered by the United States in the form of foreign aid pushed Anwar Sadat to make an unprecedented peace agreement with Israel in 1979. The deal was heavily criticized within Egypt and Sadat eventually paid the ultimate price in 1981 when he was assassinated at the hands of Islamists opposed to peace with Israel.⁵²⁹ Even with domestic and pan-Arab opposition, the regimes of Sadat and his successor Hosni Mubarak honored their obligations to Israel. By maintaining a minimalist approach to relations with Israel, Egypt effectively reconciled their relations with the Arab world by the late 1980’s and secured the benefits of increased support from the United States. This ‘cold peace’ has been the hallmark of Israeli-Egyptian relations since 1979.

The early 1990’s were a period of optimism in the Middle East. The 1991 Madrid Conference, the formation of the left-leaning Rabin government in 1992, the Oslo Accords and the eventual peace treaty with Jordan all pointed towards signs of improved relations. The separate agreement with Egypt set a precedent for peace since the Egyptian-Israeli agreement was vital to Israeli-Palestinian negotiations. However, the Mubarak regime “could not easily dissociate itself from the cold peace policy, for it was dealing with a radical Islamic opposition, was occasionally pursuing a neo-Nasserist regional and foreign policy, and wanted to signal that it was not

⁵²⁹ *Cold Peace: The History of the Israeli-Egyptian Peace Accords of 1979 and Their Legacy Today*. *Al Jazeera World*. Al Jazeera English, 27 Oct. 2009. Web. <<http://www.aljazeera.com/programmes/general/2009/03/2009320135935779149.html>>

Washington's captive."⁵³⁰ By the mid 1990's, Egyptian attitudes towards Israel had transformed from potential cooperation to rivalry amid fears of losing regional power. Israeli peace with Jordan, improved relations with the Gulf and North African states and the possibility of Israeli nuclear hegemony in the region fueled the competitive antagonism in Egypt. According to Itamar Rabinovich, former Israeli ambassador to the US and current professor at Harvard University, from the Egyptian perspective, "having Israel come to a settlement with the Palestinians and eventually with Syria would be one thing; watching Israel use these agreements to develop a network of political and economic relations across the Middle East, to construct new strategic relations with Turkey and to continue special relations with Washington while retaining a nuclear monopoly – that was another."⁵³¹

In the early 21st century, armed conflicts between the Israelis and Palestinians furthered strained ties with Egypt. The Second Intifada from 2000-2003, the 2006 Israel-Lebanon War against Hezbollah and Operation Cast Lead in Gaza in 2008 presented new challenges to the Mubarak regime. By maintaining the 'cold peace', the government was forced to address growing Egyptian public support for their Palestinian Muslim counterparts especially as technological developments brought the images of these conflicts to households across Egypt. Ultimately, the Israeli campaign against Iranian-supported Hezbollah in 2006, the takeover of Gaza by Hamas and pressure from the US for Egyptian cooperation in regards to Gaza sustained Mubarak's commitments to Israel.

In January of 2011, as hundreds of thousands of Egyptians took to the streets Israel monitored the events with utmost concern and anxiety. The Netanyahu government instructed its ministers not to comment on the events and did not take a political stance on the events given the nature of the fragile relations between the two countries. Israeli military strategists began planning

⁵³⁰ Rabinovich, Itamar. *The Lingering Conflict: Israel, the Arabs, and the Middle East, 1948-2011*. Washington, D.C.: Brookings Institution, 2011. Print. Pg. 207-208

⁵³¹ Rabinovich, Itamar. Pg. 211

worst-case scenarios of violence and the potential response. Israeli president Shimon Peres addressing a conference of European parliament members in February 2011, praised Mubarak's contributions to peace and added his apprehension at the potential risks of open elections in Egypt, particularly in regards to the historically hostile, Muslim Brotherhood.⁵³² By the time the collapse of the Mubarak regime seemed inevitable, the uncertainties surrounding the future of Israeli-Egyptian relations began to take shape across Israel. Fears were exacerbated following the attack by a mob of protesters on the Israeli embassy in Cairo in September 2011. Only a personal intervention by President Obama forced the military council to send Egyptian commandos to protect the premises. "Emergency Law," the ability of the military to maintain legitimate control, and Obama's diplomatic might were put to the test as the events marked a major turning point in Israel-Egypt relations in the post-Mubarak era. Tensions within Egypt combined with popular frustrations over peace with Israel threatened Egyptian security both internally and externally. Similar to Hosni Mubarak, the military council ruling Egypt struggles with the challenge between anti-Israel sentiment on the Egyptian street versus the strategic benefits of peaceful relations with Israel.

One year removed from the protests at Tahrir Square, Egypt still faces enormous challenges. If and how the Egyptian people address these challenges will have a major impact on Israel-Egyptian relations and Israel's role across the entire region. Below are the four key questions of concern for Israel one year after the Egyptian uprising.

1) Who will replace Mubarak?

The military has maintained control in Egypt since the Mubarak regime fell but the transition appears to be under way as parliamentary elections took place at the end of 2011. However, even with continued statements of a commitment to transfer power to civilians and the historic elections

⁵³² Efraim, Omri. "Peres Praises Mubarak for His Contribution to Peace." *Ynetnews.com*. 6 Feb. 2011. Web. 10 Feb. 2012. <<http://www.ynetnews.com/articles/0,7340,L-4024283,00.html>>.

last fall, the armed forces still maintain rule over the country. This comes in the face of growing unrest with military rule and continued clashes between protesters and the police. Military control in Egypt has benefitted Israeli security concerns thus far. Unlike the Egyptian street, the army is fully aware of Israeli military might and would presumably continue to honor the 1979 peace agreement. But as of late February 2011, key questions remain for Israel. Will the Egyptian military eventually relinquish control? Will an anti-Israel, Islamist government rise to power? Will internal tensions in Egypt spiral out of control leading to a violent power vacuum?

2) What will become of the Israeli-Egyptian Peace agreement?

Despite frosty relations with Israel, Mubarak's regime still upheld their fundamental peace agreements; there have been no Egyptian-Israeli wars since the 1970's. American incentives and Israeli military strength had prevented both Sadat and Mubarak from violating the peace agreement in spite of widespread domestic opposition to the deal. Will these factors continue to be enough to dissuade a new Egyptian regime from breaking the agreement? In the aftermath of Arab Spring's push for participatory governance, will anti-Israel sentiment on the Egyptian street finally be enough to break the peace treaty? The future of relations between Egypt and Israel largely depends on what type of government eventually takes form in Cairo.

3) Does the Muslim Brotherhood pose a threat to Israel?

The Islamist political party, illegal under the Mubarak regime, made a resounding return to political life with overwhelming support in the first elections of the post-Mubarak era. As the uprising developed last spring, early responses from Israel were marked by concern and apprehension towards the historically hostile organization. If an Islamist coalition led by the Muslim Brotherhood forms in Egypt, will this threaten the future of Israel-Egypt peace? What will be Egypt's role in regards to Gaza, especially in light of the close ties between Hamas and the Brotherhood? Will the

prospect of US foreign aid, at a time when the Egyptian economy is suffering, be enough to dissuade the brotherhood from some extreme policies?

4) What will be the role of Egypt in an Israeli-Palestinian agreement?

Since 1979, the Egyptian peace treaty has been one of the defining characteristics of Israeli national security policy. Despite the ‘cold peace,’ Israel and Egypt have often worked together, especially in regards to securing the borders of Gaza. The interim military government in Egypt played a key part as mediator in the October 2011 prisoner swap that brought Gilad Shalit (captured by Hamas in 2006) back to Israel in exchange for over 1,000 Palestinians from Israeli prisons.⁵³³ The future of Palestinian-Israeli negotiations and potential settlements will largely depend on the outcomes of the Egyptian uprising. Will the new Egyptian government open the border between Gaza and Egypt? Will the Muslim Brotherhood continue to support Hamas? What will be the future of Israeli citizens living near Gaza who have lived under the threat of rocket fire for nearly a decade? Or, will the new regime take an active role as a mediator between the two sides in an effort to end the nearly 65-year crisis?

[14.2.b]

Syria: The Wildcard

Since 1948, Syrian-Israeli relations have been defined by periods of violence, ceasefires and failed talks. Syria played a major part in the wars of 1948, 1967, 1973 and Israeli invasion of Lebanon in 1982. The Madrid Conference of 1991 marked the first time in history that Syria supported the idea of a peace agreement with Israel. Throughout the 1990’s, Israeli leaders and the Clinton administration worked towards peace with Syria as a necessary prerequisite for peace with the Palestinians. While talks eventually broke down in 2000, the basic framework for peace with Syria remained in place – use the Golan Heights (territory occupied by Israel since 1967) in a ‘Land for

⁵³³ Galpin, Richard. "Gilad Shalit Freed in Israeli-Palestinian Prisoner Swap." *BBC News*. British Broadcasting Corporation, 18 Oct. 2011. Web. 11 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-15339604>>.

Peace' deal similar to the role of the Sinai Peninsula in the treaty with Egypt. In recent years, the transfer of power from Hafiz to Bashar al-Assad, Israeli operations in southern Lebanon, declining US-Syria ties over the Iraq War and Syria's alliance with Iran have all impacted relations between the two nations yet peace still seems like a far-off chance.

In March 2011, inspired by the events across the Arab World, Syrians took to the streets to protest the rule of Bashar al-Assad. Nearly one year later, the country has become the global focal point of the Arab Spring movement. The Syrian government continues shelling civilian populations in the face of widespread opposition from the international community. Despite Russian and Chinese vetoes of the UN Security Council Resolution, the situation on the ground and statements from powerful actors such as the Arab League, EU, US and Turkey have signaled the inevitable fall of the Assad regime in the near future.

As of late February 2012, the Assad government continues to fire artillery and mortar rounds at major population centers across the country while the opposition movement grows. Furthermore, the violence has spilled into the neighboring countries of Lebanon and Iraq. The instability has spawned a wave of sectarian clashes as powerful regional actors such as Hezbollah and Al-Qaeda seek to exploit the situation.⁵³⁴ If the leading resistance groups such as the Syrian National Council and the Free Syrian Army can organize under one united front, a full-fledged Syrian Civil War seems inevitable. If so, a refugee and humanitarian crisis would surely arise. While the vast majority of Syrian refugees thus far have fled to Turkey, Lebanon and Jordan, Israel should neither think it is immune from people seeking refuge nor can it afford to turn them away. Additionally, even with recent vetoes by China and Russia at the UNSC, the situation on the ground could disintegrate to the point where international intervention becomes a viable option either through NATO or a type

⁵³⁴ "Syrian Conflict Spills to Neighbors." *Wall Street Journal*. 16 Feb. 2012. Web. 21 Feb. 2012.
<http://online.wsj.com/article/SB10001424052970204792404577227152279201334.html?mod=googlenews_wsj>.

of coalition of the willing. In this situation, Israel could play an important role as a position for entry into Syria or as a source of strategic intelligence. However, Turkey's geographic proximity, an outspoken stance against the Assad regime and its membership status in NATO all appear to have solidified a commitment to provide an entry point in a potential NATO humanitarian intervention in Syria. Furthermore, the active role taken by the Arab League in regards to the Syrian uprising and the organization's historical opposition to the Jewish State indicate that Israel most likely would not participate directly in an international intervention. Still, any type of full-scale armed conflict in a neighboring country would undoubtedly require monitoring by the Israeli government. Assuming that the conflict does not resolve peacefully in the coming months and Assad is ousted from power, there are three potential routes the Syrian uprising could take, each having a significant impact on Israeli policy.

1) Islamic Extremism

As the Assad regime falls and the subsequent power vacuum develops in Syria, various organizations and groups will struggle for control. One possible path would be the rise of militant Islamist ideologies that already play a major role in regional politics. Similar to the elections in Egypt, free elections in Syria could produce an Islamist government that would develop even stronger ties to the fiercely anti-Israel militant groups such as Hezbollah, Hamas or Islamic Jihad. In this scenario, the new Syria would most likely maintain or even strengthen its ties with Iran while continuing its hostility towards Israel. While this scenario does negate the prospects for a lasting peace, it also does not directly threaten Israel's existence. The new Syria would likely still be far too weak to launch an attack on Israel and any strike would be relegated to rocket fire from the northern borders similar to the situation before the 2006 Lebanon War.

2) A pro-Western, Anti-Assad Regime

Prior to the uprising, the actions of the regime of Bashar al-Assad had isolated Syria from much the Western World. This isolation stems from numerous allegations of providing financial and military support to militant Islamist groups viewed in the west as terror organizations as well as various diplomatic strains with the US over terrorism and the Iraq War. The current crackdown has all but destroyed the Assad regime's standing in the international forum. As of now, the regime is still backed by Russia and China, although there is speculation that the Russian and Chinese support stems from fear of empowering their own domestic opposition movements. Whatever government that eventually rises from the conflict in Syria will face a difficult challenge in rebuilding the state and establishing new ties with the outside world. In this situation, the US government could provide valuable incentives for a peace agreement with Israel to the new Syrian regime. The next chapter in Syrian history could be the formation of an anti-Assad government that seeks to reduce relations with its anti-Western allies (Iran and Russia) in favor of a pro-western policy. Peace with Israel could then be a condition for valuable aid from the US and the West in the rebuilding process.

3) Who will play the role of Franz Ferdinand?

In a recent lecture addressing the Jackson School Student Association, Resat Kasaba, director of the Jackson School, described the current situation in Syria as reminiscent of the Balkans just before World War I. In the early 20th century, internal tensions, external alliances and power struggles across the region produced what became known as the "Powder Keg of Europe." Ultimately, the fuse was lit with the assassination of Archduke Franz Ferdinand that started World War I a month later. In the case of Syria, its complex religious and ethnic history, the role of powerful outside actors and general instability could produce a series of events that could quickly spiral out of control. Battle lines have been drawn between Russia, China and Iran supporting the Assad regime and the US, the member states of NATO and the Arab League calling for him to step down. The threat of a

nuclear Iran and the geographic proximity might be enough to push Israel in to the conflict. Undoubtedly, a crisis such as this, especially if it involves nuclear weapons or the threat of nuclear weapons, would be the World War III for the 21st century. So the question remains, who or what will play the role of Franz Ferdinand?

The Palestinians: The Most Difficult and Most Essential Question in the Middle East

Since the disintegration of the Ottoman Empire, the “Question of Palestine” has dominated the political landscape of the entire region. It has defined the agenda of the United Nations, numerous wars, politicians on all sides and it lies at the heart of the Arab World’s relationship with the West. While the nature of the conflict has changed significantly over the years, its impact and significance remain the benchmark for regional stability. Nevertheless, the events of the Arab Spring are truly unprecedented. The self-immolation of Mohamed Bouazizi and the mass demonstrations at Tahrir Square symbolize the beginning of the next chapter of Middle Eastern history. Cries for democracy and participatory governance, not jihad, now dominate the Arab World. Despite the Israeli-Palestinian conflict’s apparently endless role in regional politics, the changing dynamics of the entire region will undoubtedly impact the future of the conflict. The ways in which Israel, the Palestinian Authority and the Quartet (US, EU, UN and Russia) respond to these changing times will ultimately determine the future of lasting peace in the Middle East.

As protests swept the Middle East last year, Israel also became a target of protests and demonstrations from the Palestinian Arabs living under occupation and in neighboring Arab states. In addition to the march on Israel’s borders on Nakba Day in May, similar protests were organized on 5 June 2011 to mark the day that Palestinians commemorate the Israeli occupation of the West Bank and Gaza after the 1967 war.⁵³⁵ These Palestinians, subject to the same youth bulge and high

⁵³⁵ Pollack, Kenneth M. *The Arab Awakening: America and the Transformation of the Middle East*. Washington, DC: Brookings Institution, 2011. Print. Pg. 50

unemployment that defined protesters across the Arab World, took to the streets, made their voice heard and reopened the question of Israel and Palestine. Will the Palestinian push for democracy and independence fall on deaf ears? As the Arab Spring enters its second year, what will be the future of the Israeli-Palestinian conflict? Will these extraordinary changes across the region be a force for a peaceful two-state solution? Or, will the regional instability empower fundamentalist groups determined to destroy Israel and 'restore' Palestine? Unquestionably, the events in the last year have drastically altered the geopolitical landscape of the entire Middle East. Seemingly stable regimes have fallen, civil war has raged and the regional order will be redrawn. All of these changes combined with the mounting unrest from within Israel and the Occupied Territories has never made peace more essential nor seem more elusive.

[14.2.c]

The Necessity of Renewed Negotiations between Israel and the Palestinians

The Arab Spring has put a new pressure on Israel to resume negotiations with the Palestinians for three principle reasons. First, the hard-line policies of the Netanyahu government have successfully isolated Israel on the international stages. Both the refusal to agree to a freeze on settlement activity and the forceful approach to national security (see the 2006 Lebanon War and Operation Cast Lead from 2008-09) have drawn heavy criticism from the international community. Furthermore, the dissolution of relations with Turkey, once a key strategic regional ally, and the dwindling role of the United States in the region (see former US allies Mubarak and Ben Ali) have further added to this isolation.

Secondly, the very core of the Arab Spring is a cry for democracy and self-determination. While progress towards Palestinian autonomy has been made in years past, most notably with the implementation of the Oslo Accords and the unilateral withdrawal from Gaza, Israel still maintains military control. As the outcomes of Arab Spring continue to unfold, democracy and autonomy will

be the guiding lights for newly emerging Arab governments. How much longer will the Palestinian people, the international community or even the Israeli public allow for the lack of self-rule in the Occupied Territories? If Israel does not proactively address the status quo with the Palestinians, then some other power inevitably will. Perhaps it will come from a member of the Quartet or perhaps from an emerging power such as Turkey or China. Either way, a forced negotiation, not fully supported by either Israel or the Palestinian leadership, is almost certainly doomed to fail.

The third justification for resuming negotiations with the Palestinians is the threat of violence. Since the Arab Spring began, violence from Palestinians has been largely reserved to just rock throwing or the occasional rocket fire from Gaza in to southern Israel. However, continued Israeli military action in Gaza or upon protesters along the borders will inevitably add to growing Palestinian hostility. Every counter attack that Israel launches could escalate and spill over into neighboring countries similar to the border raids in Egypt in August of last year. Given the instability on the ground in both Egypt and Syria, any type of military action could have enormous repercussions. Regional ‘wildcards’ such as Iran and Hezbollah contesting Israeli legitimacy or Turkey challenging the blockade of Gaza could also escalate violence. The Arab Spring, thus far defined by both peaceful protests and violent crackdowns, could ultimately be the catalyst for a third Intifada or another Arab-Israeli War. The Israeli government could presumably bypass these war scenarios by actively pursuing a peaceful settlement with the Palestinians.

[14.2.d]

Obstacles to Restarting Negotiations

Regardless of the pressing need for resumed negotiations, peace has never seemed more distant for three primary reasons. The first challenge to resuming Israeli-Palestinian negotiations is the lack of a mediator. Israeli peace agreements with Jordan and Egypt have historically cast them as valuable mediators. However, the overthrow of the US-backed Mubarak regime and King Abdullah of Jordan facing protests illustrates the regional instability preventing these Arab nations from being

viable intermediaries. Turkey, an increasingly powerful regional actor, once enjoyed strong cooperative relations with Israel and seemed poised to ascend to the role of regional mediator. But in recent years, ties between the two nations have suffered greatly as a result of diplomatic rows over Israel's conduct during Operation Cast Lead and the death of 8 Turkish NGO workers in a confrontation aboard a humanitarian vessel attempting to break the maritime blockade of the Gaza Strip.⁵³⁶ Lastly, the United States, long believed to be essential to the Middle East peace process, has seen a declining influence in the region. While the US will still play a prominent role in any lasting agreement, the wars in Iraq and Afghanistan as well as a struggling economy have greatly harmed the reputation of the US around the Arab World. Mahmoud Abbas and the PNA's unilateral push for statehood in September 2011 at the UN demonstrated the Palestinian desire to circumvent US intervention. The lack of a strong mediator or a strong force pushing for negotiations have made Israeli-Palestinian peace all the more elusive.

The second challenge to renewed talks is strong internal forces on both sides. In Israel, the summer of 2011 was defined by protests. Not from Palestinians in the Occupied Territories inspired by the Arab Spring but rather from inside Israel. Beginning in July, the Social Justice Movement, as it became known in Israel, culminated in massive protests against rising costs of living in the Jewish state. Israeli media puts the number of protesters upwards of 400,000 and these protests dominated the domestic political scene and demanded the attention of the Netanyahu government.⁵³⁷ On the other side, factional divides between Hamas and Fatah have dominated Palestinian politics since 2006. Hamas, a militant Islamist organization with a charter that calls for the destruction of Israel, has long been a roadblock to any negotiations. While some see the recent unity deal between Hamas

⁵³⁶ Kershner, Isabel. "Israel Cancels Military Contract With Turkey to Supply Aerial System." *New York Times* 24 Dec. 2011. Web. 15 Feb. 2012. <Israel Cancels Military Contract With Turkey to Supply Aerial System>.

⁵³⁷ "Israelis Hold Renewed Mass Protests over Living Costs." *BBC News*. British Broadcasting Corporation, 3 Sept. 2011. Web. 15 Feb. 2012. <<http://www.bbc.co.uk/news/world-middle-east-14777260>>.

and Fatah as an important step in the right direction, Bibi Netanyahu and the Israeli government continue to stress, " Hamas and peace do not go together."⁵³⁸

The last obstacle to talks between Palestinians and Israel has been the growing threat of a nuclear Iran. While the history of nuclear power in the Islamic Republic dates back to the 1960's, the 2005 election of conservative president, Mahmoud Ahmadinejad, reinvigorated the country's nuclear program. Since then, various international reports from agencies such as the IAEA and the CIA have warned about the potential military capabilities of Iran's nuclear program although Iran claims that its intentions are peaceful.⁵³⁹ Iran's outspoken anti-Israel stance, demonstrated by missiles draped in banners that read "wipe Israel off the map," has sparked a justified fear from the Jewish state.⁵⁴⁰ In the past few months, diplomatic battles between Iran and the West (the EU, US and Israel) have resulted in tougher sanctions and heightened rhetoric. Israeli leadership has repeatedly stressed that it will not shy away from a military strike against Iran's nuclear program. As a result, any type of public call for Palestinian negotiations within Israel has been sidelined by the possible threat of a nuclear Iran.

Since 1948, the Israeli-Arab and Israeli-Palestinian conflicts have been at the center of East-West relations in the Middle East. From 1948 until the fall of the Soviet Union, regional battle lines were drawn and the Middle East became one of many theatres of the Cold War. American support for Israel has long drawn criticism from the Muslim world and became a common theme in Jihadist rhetoric against the US. In recent years, the showdown between Iran and the West has been the latest example of this conflict on an international level. Therefore, any sense of regional stability

⁵³⁸ Flower, Kevin. "Palestinian Factions Hamas, Fatah Reach Unity Deal." *CNN*. 06 Feb. 2012. Web. 15 Feb. 2012. <http://articles.cnn.com/2012-02-06/middleeast/world_meast_middle-east-politics_1_independent-palestinian-lawmaker-palestinian-factions-hamas-palestinian-interest?_s=PM:MIDDLEEAST>.

⁵³⁹ "Iran's Nuclear Program." *Times Topics*. New York Times, 15 Feb. 2012. Web. 15 Feb. 2012.

<http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear_program/index.html>.

⁵⁴⁰ "Iran's Nuclear Program."

must include an Israeli-Palestinian settlement. In today's world, peace has never seemed more essential due to Israel's increasing isolation, the message of the Arab Spring and the potential for another outbreak of violence. However, these historic times also present great challenges to negotiations such as the lack of a strong mediator, internal politics and the growing threat of a nuclear Iran. In spite of these challenges, the situation on the ground cannot undergo sustained improvement until Israel and the Palestinians reach a substantial agreement.

III. WHAT COMES NEXT? – PROPOSALS TO SECURE REGIONAL STABILITY IN THE MIDDLE EAST [14.3]

[14.3.a]

Joining the Middle East

In 2002, at the height of the second Palestinian Intifada against Israeli occupation, leaders from the Arab League met in Beirut and supported a plan for peace across the Middle East. The Arab Peace Initiative, proposed by Saudi Arabia, called for Israel to withdraw from all of its territory occupied since 1967 and to refer the refugee issue to previous UN resolutions. In exchange, all 22 members of the Arab League would establish normalized, peaceful relations with Israel.⁵⁴¹ While Israeli leadership quickly rejected the plan, claiming that the influx of Palestinian refugees would destroy the Jewish character of the state, it had two significant outcomes. First, it marked a monumental landmark in Arab-Israeli relations. While Arafat and the PLO recognized Israel's right to exist as early as 1988, the Arab Peace Initiative marked the first time that the greater Arab World recognized this right in the form of a two-state solution. Secondly, while the specifics of the initiative were unacceptable to Israel, the overriding concept cannot be dismissed. Namely, Israeli peace with the Palestinians will result in peace with the entire Arab World.

⁵⁴¹ "Arabs Offer Israelis Peace Plan." *BBC News*. British Broadcasting Corporation, 28 Mar. 2002. Web. 16 Feb. 2012. <http://news.bbc.co.uk/2/hi/middle_east/1898736.stm>.

The opening for an Israeli agreement with the Arab League is further strengthened due to the growing strains between Iran and the Arab world. Since the early history of Islam, sectarian clashes between Sunni and Shi'a have been a constant theme. In recent years, that divide has re-emerged itself by way of the regional rivalry between the oil-rich nations of Saudi Arabia and Iran. Since 2003, competing ideologies and rival spheres of influences have led to Iranian-Saudi tension in regards to gulf politics, influence in post-Saddam Iraq, conflicting visions for the Levant, and most recently, the quest for nuclear weapons.⁵⁴² As a result, the Saudi-sponsored Arab Peace Initiative strategy becomes a valuable way for Saudi Arabia to break the regional stalemate. By welcoming Israel's military might (namely its not so secret nuclear plan) in order to curb growing Iranian influence in the region, Saudi Arabia will effectively adopt an "enemy of my enemy is my friend" approach to foreign relations. Israel must take advantage of this potential Arab push for regional cooperation and make steps towards a lasting agreement with the Palestinians. By reaching an agreement with the Palestinians as described below, Israel could then *join* the Middle East and begin working towards establishing diplomatic relations and promoting regional stability.

Step 1) Significant Peace Negotiations with the Palestinians

In the early 1990's, changing PLO politics along with a push from the United States and the Soviet Union enabled extraordinary symbolic progress in the form of the 1991 Madrid Conference. These talks then gave way to the much more concrete Oslo Accords in 1993, which ushered in the greatest period of optimism towards Middle East peace since 1948. However, various factors eventually contributed to the demise of the Oslo process. Recently, renewed violence and domestic challenges on both sides have since put any hope for negotiations on indefinite hiatus. The central role of the Israeli-Palestinian conflict in politics across the Arab World demands that any lasting regional stability MUST include a resolution to the over 60 year-old Israeli-Palestinian conflict.

⁵⁴² Wehrey, Frederic M. *Saudi-Iranian Relations since the Fall of Saddam: Rivalry, Cooperation, and Implications for U.S. Policy*. Santa Monica, CA: Rand, 2009. Print.

Despite these seemingly insurmountable challenges, a future resolution is both possible and essential however they will require painful concessions by leaders on both sides in the name of peace.

Therefore, I propose another round of negotiations similar to Madrid 1991 and Oslo 1993 in which both Israeli and Palestinian leaders sit down under the mediation of the international powers, presumably the Quartet on the Middle East. While both sides may have historically opposed preconditions, this new conference will take the presumption of a two-state solution and will require that Hamas denounce its open call for the destruction of Israel. Seeing as how the Islamist group now plays a significant role in Palestinian politics, it is essential that representatives are present at the negotiations. The United Nations defines the five key issues in a permanent agreement as the inalienable rights of the Palestinian people, Jerusalem, refugees, Israeli settlements/borders and water rights.⁵⁴³ In regards to these challenges, I present brief predictions of what the final settlement would entail.

Rights of the Palestinian People – The successful creation of an internationally recognized Palestinian state would require international respect for its sovereignty. Palestinian self-determination would be guaranteed under international law. Any infringements of these rights by Israel or any other state could then be brought to the International Court of Justice in the Hague, Netherlands. Additionally, a future Palestinian state would require easy transportation between the West Bank and Gaza, protected by an outside presence such as NATO or the UN.

Jerusalem – the complex issues surrounding the holy city of Jerusalem present some of the greatest challenges to any round of negotiations. In a proposed settlement, Jerusalem will continue to be the capital of Israel however Israel must also concede areas of East Jerusalem that will become the site of the future Palestinian capital. The walled Old City and areas of historical religious

⁵⁴³ United Nations. *Key Issues in a Palestinian Settlement*. The Question of Palestine. Web. 15 Feb. 2012. <<http://domino.un.org/unispal.nsf/iss.htm?OpenForm>>.

importance will come under joint authorization along with the presence of a United Nations (or NATO) force to ensure peace and cooperation within Jerusalem.

Refugees – To ensure the future Jewish character of the state of Israel, an essential component for Israeli cooperation, Palestinian refugees will not be given a full right of return to Israel. The sovereign Palestinian state will be free to make any decisions it wants in regards to immigration and refugees. In lieu of a right of return for refugees, Israel must be prepared to offer some sort of reparations or provide financial support for the building of housing in a Palestinian state.

Israeli Settlements/Borders – Since 1967, successive Israeli governments have promoted and protected settlements in the Occupied Territories in the face of frequent UN resolutions against them. In May 2011, Barack Obama took a step that no other US president had done before him and suggested that the 1967 borders be used as the basis for negotiations.⁵⁴⁴ In the last 40 years, the situation on the ground has transformed to one where a complete withdrawal to the '67 borders is no longer possible. Nevertheless, both sides will need to come together to negotiate land swaps to account for Israeli settlements. Israel must be ready to make painful concessions and withdraw from sections of the occupied West Bank as part of a final agreement.

Water – Like much of the Middle East, the arid climate of Israel and the Palestinian territories makes water a scarce commodity. Current Israeli policies place severe drilling and water use restrictions on the residents of the Occupied Territories. Israel, as a global leader in water resource technology, must be prepared to support water development projects in the new Palestinian state. Additionally, I propose a transnational regional agency to monitor water use, efficiency and hygiene between Israel, Palestine, Syria, Lebanon and Jordan. This agency would follow a similar model of the Sava River Basin Commission; an international organization that operates between the

⁵⁴⁴ Landler, Mark, and Steven L. Meyers. "Obama Sees '67 Borders as Starting Point for Peace Deal." *New York Times* 20 May 2011: A1. *New York Times Online*. Web. 15 Feb. 2012.
<<http://www.nytimes.com/2011/05/20/world/middleeast/20speech.html?pagewanted=all>>.

previously warring nations of the former Yugoslavia, and would require monitoring from outside parties such as the UN or NATO member states.

Step 2) Israel as a Powerful Economic Ally in the Region

Assuming that a lasting agreement can be reached with the Palestinians (no small accomplishment) and Israel establishes ties with the Arab nations, it becomes critical for Israel to begin strengthening those ties. The conventional wisdom surrounding international relations holds that a strong economy and low unemployment greatly improve political stability. Therefore, I propose the following set of strategies for developing strong, stable Israeli-Arab relations. For the following proposals, accept the existence a separate Palestinian state and normalized relations with the entire Arab League.

An inflation crisis in the mid-1980's led to sweeping economic reforms that have since pushed the Israeli economy in to the upper echelon of international economies. Israel's booming high-tech industry helped spur growth throughout the 90's and 2000's while attracting substantial outside investments. Israel's large defense industry, a labor force trained in sophisticated technologies during military service, a large pool of researchers in the Jewish Diaspora, and a highly educated wave of immigrants from the former Soviet Union in the early 1990's have all contributed to Israel's impressive economic growth in the last 25 years.⁵⁴⁵ Today, Israel, along with Turkey, represents the only two nations from the Middle East region in the Organization for Economic Cooperation and Development.

For all of its economic successes, the potential for Israeli growth has still been severely curbed by geopolitical factors. While the rate has diminished from previous highs in the 1980's, Israeli defense spending still totals about 6.5% of the country's GDP, considerably higher than

⁵⁴⁵ "A Profile of the Israeli Economy." *OECD Observer* 2011. Web. 16 Feb. 2012.
<http://www.oecdobserver.org/news/fullstory.php/aid/3544/A_profile_of_the_Israeli_economy.html>

almost all developed nations.⁵⁴⁶ Huge drops in foreign investments during the second Intifada as well as costly wars in 2006 and 2008-09 further limited potential growth and investment. The India-based think tank Strategic Foresight has placed the cumulative opportunity cost of conflict to Israel from 1991-2010 at nearly \$1.1 trillion.⁵⁴⁷ A lasting peace with its historically hostile neighbors would enable for huge cuts in Israeli defense spending and free up massive amounts of capital for investment both inside of Israel and abroad. Using the World Bank's 2010 GDP of Israel (about \$220 billion), just a 33% cut in military spending would free up about \$9 billion USD.⁵⁴⁸ Some percentage of that money could and should be used to provide reparations or compensation to Palestinian refugees necessary for acceptance from Palestinian leadership of an agreement without a right of return. Beyond just the humanitarian and security incentives for Israeli-Palestinian peace, a lasting agreement would invariably bring a huge economic boom to the Jewish state.

Investment in Infrastructure

Achieving self-sustaining Arab economies will require foreign investment. Israel, in an effort to truly secure its long-term survival and security, should promote investing in the Arab states, particularly in the newly formed state of Palestine and the other emerging democracies. An invigorated international community, ecstatic after solving the world's most drawn out political stalemate, would almost assuredly begin the process of investing in Palestinian state-building and economic growth. If similar international responses in post-conflict Bosnia and Kosovo are any indication, then a Palestinian state could be predicted to see anywhere from \$6-12 billion USD in foreign aid.⁵⁴⁹ A major portion of the foreign aid to newly emerging Arab democracies must go towards infrastructure development. Particularly in the Palestinian territories, decades of conflict

⁵⁴⁶ "A Profile of the Israeli Economy." *OECD Observer* 2011.

⁵⁴⁷ *Cost of Conflict in the Middle East*. Rep. Strategic Foresight Group, Jan. 2009. Web. 16 Feb. 2012. <<http://www.strategicforesight.com/Cost%20of%20Conflict%20-%206%20pager.pdf>>.

⁵⁴⁸ "Israel." *Country Data*. The World Bank. Web. 16 Feb. 2012. <<http://data.worldbank.org/country/israel>>.

⁵⁴⁹ Rand Palestinian State Study Team. *Building a Successful Palestinian State*. Santa Monica, CA: Rand, 2005. Print.

have left the infrastructure damaged or even non-existent. Furthermore, Palestinian per capita GDP is still just one-tenth that of Israel's.⁵⁵⁰ Therefore, it must be a major priority of the international community to build the infrastructure in Palestine and other emerging Arab democracies in order to support competitive trade domestically and abroad. Additionally, as a global leader in water resource technology, Israel must invest or cooperate with local nations to develop similar water projects across the arid Middle East. Israel must also work on cooperative development projects for sewage and energy plants, particularly in Gaza where both poverty and anti-Israel extremism are prevalent. By leading a global charge of investment in the Arab World, Israel can quickly begin work on creating ties with an Arab world that had largely been nonexistent.

A Regional Trade Agreement

Like emerging economic superpowers India and China, Palestine and the greater Arab World's comparative advantage lie in its massive labor force. With a close proximity to both Europe and Asia and increasingly liberalized trade policies under new democracies, the Middle East could become the next great manufacturing power. In order to invigorate this process, the region should begin discussions for a free trade or reduced tariff agreement. I propose the creation of a multi-national trade agreement, to counter the Gulf Cooperation Council, comprised of Israel, Palestine, Egypt, Jordan, Syria and Lebanon. This trade organization would lead to reduced trade restrictions thereby lowering the costs of goods within the new Arab democracies while simultaneously making exports more competitive on the global market. Increased economic cooperation could also spawn joint commercial enterprises between Israel and the other states in the free trade agreement particularly in regards to water, energy, tourism and transportation. This would further strengthen ties between Israel and the Arab world while simultaneously providing employment necessary for regional stability. Improved economic relations would produce improved diplomatic and personal

⁵⁵⁰ Rand Palestinian State Study Team. *Building a Successful Palestinian State*. Santa Monica, CA: Rand, 2005. Print.

relations especially in regards to foreign employment. In particular, Palestinian employment in Israel must continue as a necessity for building a stable Palestinian economy while helping to erode the decades of animosity and contempt. While the obvious apprehensions to free trade are still present (environmental concerns, exploitation, loss of jobs, etc.), economic union between Israel and the Arab World would invariably produce an atmosphere of cooperation that would transcend economics and create lasting, mutually beneficial relationships.

Step 3) The Israeli Model

Since the onset of the Arab Spring, cries for democracy have dominated the Arab World. As of 2011, Israel ranked as the only democracy in the Middle East.⁵⁵¹ With the widespread criticism of Israeli policy in the occupied Palestinian territories, it is important to note the difference between governance in Israel proper and the Occupied Territories. All of the land occupied in the 1967 war, except for Jerusalem and the Golan Heights which have both been formally annexed by Israel (an act that violated the Geneva Convention and has drawn heavy international criticism), is under varying degrees of Israeli military jurisdiction and Palestinian autonomy. This distinction is not to be used as a justification for human rights violations in the Occupied Territories but rather to illustrate the complexities in describing the Israeli political system.

After narrowing the scope of comparison, Israel can and should be considered a first-world country in a region long relegated to the tag of “developing world.” The 2011 UN Human Development Index, which effectively measures the “standard of living” through various factors, gave Israel the 17th highest score in the world, higher than any other country in the Middle East and over 50 spots higher than the next Middle Eastern country without oil reserves (Lebanon at #71).⁵⁵² Today, Israel exists as a unique juxtaposition of western ideals of democracy and economic

⁵⁵¹ *Democracy Index 2010: Democracy in Decline. The Economist Intelligence Unit.* The Economist, 2010. Web. 15 Feb. 2012. <http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf>.

⁵⁵² United Nations. United Nations Development Program. *Human Development Report.* New York, 2011. Web. 19 Feb. 2012.

liberalization in the Middle East. While Turkey is commonly used as the archetype of coexistence between democracy and Islam, the Israeli political structure can serve as a useful model for newly emerging Arab democracies of a first-world religious democracy with relatively high levels of economic and political freedom.

The 1948 Declaration of Independence established a “Jewish State” in part of the territory of Mandate Palestine. It also created a 120-person parliament that has, over the years, passed a series of laws known as the Basic Laws, which form the *de facto* constitution of Israel. In Israeli elections, citizens vote for a political party with each party receiving a number of seats in parliament proportional to their percentage of the election. Despite the lack of a constitution, the stable government that has emerged in Israel since 1948 can be described as “a secular republic, with a theoretically sovereign parliament, a politically powerful cabinet, an independent secular judiciary and a largely ceremonial president.”⁵⁵³

The unique relationship between the state and the various population groups represents an issue that newly democratic Arab states must address. Palestinian Arabs that stayed in Israel after 1948 were granted citizenship and have become active members of society. Today, Israel’s Arab minority comprises roughly 20% of the population. As such, minority Arab political parties and representatives in parliament form a key component of Israeli political culture. Israel’s parliamentary structure of government could be a possible solution to the deep political schisms that have plagued parts of the Arab World. This could be particularly effective for nations with deep-seeded religious or ethnic divides such as Lebanon, Syria or Iraq.

Additionally, the Israeli model would be useful for governance over an ethno-religious state identity that applies to the majority of the population while protecting minority groups. The 1984 Basic Law established the Israeli judiciary system: in Israel, most matters that require litigation are

⁵⁵³ Edelman, Martin. *Courts, Politics, and Culture in Israel*. Charlottesville: University of Virginia, 1994. Print. Pg. 9

handled in secular civil courts with an Israeli Supreme Court being the highest governing body in the country. This Basic Law also enacted the creation of various religious courts that have highly specialized jurisdictions, particularly focused on issues such as immigration, marriage and religious conversion. Jews, as well as Muslims, Druze, Bahair or any of the ten recognized Christian communities, are mandatorily subject to the jurisdiction of religious courts for their religious identity.⁵⁵⁴ Subsequent Israeli laws have protected the rights of all citizens to religious expression and protected human dignity and liberty. A secular state with religious jurisdictions could provide a mold for how new Arab democracies will reconcile Islam and the modern nation-state while protecting human rights and the rule of law. While the Israeli system is not perfect, it could serve as useful theoretical model of political structure to be emulated across the region.

IV. THE FUTURE ROLE OF THE US AND NATO IN ARAB-ISRAELI RELATIONS [14.4]

On 9 February, the secretary general of NATO, Anders Fogg Rasmussen made a scheduled visit to Israel to speak with government officials. When asked about the future role of NATO, Rasmussen gave a clear answer stating at any NATO involvement in the Arab-Israeli peace-process would require three “ifs”: an agreement based on a two-state solution, a request from both sides to step in and a UN mandate supporting it.⁵⁵⁵ These powerful statements indicated the much more assertive role that NATO is willing to take in a final settlement. Assuming that these three “ifs” are met, NATO will provide necessary support for implementing a stable, lasting agreement between Israel and the Palestinians. This support will come in the form of providing security for negotiations, monitoring transfers of power from Israel to Palestinians in the West

⁵⁵⁴ Edelman, Martin. Pg. 51

⁵⁵⁵ Oren, Amir. "NATO Chief Sees Group's Future Involvement in Israeli Arab Peace Process." *Ha'aretz* [Tel Aviv] 9 Feb. 2011. *Ha'aretz.com*. Web. <<http://www.haaretz.com/print-edition/features/nato-chief-sees-group-s-future-involvement-in-israeli-arab-peace-process-1.342136>>.

Bank, maintaining stability in Jerusalem, ensuring the freedom of movement between the West Bank and Gaza and guaranteeing that religious sites in Jerusalem are open to all visitors. Once a settlement between Israel and the Palestinians is stabilized, NATO troops will continue to monitor the effectiveness of the agreement, particularly in Jerusalem where constant international support will be needed.

As one year passes since the onset of the Arab Spring, the future of the Middle East still seems highly uncertain. The changing regional dynamics indicate a highly volatile situation for years to come. Furthermore, Israel has long played a key role in US policy and therefore NATO policy in the Middle East. Thus, how the West responds to potential changes in Israeli-Arab relations will impact policy in the entire region. While the political landscape of the Arab World changes, it will present both new challenges and new opportunities for the Jewish State. Israel must proactively address these challenges to secure its long-term stability through a lasting agreement with the Palestinians. Both NATO and the Quartet on Middle Eastern Peace will play essential roles in the development and implementation of this peace process. Once Arab-Israeli peace is achieved, Israel and the member states of NATO must invest in the Arab World in order to assist in developing regional stability through economic growth. If the member states of NATO can assist in promoting Israeli-Palestinian peace and invest in the development of the Arab World, this will have enormous benefits in regards to promoting regional stability, democratization, human rights and the rule of law.

