

UN in the Arab World

Lecture Series | December 2012

International Intervention in Lebanon and Beyond

Maureen Ali

American University of Beirut (AUB)

UN in the Arab World

Lecture Series | December 2012

International Intervention in Lebanon and Beyond

The United Nations in the Arab World Program (UNAW) was launched with the objective of exploring and analyzing the role of the United Nations (UN) in the Arab World and the impact it has had on regional politics and societies.

By organizing research studies, lectures, roundtable discussions, and workshops, the Program hopes to bring together scholars and decision-makers to discuss salient issues that fall under the spectrum of the UN's operations in the Arab World.

Rami G. Khouri *IFI Director*
Karim Makdisi *Faculty Research Director (UNAW)*
Samar Ghanem *Program Coordinator (UNAW)*
Susann Kassem *Program Coordinator (UNAW)*
Rabih Mahmassani *Communications Manager*
Donna Rajeh *Designer*

Maureen Ali
American University of Beirut (AUB)

Contents

Introduction: The Rights and Wrongs of Intervention	3
The Special Tribunal for Lebanon on Trial.....	3
America Under Scrutiny	4
MSF – a critical appraisal.....	6
The Politics of Aid	8
Time for Self-Assertion?	9
Conclusion	9

Introduction: The Rights and Wrongs of Intervention

As part of its United Nations and the Arab World Program, the Issam Fares Institute for Public Policy and International Affairs initiated a series of panels and lectures entitled, “International Intervention in Lebanon and Beyond.” The series analyzes the role played by international institutions in conflict and post-conflict zones in the region and seeks to contextualize military, civilian and humanitarian stands that are often interlinked or sometimes so blurred as to obscure the reality on the ground.

Under the spotlight were the International Criminal Court (ICC) and more specifically the Special Tribunal for Lebanon (STL), the United States Aid Program (USAID), the United Nations Development Program (UNDP) and Médecins Sans Frontières (MSF). The series ran between November 2011 and February 2012 and raised many issues on prevailing views surrounding the “right to intervene” and “responsibility to protect”, which western countries have used to justify their impositions under the banner of conflict resolution/peacemaking and development.

The Special Tribunal for Lebanon on Trial

November 30, 2011 |  **Watch Video**

Taking the sessions in chronological order, in November 2011 two panelists addressed the question, “Is the Special Tribunal for Lebanon (STL) a Case of International Justice or International Intervention?” Nidal Jurdi, AUB lecturer in international law and organizations and Omar Nashabe, criminal justice expert, debated the perceived rights and wrongs of the Tribunal.

Contentious since its inception, the STL was established at the request of the Lebanese government to the United Nations Security Council following the assassination in 2005 of former Lebanese Prime Minister Rafic Hariri. Created under Chapter VII of the UN Charter that governs UN actions with respect to threats to peace, breaches of peace and acts of aggression, and adopted under Resolution 1757, the STL was signed by the UN and Fuad Siniora the then Lebanese Prime Minister, however it has never been fully accepted – or trusted – by certain Lebanese political factions.

While Jurdi sees the STL as a step towards bringing international justice and an end to impunity in Lebanon, Nashabe considers it an unwanted form of international intervention that relies on selective justice while posing a threat to Lebanese sovereignty. Each vigorously supports his position. Jurdi defends the Tribunal despite its many shortcomings, as a model for fair trials and procedural guarantees that in the long run will create a culture of rule of law: a legacy for establishing truth and accountability. Nashabe rejects this notion asking, “Will it be the beginning of granting everyone access to justice in Lebanon or is it just a one time case, a heavily politicized selective matter to serve the interests of international powers?”

The panelists agree that the Tribunal and its precursor the UN International Independent Investigation Commission (UNIIC), mandated with assisting with the investigation, both suffered from practical and logistical problems, along with leaks and breaches of confidentiality. According to Nashabe, the fact that the STL ignores Lebanon’s history of political assassination pre and post 2005 proves that the STL is guilty of selective justice. Jurdi, however, cites the gravity of the crime in terms of its threat to international peace as being sufficient justification for the Tribunal; a point counteracted by Nashabe citing the assassination of Benazir Bhutto as being of equal gravity. In the final analysis Nashabe sees the STL as unwarranted interference with implicit political bias that has cost the nation heavily, while for Jurdi it remains the road to recovery.

America Under Scrutiny

December 16, 2011 | [Read More](#)

Exploring the same territory from a different angle, in December 2011 John Cerone Professor of Law and Director of the Center for International Law and Policy in Boston considered “The Politics of International Justice: Examining the Role of the US in the International Criminal Court (ICC) and the STL.” His paper covers three broad areas:

- The Evolution of US Policy Towards International Criminal Courts
- The US and the Special Tribunal for Lebanon
- Legitimacy and the Limits of Pragmatism

Cerone’s chronological journey through the history of International Criminal Courts outlines US government attitudes towards such courts and how these policy strands have converged in support for the STL. He illustrates how US foreign policy interests helped to shape the contours of the Tribunal and highlights features of the STL that flow from these interests and encapsulate some of the merits and challenges to its legitimacy.

He also underscores the US government’s selective use of international courts; it has generally been supportive of ad hoc criminal tribunals but has consistently taken a position against the ICC for universal compulsory jurisdiction, particularly vis a vis itself and its nationals. A prime example is the role of the US in driving the establishment of both the International Criminal Tribunal (ICT) for the former Yugoslavia and the ICT for Rwanda, both of which are strictly limited in their geographic jurisdiction.

Citing other courts such as the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and Courts of Kosovo and East Timor, Cerone further illustrates how, “All of these institutions bring justice closer to the national level in some respect, and the establishment of each dovetailed with other US foreign policy objectives.” By extension they were structured so as to prevent the prosecution of US nationals and especially US agents.

Turning to the STL, Cerone explains how “the STL, while originally envisioned as being a treaty-based court, was ultimately created on the basis of the Security Council’s Chapter VII authority. A Management Committee of which the US is a member conducts oversight. The jurisdiction of the Tribunal is very narrowly circumscribed.” These features, Cerone believes, “...arguably help to keep the Tribunal focused on Lebanese actors by creating additional obstacles to prosecuting foreign officials... The US also insisted that the subject matter jurisdiction be limited to crimes under Lebanese law. The US feared that the inclusion of war crimes and Crimes Against Humanity within the Tribunal’s jurisdiction would lead to difficult questions as to why its temporal jurisdiction did not extend to the armed conflict with Israel or perhaps to requests to the Security Council to extend the temporal jurisdiction on that basis.”

Cerone further examines each challenge raised against the STL with reference to existing, accepted practice or on the level of principle, and within the context of US interests. These challenges include:

- That jurisdiction is focused on only one event
- That the applicable criminal law is limited to domestic Lebanese law
- That the Statute of the Tribunal, initially drafted as a treaty, could not be brought into force by United Nations Security Council resolution
- That the temporal jurisdiction was limited to preclude the possibility of prosecuting Israelis for conduct committed in the 2006 armed conflict
- That the Statute permits trials in absentia
- That it constitutes selective justice
- That the creation of the STL constitutes an impermissible interference in the internal affairs of Lebanon
- That it was an inappropriate use of the Security Council's Chapter VII power

While his analysis largely refutes the criticisms, he nevertheless concludes: "... of all the ad hoc tribunals to date, the STL arguably represents the clearest example of the instrumental use of international courts, and as such, comes the closest to legitimacy's tipping point...It is also the greatest challenge to the US pragmatist position."

MSF – a critical appraisal

December 14, 2011 |  Watch Video

In December 2011 two members of the humanitarian organization Médecins sans Frontières (MSF) explained the methodology and reasons behind a recent MSF exercise in self-scrutiny involving a survey of 7,000 people in seven countries where MSF has overseen eleven projects. Caroline Abu-Sada and Bruno Jochum outlined the whys and wherefores for this far-reaching exercise and how it was accomplished. Joining the panel from AUB Faculty of Public Health, Omar Al- Dewachi brought a critical external perspective to the process.

Jochum outlined the reasons for self-examination: “The question of perception is a practical issue and has direct consequences on our work. The level of trust people have in our medical teams determines whether they are able to provide care, cross front lines, and offer impartial assistance in different camps of conflict. Respect for medical action needs to be built up and in cases where respect is absent we have seen staff targeted.”

The MSF survey concentrated on three key questions:

- What MSF stands for as private Medical Humanitarian Organization?
- How does MSF perceive itself and what drives this perception?
- Is there a perception gap between how MSF sees itself and how it is perceived in the field?

Laying out the MSF stall, Jochum explains, “First and foremost we are a private medical association governed by a charter drawn up 40 years ago to have a direct medical impact on vulnerable patients in crises, war, or disaster. We are not pursuing social transformation or long-term development goals. We follow basic principles – impartiality and an ability to assess who is in need and what they require. Impartiality can mean working on only one side but usually we work on both sides in a conflict situation. Our independence implies the huge majority of our funds are private – mainly from general public; only a small proportion is governmental and that is usually for long-term medical programs but never for conflict situations so as to avoid ambiguity. We rarely voice an opinion and when we do it would normally be because we have been prevented from working by the authorities, because we have been confronted by a massive war crime or, for example in the case of Ethiopia in the 80s, because we felt the aid being given was detrimental to the population. This is the frame we try to use and what we stand for.”

Jochum went on to explain the challenges facing MSF in the post 9/11 world where western countries have been in a state of belligerence around the world and most especially in the Middle East, Southern Asia and Horn of Africa. “We have observed an almost systematic misuse of humanitarian objectives in counter insurgency strategies – US army officers clearly state this as a way of winning hearts and minds in counter insurgency strategy. These statements have an impact on perception. Today, social transformation is probably the objective of the majority of aid organizations with only a small minority working to alleviate suffering or save lives in crisis situations, as is the case with MSF. In conflict situations when states justify military actions through humanitarian interventionism, this has a massive impact. All these trends led us to want to know the reality of how we are perceived in the field.”

Abu-Sada outlined the methodology of the survey whereby eleven programs were selected for perception studies in Cameroon, Jordan, Liberia, Niger, Northern Iraq, the Occupied Palestinian Territories and Uganda. MSF employed the skills of anthropological, social and political science students to ensure, as best as possible, a clear translation and delivery of the survey questionnaire in all languages.

Some resulting criticisms included:

- MSF personnel fail to integrate with the local population – given that for security reasons its staff live in isolation in compounds
- MSF lacks transparency in its decision-making process to prioritize the needs of one country over another
- MSF standards are difficult for local health workers to emulate
- Free services provided by MSF cause problems where local authorities are trying to establish an indigenous cost effective health care system
- Traditional medicine is sometimes considered more accessible than Western medicines supplied by MSF
- Because MSF is a charity, perceptions of it vary, for example in Niger, people thought it was Saudi and funded by zakat.

All MSF departments have since undergone a process of introspection to explore ways to improve communication and perception. Abu-Sada explains, “We have decentralized communications for the missions, worked on training for those going to the field to emphasize the fact that as much as you understand the environment, dialogue is vital. But the major challenge is accessibility, daily access to people in the field.”

While congratulating the MSF team on their efforts, Omar Al-Dewachi stressed the need to reflect:

- On humanitarian global politics, why humanitarian work is problematic in contemporary conditions of warfare.
- On the fact that claims to neutrality and the notion of saving lives inevitably involve a political orientation. What does it mean to save lives on the ground, how do you value these lives, or put life on an ethical plateau - who gets to be saved and who does not?
- Beyond the politics of life, the need to engage with ideas and perceptions and to rethink the identity of the institution itself.

Saving lives IS a political act in Al-Dewachi’s opinion and that makes it impossible for MSF to engage while saying it is not involved in politics. “You have to engage with local authorities, factions, and political leaders, which means what you do on the ground is perceived as political,” he asserts. “Medical and mental health are at their core political.”

Al-Dewachi reminded the MSF panelists of significant ethical and philosophical concerns previously raised by leaders within their own organization and urged them to consider these. He asked, “What happens to the lives you save once you withdraw? How do you engage in a place with such needs, with their own doctors leaving and people in need of training? How do you engage with capacity building when it is not part of your charter? These are all important questions that put MSF in an interesting place. Self reflection is rare but that also gives MSF the capability to revisit its charter and responsibilities.”

Al-Dewachi concludes, “In the Arab world we are all struggling to think how to define our new nation states or even to determine whether we have nation states anymore. In this revolt against the states, there is no clear ideological definition. So what is the role of MSF on the ground in this ongoing social transformation? Because you are on the ground you create a new economy, new markets, new social relations, and these need interrogation.”

The Politics of Aid

December 20, 2011 |  [Listen Audio](#) | [Read More](#)

Apposite to certain points raised by Al-Dewachi, Penelope Larzilliere's talk "Norm Production and the Securitization of Development Policies: from 'Human Security' to 'Security Sector Reform'" frames the work of development agencies in the post 9/11 context, that according to her findings, "has intensified the link between security and development, not limiting it anymore to conflict or post conflict situations."

Larzilliere traces the evolution of the "soft power" doctrine whereby "...development is considered a powerful strategic tool and humanitarian aid a way of gaining acceptance and legitimacy for military operations. Armies have become a first aid actor not only securing convoys but directly distributing aid as a way of improving their image." Following the 'global war on terror' the link between security and development has further intensified and is no longer limited to conflict/post conflict situations to the point where Larzilliere says, "Funding first goes to strategic zones which may pose a security threat regardless of the economic needs of the country/province/area." In other words in today's world aid is earmarked for countries considered to be strategic for the donor country.

Examining the labels 'human security' and 'security sector reform' (SSR) and tracing the way the first morphed into the second Larzilliere explains, "'Human security' has been conceived by development actors to integrate development objectives in the security field... The SSR signals a return to the State as the main actor but at the same time includes international policy dimensions that were before reserved to State sovereignty... There is a tension in SSR political objectives between strengthening the security sector in support of Western security policies or increasing democratic control of it and improving its effectiveness in ensuring a national safe environment."

As SSR has evolved Larzilliere suggests, "The main objective has become enhancing the countries' contribution to counter-terrorism. Furthermore, the link with the American foreign policy is clearly stated. Joint guidelines published by USAID, the Department of State and the Department of Defense state that 'SSR can help...reinforce US diplomatic, development and defense priorities, and reduce long-term threats to US security by helping to build stable, prosperous and peaceful societies beyond our borders.'"

Applying this logic to SSR in Lebanon, she maintains that today "...SSR tends to concentrate on security actors and pure security concerns whatever the official agenda may have been at the beginning. Furthermore the top-down approach, in addition to the security focus itself, has made any bridge with targeted 'civil society' difficult." Thus when massive aid poured into Lebanon post the 2006 war it was mainly channeled through the Lebanese government, while relief programs were used to renegotiate political authority over the population. To this end, USAID made its funding conditional on avoiding links with Hezbollah's charity network, which had widespread connections with the needy population in the south of the country. By July 2007, the bulk of the \$770 million USAID money was dedicated to supporting the Lebanese Army and security forces and the rest to supporting the Treasury. Cultural development became another objective that often failed to take into account the situation on the ground or provide aid fairly throughout the country, by concentrating primarily on zones most regarded as a security risk.

In conclusion, Larzilliere states, "The growing rejection and de-legitimization of Western development policies altogether in the Arab world, increasingly perceived as just another way to implement the Western geopolitical agenda, could thus also be analyzed as a counter hegemonic perspective in which development labels are transformed, adapted or refused."

Time for Self-Assertion?

February 21, 2012 |  **Listen Audio**

Professor Michael Fakhri believes the recent Arab uprisings present just such an opportunity to reassess and possibly reject the way Arabs are perceived or portrayed within the agendas defined by United Nations development projects in the region. In his talk “Revolution and International Law: Can the UNDP be a site of Re-imagining the Future” he asks the question “Can we bring the Arab uprisings to the UNDP?”

Initially, after examining the late journalist Samir Kassir’s concept of the ‘Arab malaise’ in the book “Being Arab” Fakhri draws a parallel between Kassir’s descriptions of Arab victimhood and psychology of malaise and the reports on the Arab world produced by development agencies like the World Bank and the United Nations Development Programme Regional Bureau for Arab States (UNDP RBAS). Kassir calls for a deeper understanding of Arab geography and history as a way of understanding Arab issues. Fakhri believes the same applies to development in the Arab region and he insists that the Arabs must have their own account of how they are defined in development agency reports, as well as their own definitions of development and ‘underdevelopment.’

Fakhri rejects the accepted wisdom promoted by agencies such as UNDP that International Economic Law (IL) is an essential factor for development and that once incorporated it will improve stability in a country. Instead he suggests that other concepts that fall outside the university-adopted language of IL deserve consideration. These, he says, are equally relevant to a country’s development. One key example given is The Arab Human Development Report (AHDR), which applies IL yet fails to include crucial factors like the lack of resources for development. In fact, Fakhri believes that the way IL is interpreted as a concept and then forced on developing countries by the West, leads us back to the creation of states during colonial times.

He also suggests that under the right circumstances international agencies are capable of adapting to local challenges. He chose as an example the United Nations Conference on Trade and Development, which when it was first created was the only international agency to advocate for the perspective of developing countries when considering the establishment of trade laws (though later it succumbed to its more conservative position). He believes the current Arab uprisings, provide an opportunity to (re-) define how international agencies like UNDP might operate and apply IL. He argues that the current climate of change might even provide those circumstances and that agencies like UNDP should now be encouraged to revise their agendas and their vision for the Arab region. He believes this is the time to push for change in order to permit the Arab states their own interpretation of themselves and their needs, and to subsequently tailor a development strategy within this context. If the Arab populations are to really benefit from development strategies, Fakhri asserts, then the concept of IL must be amended and the current liberal discourse reconfigured to include radical socialist and other assumptions in order for IL to have a place in the Arab world.

Conclusion

Though each of these events was a discrete investigation in its own right, when combined as a whole they provide a wide-angle view of a crucial question confronting academics in the turbulent Arab World today. Whether calling for fundamental changes in attitude by Western organizations or re-evaluating the region’s relationship and interaction with the West, this series brings into focus a most troubling issue facing the international community today – whether international intervention is viewed as legitimate or illegitimate by the affected population.

Published by the Issam Fares Institute for Public Policy and International Affairs, American University of Beirut.

This report can be obtained from the Issam Fares Institute for Public Policy and International Affairs office at the American University of Beirut or can be downloaded from the following website: www.aub.edu.lb/ifi

Beirut, December 2012

© all rights reserved

The Issam Fares Institute for Public Policy and International Affairs (IFI)

American University of Beirut | PO Box 11-0236, Riad El Solh 1107 2020, Beirut, Lebanon | Tel: +961-1-374374, Ext: 4150 | Fax: +961-1-737627 | Email: ifi@aub.edu.lb