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## NATO MILITARY INTERVENTION IN LIBYA: A HIT AND RUN CAMPAIGN

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**JCSP 43**

### ***Exercise Solo Flight***

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**PCEMI 43**

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CANADIAN FORCES COLLEGE – COLLÈGE DES FORCES CANADIENNES  
JCSP 43 – PCEMI 43  
2016 – 2017

EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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CAMPAIGN**

Maj K.J.I Leblond

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*Come out of your homes; attack those rats and cockroaches in their dens. Withdraw your children from the streets. They are drugging your children; they are making your children drunk and sending them to hell.*

*There is a conspiracy to control Libyan oil and to control Libyan land, to colonise Libya once again. This is impossible, impossible. We will fight until the last man and last woman to defend Libya from east to west, north to south.*

*Do they want us to become slaves once again like we were slaves to the Italians ... We will never accept it. We will enter a bloody war and thousands and thousands of Libyans will die if the United States enters or NATO enters.*

- Colonel Muammar Gaddafi

*If the Libyan war was about saving lives, it was a catastrophic failure.*

- Seumas Milne

## **NATO MILITARY INTERVENTION IN LIBYA: A HIT AND RUN CAMPAIGN**

The North Atlantic Treaty Organization (NATO)'s origins, and initial objectives are well known and undisputed. Built in the aftermath of the biggest tragedy of human history (World War II), and as a counterweight to the Berlin Blockade and Communist aggression, the new alliance was formed with the ratification of the 4 April 1949 Washington Treaty.<sup>1</sup> The bipolar world consisting of the Soviet Union and its Warsaw Pact (1955) on one side, and the United States (US) with NATO on the other, was the *raison d'être* of both alliances. The threat of a nuclear attack with the Mutual Assured Destruction (MAD) concept made relationships, between partners of respective alliances, of a symbiotic nature. With the fall of the Berlin Wall (1989), the break-up of the Warsaw Pact (1 Apr 1991), and the dissolution of the Soviet Union (25 December 1991), for the first time in its history, NATO found itself without an enemy.<sup>2</sup> The repurposing of the Alliance was a matter of survival. In 1992, the organization found a new meaning in associating itself with the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN) by supporting peacekeeping operations, collective defence responsibility, and global crisis management.<sup>3</sup> Consequently, these new roles led NATO to intervene in the 2011 Libyan crisis, thereby creating repercussions that are still with us today.

Was the 2011 Libyan crisis a NATO responsibility to resolve and what are the consequences of its involvement?

Using a holistic approach, this essay will prove that NATO had the legitimacy to intervene in the 2011 Libyan crisis; however, its actions, in settling the conflict, ended

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<sup>1</sup>Peter Duigan, *NATO: Its Past, Present, and Future* (Stanford: Hoover Institution Press, 2000), 2.

<sup>2</sup>*Ibid.*, 46.

<sup>3</sup>Serge Bernier, *Les 50 ans de l'OTAN*. (Canada: Association québécoise d'histoire politique, 1999), 11.

creating a greater and more complex problem that the world is still dealing with today. To prove the above argument, this paper will first present the NATO's mandate for the post-Cold War era; secondly, we will be looking at the reasoning leading to the NATO intervention in Libya. Thirdly, this essay will demonstrate the consequences and impacts of the involvement and will conclude with some lessons learned and a way ahead for future NATO participation in humanitarian intervention.

### **NATO'S MANDATE POST-COLD WAR**

When the 12 founding members signed the Washington Treaty (also known as the North Atlantic Treaty), the legitimacy and authority of forming such alliance derived from Article 51 of the United Nations Charter, which reaffirms the inherent right of independent states to individual or collective defence.<sup>4</sup> Collective defence was and still is the cornerstone of the treaty and is entrenched in Article 5. Moreover, the Treaty committed each member to share the risk, responsibilities, and benefits of collective defence, while forming a unique community of values dedicated to the principle of individual liberty, democracy, human rights, and the rule of law.<sup>5</sup> Furthermore, the alliance is defined by the principle of consensus decision-making of sovereign nations of equal status, and it claims to be flexible and responsive in the face of a continuously changing security environment.<sup>6</sup> Although NATO claims to be responsive, the reality is that with the end of the Cold War, and with the financial and economic situation within

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<sup>4</sup>NATO, *The North Atlantic Treaty* (Washington: NATO, 1949).

<sup>5</sup>*Ibid.*

<sup>6</sup>Harald von Riekhoff, *NATO: Issues and Prospect* (Lindsay: John Deyell Limited, 1967), 12-14.

the alliance, these constraints are redefining the organization's mandate in its perpetual struggle to remain relevant in the eyes of its allies and the world community.<sup>7</sup>

As previously mentioned, after the Cold War, NATO needed to evolve to stay relevant and therefore survive. Scholars such as the neoconservative Francis Fukuyama, in his 1992 book *The End of History and the Last Man*, argued that with the end of the Cold War, Western liberal democracy governance will prevail, thereby undermining the use of a collective defence organization such as NATO. However, in response, the 1990 London summit launched a study to reform the alliance; while the 1991 Rome summit developed a new strategic concept based on cooperation with other organizations and also reinforced the principle of collective defence.<sup>8</sup> In 1992, NATO expanded its responsibilities to peacekeeping and crisis management; and at the 1994 Brussels summit, President Clinton proposed a Partnership for Peace (PfP), being the fundamental conception in expanding the alliance eastward.<sup>9</sup> In NATO's perspective, the role of defence and the very definition of security were changing toward a global concept of collective security, where the alliance was becoming the armed wing of the UN.<sup>10</sup>

Concurrently, with the publication of the *Human Development Report 1994*, the UN presented a compelling argument about a shift in security from the traditional realist state-centric approach to a more liberal human focused one.<sup>11</sup> Combined with the *Millennium Declaration* (2000) and the Canadian-led initiative in creating the International Commission on Intervention and State Sovereignty (ICISS), which in turn

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<sup>7</sup>Stephen F. Larrabee *et al*, *NATO and the Challenges of Austerity* (Santa Monica: RAND Corporation, 2012), iii.

<sup>8</sup>Serge Bernier, *Les 50 ans de l'OTAN*. (Canada: Association québécoise d'histoire politique, 1999), 11.

<sup>9</sup>Peter Duigan, *NATO: Its Past, Present, and Future* (Stanford: Hoover Institution Press, 2000), 58.

<sup>10</sup>Serge Bernier, *Les 50 ans de l'OTAN*. (Canada: Association québécoise d'histoire politique, 1999), 91-95.

<sup>11</sup>United Nations Development Programme, *Human Development Report 1994* (United Nations Development Programme, 1994), 22.

published *The Responsibility to Protect* (R2P) report (2001); the concept of security was changed for good, and NATO embraced it.

### **NATO's intervention in Kosovo**

The alliance had been involved in the former Yugoslavia as early as 1992 to enforce the naval embargo; however, for its first time, NATO intervened in the 1999 Kosovo crisis for human security reasons.<sup>12</sup>

Under the authority of the UN Security Council Resolution [UNSCR] 1244, NATO has been leading a peace support operation in Kosovo since 12 June 1999 in support of wider international efforts to build peace and stability in the area. [Kosovo Force] KFOR's mission is to contribute to a safe and secure environment, support and coordinate the international humanitarian effort and civil presence, support the development of a stable, democratic, multi-ethnic and peaceful Kosovo, and support the development of the Kosovo Security Force.<sup>13</sup>

Academics and politicians agree that KFOR received mixed reviews on its intervention. On the one hand, the alliance was able to protect refugees, built essential infrastructures, and reconsolidated Kosovo's territorial integrity.<sup>14</sup> On the other hand, the peace agreement was a failure, as the primary source of the Balkan's issues, Slobodan Milosevic, was still in power.<sup>15</sup> However unfortunate it may have been, NATO was not in the regime change business.

The alliance intervention in Kosovo marked a pivotal strategic shift from its traditional defensive role into an offensive one, where NATO attacked a sovereign state for mistreating its citizens.<sup>16</sup> In addition, learning from its experience with the

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<sup>12</sup>Serge Bernier, *Les 50 ans de l'OTAN*. (Canada: Association québécoise d'histoire politique, 1999), 95, 101.

<sup>13</sup>NATO Kosovo Force. "NATO Kosovo Force 2017," accessed 04 17, 2017, <http://jfenaples.nato.int/kfor/about-us/welcome-to-kfor/mission>.

<sup>14</sup>Peter Duigan, *NATO: Its Past, Present, and Future* (Stanford: Hoover Institution Press, 2000), 99.

<sup>15</sup>*Ibid.*, 106.

<sup>16</sup>*Ibid.*, 107-108.

intervention in Kosovo, as well as leveraging on the American's involvement in the first and second Gulf wars, NATO understood, maybe subconsciously, that to be successful at human security intervention, a regime change was indeed required. This revelation paved the way to how NATO would intervene in the 2011 Libyan crisis.

### **Strategic Concept 2010**

The Strategic Concept 2010 (also named *Active Engagement, Modern Defence*) is the core document that establishes and reflects NATO's transatlantic consensus.<sup>17</sup> “It lays out the vision of an alliance able to defend its members against the full range of threats, capable of managing the most challenging crises, and better able to work with other organizations and nations to promote international stability.”<sup>18</sup> This prevailing strategic document was released on 19 November 2010; therefore, after the Kosovo intervention, in the midst of the Afghanistan campaign but before the 2011 Libyan crisis. Setting up the context in this situation is of extreme relevance, as it will allow us to determine whether NATO did or did not follow its strategic doctrine during the Libyan campaign.

While reaffirming the three core tasks of Collective Defence, Crisis management, and cooperative security; *Active Engagement, Modern Defence* states that the threat of a conventional attack against NATO territory is low, however, instability or conflict beyond NATO borders can directly threaten alliance security.<sup>19</sup> The document reasserts strong cooperation with the UN, as well as the importance of international law. It is important to highlight that the Washington Treaty also demonstrates the significance of individual liberty and the rule of law. “Our Alliance thrives as a source of hope because it

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<sup>17</sup>NATO, *Allied Joint Doctrine*, AJP-01, (NATO Standardization Office, 2017), 2-2.

<sup>18</sup>*Ibid.*

<sup>19</sup>NATO, *Strategic Concept For the Defence and Security of The Members of the North Atlantic Treaty Organization* (NATO, 2010).

is based on common values of individual liberty, democracy, human rights and the rule of law.”<sup>20</sup> Finally, the document describes the criticality of proper crisis management, where prevention plays a significant role, as well as the importance to include a comprehensive political, civilian and military approach before, during, and after a conflict.<sup>21</sup>

Contrary to the alliance’s principles, Dr. Peter Duigan, a senior fellow at the Hoover Institution at Stanford University, argues otherwise. He claims that NATO’s intervention in the Balkans did not conform with either national or international law, and goes further in stating that the UNSC dishonored the UN charter by allowing the violation of borders of a sovereign state.<sup>22</sup> Dr. Duigan’s position was and still is prevalent between scholars and international law experts, and therefore, both the UN and NATO received severe criticism from the international community on its involvement in Kosovo.

In retrospect, NATO did intervene in Kosovo based on the human security premise, arguably outside its standard roles, and with questionable legitimacy and success; however, valuable lessons were learned. For example, immediately after the Kosovo intervention, the UN released the *Millennium Declaration* and the ICISS, on behalf of the UN Secretary-General, published the *R2P report* shortly after. Both documents were designed to legitimize an international intervention into a sovereign state in the name of human security. Finally, the alliance also proved to its partners and the international community that it was still relevant, capable, and willing to take on a global role in human security matters. This was the setting where the UN and NATO were at the

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<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

<sup>22</sup>Peter Duigan, *NATO: Its Past, Present, and Future* (Stanford: Hoover Institution Press, 2000), 113.

end of 2010; however, no one had predicted the advent of the Arab Spring and its consequences.

## **INTERVENTION IN LIBYA**

The self-immolation of Mohamed Bouazizi in protest of police corruption on 17 December 2010 became the catalyst for the Tunisian Revolution and the Arab Spring. From the Maghreb to the Levant, populations of the Arab world expressed their grievances to their respective governments but also to the entire world. Populist movements, rebel groups, and students took the streets demanding changes to the current governance. Starting first in Tunisia, then Egypt, President Ben Ali was forced to step down and fled to Saudi Arabia in January 2011, while Hosni Mubarak was removed from power by the people a month later.<sup>23</sup> On 11 February 2011, the Egyptian President Mubarak abdicated, and four days later, the virtual revolt started in Libya, and the official revolution began on 17 February 2011.<sup>24</sup> In response, Gaddafi threatened to cleanse Libya house to house, he also branded the revolutionary forces as rats and cockroaches, but more importantly, he clearly demonstrated his willingness to use force against his own people with estimates showing thousands had been killed in a matter of few days.<sup>25</sup> Contrary to Tunisia and Egypt, Colonel Gaddafi's response to the escalating crisis was unraveling rapidly (Figure 1.0). "Libya's descent into violence provoked an unusually

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<sup>23</sup>Horace Campbell, *Global NATO and the catastrophic failure in Libya* (New York: Monthly Review Press, 2013), 17.

<sup>24</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 25.

<sup>25</sup>Claudiu Bolcu, "NATO's Intervention in Libya: The Pathway towards a Legitimate Humanitarian Intervention." *Studia UBB. Europa*, 2013, 119; Alan J. Kuperman, "NATO's Intervention in Lybia: A humanitarian Success?" In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2013), 192.

rapid and robust response from both regional organizations and the UN."<sup>26</sup> On 22 February, the Organization of Islamic Conference categorized Gaddafi's tactics as against Islam; on 25 February, the UN Human Rights Council condemned the violence and called for Libya to be suspended; on 26 February, the UNSC invoked Chapter VII and passed UNSCR 1970 and UNSCR 1973 on 17 March.<sup>27</sup> The UN had to intervene, and the responsibility to protect was at the epicenter of both resolutions (1970 and 1973). This time, the R2P framework was well established, the legitimacy ratified, there was a clear violation of human rights; however, the motives for intervention were potentially nebulous.

**Deaths in the Arab awakening**  
Recorded deaths during protests/clashes between civilians and government security forces  
To July 12th 2011 (Libyan figures unavailable)

Country	Status	Population, m*	Number killed, minimum	Deaths per m population	Period of unrest
Syria	Ongoing revolution	20.4	1,300 <sup>†</sup>	63.7	Mar 2011 - present
Egypt	Regime toppled	81.8	846	10.4	Jan - Feb 2011
Tunisia	Regime toppled	10.5	219 <sup>‡</sup>	20.9	Dec 2010 - Jan 2011
Yemen	Ongoing revolution	24.1	200 <sup>§</sup>	8.3	Feb 2011 - present
Bahrain	Uprising crushed	1.3	29**	23.0	Feb - Jun 2011

Sources: Amnesty International; Egyptian Ministry of Health; OHCHR; UN Population Division; press reports

\*2010 estimates    <sup>†</sup>Excluding security force members  
<sup>‡</sup>Of which 72 reported linked to the unrest or in custody  
<sup>§</sup>Excluding deaths resulting from clashes between security forces and other armed groups  
\*\*Of which 16 reported linked to the unrest or in custody

**Figure 1.0 – Deaths in the Arab awakening**  
Source: The Economist, The price of protest so far

## Resolutions

On 22 February, the UNSC held an emergency session, and four days later, the French and British introduced UNSCR 1970. The UNSC expressed grave concern in Libya regarding the violence against civilians, the systematic violation of human rights,

<sup>26</sup>Aidan Hehir, "Introduction: Libya and the Responsibility to Protect." In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2013), 4.

<sup>27</sup>*Ibid.*, 4-5.

and the incitement of hostility against the population from the highest level of government.<sup>28</sup> It also welcomed the global unity among international organizations such as the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference, in condemning the Libyan government's actions.<sup>29</sup> Fundamentally, the UNSCR 1970, acting under Chapter VII of the UN Charter, imposed an arms embargo, travel ban, and asset freeze on the regime, referred Colonel Gaddafi to the International Criminal Court (ICC) and called upon all members states for humanitarian assistance.<sup>30</sup> The resolution was tabled at meeting 6491 and all 15 states comprising the UNSC voted in favour with no votes against or abstentions.<sup>31</sup> This unanimous international display of solidarity was a rare sight as traditionally, Russia and China elect not to interfere in the affairs of sovereign states.<sup>32</sup> However, Vitaly Churkin (Russian Federation representative) and Li Baodong (China) both condemned the Libyan's government actions but opposed counterproductive interventions and proposed to resolve the crisis through peaceful means, respectively.<sup>33</sup> Although Russia and China displayed some reservation regarding further steps, Ban Ki-Moon (UN Secretary General) closed the meeting uttering: "today's measures are tough. In the coming days

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<sup>28</sup>United Nations Security Council, *UNSCR 1970*. (UN, 2011).

<sup>29</sup>*Ibid.*

<sup>30</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 30; United Nations Security Council, *UNSCR 1970*. (UN, 2011).

<sup>31</sup>United Nations Security Council, "In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters," accessed 05 01, 2017, <http://www.un.org/press/en/2011/sc10187.doc.htm>

<sup>32</sup>Jeffrey Bachman, "R2P's "Ulterior Motive Exemption" and the Failure to Protect in Libya." *Politics and Governance* (2015), 58.

<sup>33</sup>United Nations Security Council, "In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters," accessed 05 01, 2017, <http://www.un.org/press/en/2011/sc10187.doc.htm>

even bolder action may be necessary.”<sup>34</sup> The Secretary-General left the door open to a more robust alternative in the event that Gaddafi was not compliant.

Following the adoption of the UNSCR 1970, hostilities increased between Gaddafi’s forces and the armed opposition, and by mid-March, the Libyan army had retaken most areas previously held by the rebels with the exception of the resistance’s stronghold, Benghazi.<sup>35</sup> A few days later, on 17 March, France introduced a draft resolution with the United Kingdom and the United States to recall UNSCR 1970 and to create a more robust and aggressive one. In order to protect the civilian population, especially those in Benghazi, the draft resolution would authorize member states to take all necessary measures to enforce a no Fly Zone over Libya by acting nationally or through regional organizations or arrangements.<sup>36</sup> The proposed resolution troubled Brazil, Russia, India, and China (BRIC), as well as Germany. For example, India’s Deputy Ambassador to the UN, Manjeev Singh Puri, pointed the haste within the UNSC to reach a decision without credible sources.<sup>37</sup> Russia and China remained sensitive in meddling in a sovereign state’s internal affairs. Brazil and the African Union (AU) were concerned that these measures were going to cause more harm than good to the very same civilians they were committed to protect.<sup>38</sup> As for Germany, the traditional Western ally argued that a military intervention would turn into a protracted commitment as the conflict spread across the region.<sup>39</sup> After substantial negotiation within the Security

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<sup>34</sup>*Ibid.*

<sup>35</sup>Jeffrey Bachman, “R2P’s “Ulterior Motive Exemption” and the Failure to Protect in Libya.” *Politics and Governance* (2015), 58.

<sup>36</sup>United Nations Security Council, *UNSCR 1973*. (UN, 2011).

<sup>37</sup>Christopher Zambakari, “The misguided and mismanaged intervention in Libya: Consequences for peace.” *African Security Review* (2016), 50.

<sup>38</sup>*Ibid.*, 45.

<sup>39</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 61.

Council, the UNSCR 1973 was voted in the same day with no opposed votes but with five abstentions (BRIC plus Germany).

Everyone would agree that Gaddafi's response to the Arab Spring was extremely violent and therefore warranted international sanctions (UNSCR 1970). However, some would argue that there was not enough evidence to trigger a military intervention (UNSCR 1973) and that the real motive was not the legitimate R2P mandate. "The success of the US and its NATO allies in getting some nonpermanent members of the UNSC to vote in favour of the resolution was in part due to the prior establishment of the doctrine of R2P."<sup>40</sup>

### **Ulterior motives**

On 31 March 2011, after 13 days of dialogue within the alliance, "NATO assumed command all three elements of UNSCR 1973 on Libya — an arms embargo, a no-fly zone, and actions to protect civilians and civilian-populated areas under threat of attack."<sup>41</sup> The intervention was called Operation Unified Protector (OUP) and was under the command of Lieutenant-General Charles Bouchard from Canada. In an official statement on 14 April, NATO emphasized its three objectives. First, that all attacks and threats of attack against civilians and civilian-populated areas have ended; second, that the regime has verifiably withdrawn to bases all military forces; and finally, that the regime must permit immediate and unhindered humanitarian access to all the people in need of assistance.<sup>42</sup> NATO also reaffirmed its support to the sovereignty, independence,

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<sup>40</sup>*Ibid.*, 63.

<sup>41</sup>Horace Campbell, *Global NATO and the catastrophic failure in Libya* (New York: Monthly Review Press, 2013), 63.

<sup>42</sup>NATO, "Statement on Libya," accessed 04 17, 2017, [http://www.nato.int/cps/en/natohq/official\\_texts\\_72544.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/official_texts_72544.htm?selectedLocale=en)

territorial integrity and national unity of Libya.<sup>43</sup> It also reiterated that the only way to bring an end to the conflict and build a lasting peace would be through an enduring commitment to the development of a transparent political solution.<sup>44</sup>

As previously discussed, in comparison to KFOR, the legitimacy of the Alliance's intervention in Libya was mostly accepted because the concept of protecting Libyan sovereignty and independence was at the forefront of the resolution.<sup>45</sup> Furthermore, UNSCR 1973 was only reaffirming some of the fundamental principles of the *R2P Report*. For example, the document presents the R2P principles for military intervention to be a just cause, of precautionary nature, of the right authority, and further describes its operational sub-principles.<sup>46</sup> Within the precautionary principle, the report highlights that the military intervention must have the right intention, to be the last resort, with proportional means, and of reasonable prospects.<sup>47</sup> Finally, the doctrine captures in the right intention sub-principle a fundamental concept. To be of right intention, a military intervention's primary purpose is to stop human suffering, and that the alteration of borders, the advancement of a particular combatant group's claim to self-determination, or the overthrow of regimes cannot be justified.<sup>48</sup>

However, contrary to the official NATO position, many academics and diplomats argued that there was an ulterior alliance motive to OUP. For example, Dr. Michaels, from the Department of War Studies at King's College London, explained that "although officially justified as a defensive mission to protect rebel-held areas, unofficially the

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<sup>43</sup>*Ibid.*

<sup>44</sup>*Ibid.*

<sup>45</sup>Arnaud Siad, *L'intervention en Libye: un consensus en Relations Internationales?* (Paris: L'Harmattan, 2014), 30; United Nations Security Council, *UNSCR 1973*. (UN, 2011).

<sup>46</sup>International Commission on Intervention and State, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), XII, XIII.

<sup>47</sup>*Ibid.*, XII.

<sup>48</sup>*Ibid.*, 35.

emphasis was placed on regime change.”<sup>49</sup> Dr. Bachman, a Human Rights Specialist and Co-Director of the Ethics, Peace, and Global Affairs Committee, added that “where regime change fits among NATO’s early set of priorities is open to debate; however, that NATO was intent on regime change in Libya is not.”<sup>50</sup> Moreover, Dr. Arnaud Siad, a former consultant to NATO, accurately points out that the mere recognition by the Alliance of the leading rebel group, the National Transitional Council (NTC), demonstrated the desire for regime change in Libya.<sup>51</sup>

In retrospect, there is no clear evidence that proves that either the UN or NATO’s original intentions were to overthrow Gaddafi. The official alliance rhetoric and actions at the early onset of the conflict showed an apparent desire to protect civilian lives and prevent a potential genocide in Benghazi. Although, as previously discussed, based on the KFOR and Gulf War I lessons learned, there was a perception that a regime change was a necessary step to be successful in human security intervention. Consequently, as the intervention went on, some countries began to have second thoughts as they believed that NATO was stretching the Security Council mandate beyond the R2P justification.<sup>52</sup> In their eyes, the alliance’s primary objective had become to overthrow Gaddafi, at the expense of the Libyan population.<sup>53</sup> Finally, NATO’s original motives were legitimate; however, as the conflict continued, the purity of a human security intervention waned as

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<sup>49</sup>Jeffrey H. Michaels, “NATO After Libya.” *The RUSI Journal* 156, no. 6 (2011), 56.

<sup>50</sup>Jeffrey Bachman, “R2P’s “Ulterior Motive Exemption” and the Failure to Protect in Libya.” *Politics and Governance* (2015), 60; James Pattison, “The Ethics of Humanitarian Intervention in Libya.” *Ethics & International Affairs* (2011), 273-274.

<sup>51</sup>Arnaud Siad, *L'intervention en Libye: un consensus en Relations Internationales?* (Paris: L'Harmattan, 2014), 97.

<sup>52</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 63.

<sup>53</sup>Alan J. Kuperman, “NATO’s Intervention in Lybia: A humanitarian Success?” In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2013), 197.

the ulterior motive of toppling Gaddafi started to wax. Then, when Gaddafi's convoy was attacked by NATO aircraft after departing his stronghold in Sirte on 20 October and he was subsequently killed by the *Thuwwar* (revolutionaries) the following day, the Libyan conflict took a new and unexpected turn.<sup>54</sup>

## CONSEQUENCES OF LIBYA

The day Gaddafi died, the North Atlantic Council (the principal political decision-making body within NATO) decided to end OUP ten days later on 31 October 2011 but also stated that the alliance would continue to monitor the situation and retain the capacity to respond to threats to civilians, if needed.<sup>55</sup> The Supreme Allied Commander Europe (SACEUR), Admiral (USN) James G. Stavridis, promptly called the Libyan campaign a success, and also stated that it was the first time NATO ended an operation it started.<sup>56</sup> The alliance and its partners may claim victory in Libya as they were able to topple Gaddafi's regime and enabled the transition of governance to the NTC, and the intervention did not become a protracted military conflict in the region (lasted only 215 days). However, the victory came at a cost with three significant consequences.

### Civilian casualties

UNSCR 1970 and 1973, as well as the OUP mandate, were centered on the protection of civilians. With over 9,700 strike sorties, NATO never confirmed civilian

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<sup>54</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 167-168.

<sup>55</sup>North Atlantic Council, "North Atlantic Council Statement on Libya," accessed 05 03, 2017, [http://www.nato.int/cps/en/natohq/news\\_79800.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/news_79800.htm?selectedLocale=en)

<sup>56</sup>Horace Campbell, *Global NATO and the catastrophic failure in Libya* (New York: Monthly Review Press, 2013), 193.

casualties from those attacks.<sup>57</sup> While Amnesty International and the Human Right Watch estimates were 55 and 72 respectively, the fundamental issue lies not with the disparity with the numbers but rather with the fact that NATO refused to investigate civilian deaths caused by its airstrikes.<sup>58</sup> Some argue that collateral damage and the loss of civilians lives are unavoidable consequences of a military intervention, but all would disagree with the deliberate violation of human rights.

Dr. Bachman, for example, explained that while NATO was celebrating Gaddafi's death, the Alliance turned its back on Libya as it was consumed by rampant lawlessness, and the world witnessed some of the most horrific human rights violations, perpetrated by the rebels, against both real and perceived Gaddafi loyalists.<sup>59</sup> Furthermore, a US government official reportedly characterized the final death toll to be around 8,000, and by contrast, the rebels' interim health minister declared that 30,000 Libyans had died.<sup>60</sup>

Dr. Kuperman, Associate Professor of Public Affairs in the Lyndon B. Johnson School of Public Affairs at the University of Texas, mentioned that "it is important to consider whether the expectation of such intervention prompted the Libyan rebellion, which provoked government retaliation and thereby endangered civilians. This dynamic is known as the moral hazard of humanitarian intervention."<sup>61</sup> The fundamental question remains if the alliance knew about the NATO-backed rebels conducting systemic

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<sup>57</sup>NATO, "Operation Unified Protector Final Mission Stats," accessed 05 03, 2017, [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_2011\\_11/20111108\\_111107-factsheet\\_up\\_factsfigures\\_en.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_2011_11/20111108_111107-factsheet_up_factsfigures_en.pdf)

<sup>58</sup>Jeffrey Bachman, "R2P's "Ulterior Motive Exemption" and the Failure to Protect in Libya." *Politics and Governance* (2015), 62-63.

<sup>59</sup>*Ibid.*, 63.

<sup>60</sup>Horace Campbell, *Global NATO and the catastrophic failure in Libya* (New York: Monthly Review Press, 2013), 182-183; Alan J. Kuperman, "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* (Summer 2013), 122.

<sup>61</sup>Alan J. Kuperman, "NATO's Intervention in Lybia: A humanitarian Success?" In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2013), 207.

cleansing in their quest to eliminate Gaddafi's loyalists? Some academics are convinced that NATO knew about the cleansing and elected to turn a blind eye to the situation. As a military professional that served under NATO command before, and according to NATO doctrine and the Strategic Concept 2010 where the rule of law is of the utmost importance, it would be completely out of character for the alliance to have knowingly permitted such violations of international laws to occur. Additionally, there is no evidence suggesting that the alliance either knew or sponsored these atrocities; however, it could have been predicted and therefore planned for accordingly.

### **Weapons and a vacuum**

Another consequence of the NATO intervention in Libya is related to the power vacuum left after Gaddafi's death, and the following anarchic situation. "The power vacuum left behind has created a safe haven for all sorts of radical groups, from al-Qaeda affiliated groups to the Islamic State. The fallout has unleashed various warring factions, which until then had been marginal or suppressed by Gaddafi's regime."<sup>62</sup> Most scholars and politicians would also agree that al-Qaeda in the Islamic Maghreb (AQIM), the Somalia-based Al-Shabaab, and the Nigeria-based Boko Haram benefited directly from the anarchic situation in Libya as they were able to procure a significant amount of weapons from Gaddafi's former army. This led to competing factions fighting for power and a proliferation of jihadists and weapons in the region.<sup>63</sup> The spill-over of the illicit arms trafficking in Libya quickly became a regional problem that engulfed North Africa all the way to Syria. Small arms, machine guns, assault rifles, Rocket Propelled Grenade

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<sup>62</sup>Christopher Zambakari, "The misguided and mismanaged intervention in Libya: Consequences for peace." *African Security Review* (2016), 51.

<sup>63</sup>*Ibid.*

(RPG), and, by far the most alarming, 20,000 SA-7 shoulder-launched surface-to-air missiles (MANPADS) were stolen from the regime's weapons vaults.<sup>64</sup>

The US State Department initiated a \$40 million buy-back programme to contain the situation, but they were only able to secure 5,000 weapons.<sup>65</sup> NATO, NGOs and the UN tried similar efforts but with minimal success. The UNSC official report on the UNSCR 1973 stated that "the efforts of the authorities towards regaining control of weapons arsenals notwithstanding, the results are limited and the authorities have been slow in introducing control measures for civilian weapons ownership."<sup>66</sup>

While the NATO *Allied Joint Doctrine for the Conduct of Operations* (AJP-3(B)) manual put a significant emphasis on conflict terminations and transition, OUP outcomes would suggest otherwise.<sup>67</sup> Dr. Christopher Zambakari, an African Development policy scholar and founder of the Nile Institute for Peace and Development, accurately summarizes the argument:

This short-sightedness and lack of long-term planning obscured the fact that any intervention in Libya had to contend with a prolonged process involving long-term involvement in nation and state-building, in addition to a power vacuum that has been filled by various competing forces. The long-term prospects for peace in Libya were sacrificed at the altar of political expediency couched in humanitarian language. The outcome has been disastrous for Libyan people and the region. The decent [*sic*] of Libya into chaos was not inevitable; it was preventable.<sup>68</sup>

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<sup>64</sup>Christopher S. Chivivis, *Toppling Qaddafi: Libya and the limits of liberal intervention* (New York: Cambridge University Press, 2014), 171.

<sup>65</sup>Alan J. Kuperman, "NATO's Intervention in Lybia: A humanitarian Success?" In *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention* (New York: Palgrave Macmillan, 2013), 211.

<sup>66</sup>United Nations Security Council. "Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya," accessed 05 03, 2017, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_99.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_99.pdf), 13.

<sup>67</sup>NATO, *Allied Joint Doctrine for the Conduct of Operations*, AJP-3 (B) (NATO Standardization Office, 2011), 100.

<sup>68</sup>Christopher Zambakari, "The misguided and mismanaged intervention in Libya: Consequences for peace." *African Security Review* (2016), 55.

The lack of conflict termination planning from NATO with OUP is evident. Now, the world is dealing with its problematic consequences in North, West, and East Africa, as well as Syria. This NATO ‘hit and run’ *modus operandi* can no longer be practiced; otherwise, the credibility of the alliance will disappear.

### **Credibility**

As previously discussed, the credibility of NATO was shaken with the fall of the Soviet Union, and it was questioned again after OUP. Dr. James Pattison, Professor of Politics at the University of Manchester and an expert on ethical issues surrounding conflicts, suggests that there are additional credibility issues regarding the Alliance’s intervention in Libya. In his opinion, due to ‘mission creep,’ the first Alliance credibility problem resides with the change of the primary objective from protecting civilians to regime change.<sup>69</sup> The second credibility issue for NATO pertains to the ‘selectivity’ of interventions. The intervention in Libya is morally problematic because the alliance failed to act in similar situations in Bahrain, Syria, and Yemen.<sup>70</sup> “The failure to act militarily in response to these crises demonstrates the inconsistent moral standards of the coalition and the dominance of self-interest in its decisions about where to intervene.”<sup>71</sup>

Dr. Pattison's argument is coherent, and the international community appears to share his analysis. An argument can be made, however, that the nonintervention in Syria, Yemen, and Bahrain was caused by roadblocks at the UNSC from the P5 (permanent states at the UNSC holding veto power (US, UK, France, Russia, and China)). As previously discussed, Russia and China were concerned with the wording and the rapidity in which

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<sup>69</sup>James Pattison, “The Ethics of Humanitarian Intervention in Libya.” *Ethics & International Affairs* (2011), 273-274.

<sup>70</sup>*Ibid.*, 276

<sup>71</sup>*Ibid.*

UNSCR 1973 was approved. Additionally, considering 'how' NATO intervened in Libya, as well as OUP second and third order of effects, it is, therefore, rational for both Russia and China to veto any future human security interventions, especially if they were to be in their respective zone of influence. NATO loss of credibility due to the mishandling of the Libyan intervention may be the end of the Alliance's intervention in human security affairs.

### **LESSONS LEARNED AND THE WAY AHEAD**

There were some hard lessons learned for NATO with Libya, and the alliance recognizes now that the campaign was not a complete success as previously stated. The Chicago 2012 Summit Declaration detailed that the successful operation in Libya showed once more that the alliance can quickly and effectively conduct complex operations in support of the broader international community, and that NATO has also learned a number of valuable lessons which they are incorporating into their plans and policies.<sup>72</sup> Some of these lessons have already been added to the *Allied Joint Doctrine* (AJP-01) manual. For example, the document illustrates the criticality of understanding the operating environment to successfully apply the instruments of power.<sup>73</sup> Moreover, it captures a fundamental flaw of OUP in which "a politically-agreed desired outcome is necessary for clarity on strategies and objectives."<sup>74</sup> If NATO elects to abide by those new additions to the AJP-01, it will alleviate the ulterior motive and power vacuum conundrums they had to face with OUP. Therefore, clarity of purpose, leadership,

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<sup>72</sup>NATO, "Chicago Summit Declaration," accessed 05 03, 2017, [http://www.nato.int/cps/en/natohq/official\\_texts\\_87593.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/official_texts_87593.htm?selectedLocale=en)

<sup>73</sup>NATO, *Allied Joint Doctrine*, AJP-01, (NATO Standardization Office, 2017), 1-5.

<sup>74</sup>*Ibid.*, 2-5.

determination, readiness, and cohesion are all necessary elements for NATO to remain effective in the future.<sup>75</sup>

“Public opinion also appears to be on NATO’s side. A solid majority in both the EU and the US recently reported that they see NATO as essential for their security.”<sup>76</sup> Having strong support from the populations of partnering nations is critical as the alliance will no longer need to prove its relevance to the world. They can just act on the business they have to, instead of interfering in affairs they think they should do to gain popularity. This way, it will foster stronger credibility both domestically and internationally, especially within the UNSC.

To mitigate the civilian casualties and moral hazard problems, the alliance should reserve its interventions for the rare cases where noncombatants are intentionally targeted, as opposed to where they are the collateral damage of counterinsurgency campaigns aimed at the rebels.<sup>77</sup> This is the only way to save the R2P concept and, most importantly, the lives associated with it.

Finally, NATO developed a rigorously intellectual Multiple Futures Projects (MFP) that can create models of plausible environments of the future that will confront the alliance.<sup>78</sup> MFP scans the strategic horizon to develop a deep understanding of the security implications; therefore, NATO would be evolving from a mostly reactive organization to a deliberative one.<sup>79</sup>

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<sup>75</sup>Peter Duigan, *NATO: Its Past, Present, and Future* (Stanford: Hoover Institution Press, 2000), 114.

<sup>76</sup>Gareth Chappell, “Operation Unified Protector: No “Swan Song” for NATO.” *The Polish Quarterly of International Affairs* (2011), 76.

<sup>77</sup>Alan J. Kuperman, “A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign.” *International Security* (Summer 2013), 106-107.

<sup>78</sup>Mihai-Marcel Neag, “NATO Projection of the Human Security Concept.” *Military Art and Science* (2011), 40.

<sup>79</sup>*Ibid.*

## CONCLUSION

At the outset, this essay demonstrated the struggle for NATO to stay relevant after the fall of the Soviet Union. Eventually, the alliance decided to keep its collective defence primary purpose; however, with the arrival of the human security notion, NATO established that the best way to protect its regional partners would be through global intervention in human security affairs. The alliance's involvement in the Balkans in 1999 under KFOR was its first test but with mixed results. Although there were real human security advancements, the coalition's legitimacy and overall results were contested. Therefore, the UN and NATO were both determined to legitimize this type of intervention and, consequently, created the R2P doctrine and the Strategic Concept 2010, respectively.

This paper then looked at NATO's second intervention in human security affairs with the 2011 Libyan campaign. The UNSC decided to act rapidly against Gaddafi with two UNSCRs (1970 and 1973). The alliance received the necessary legitimacy to intervene under the UNSCR 1973; however, some states contested the haste with which the resolution was ratified and found that it was based on minimal and potentially inaccurate evidence. Nonetheless, a fortnight after the UNSCR 1973 was sanctioned, OUP was launched. Authorized under the primary objective of protecting civilians, OUP's mission slowly crept to become focused on regime change, thereby attracting severe criticism from the international community.

This essay next highlighted the consequences of the alliance's intervention in Libya. Critics blamed OUP for the shocking number of civilian casualties, inferring as well that the alliance knew and covered-up atrocities committed by its rebel-allies.

Contrary to the allegations, this paper determined that there is no evidence of such knowledge and that moral hazard is, unfortunately, a consequence of human security intervention; however, some of it could have been prevented. NATO's intervention also created second and third order of effects in the region. Due to a lack of conflict termination planning from the alliance, Gaddafi's death created a power vacuum in Libya, which in turn, formed a safe haven for jihadists and weapons traffickers, thereby destabilizing the entire region all the way to Syria. The coalition's mission creep combined with the mishandling of the post-conflict situation in Libya severely damaged NATO's credibility for future intervention in human security affairs.

Finally, this dissertation presented potential solutions based on lessons learned discussed in this essay. For example, NATO should strive to have a better understanding of the operating environment as well as a politically-agreed desired outcome before interfering, thereby alleviating power vacuum and ulterior motive issues. It should also leverage on its current popularity to cease its incessant quest of relevancy, which in turn, would rebuild its international credibility. By using the MFP, NATO could become a more calculated and deliberative alliance that could intervene in human security affairs for the right reasons at the right time.

This paper proved that NATO had the legitimacy to intervene in the 2011 Libyan crisis. The essay also determined that the alliance's haste in acting, without a proper understanding of the situation, created important second and third order of effects in Libya and the entire region. To conclude, NATO must learn from its mistakes; otherwise, it will disappear into the abyss of irrelevancy for good.

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