

REVISITING THE LIBYA INTERVENTION AND THE IDEA(L) OF RESPONSIBILITY TO PROTECT

The mechanisms of Responsibility to Protect (R2P) as agreed by the world leaders in 2005 were expected to prevent mass atrocities by forming a consensus-based international response that includes the use of force. In early 2011, for the first time, the coercive element of R2P was put into force in Libya by a UNSC resolution. However, the apparent pursuit of a regime change in Libya by the intervening powers has eroded trust in the Western coalition, shattered the belief in humanitarian missions, alienated the non-Western world, and thus broken the fragile consensus. The Libya debacle has strengthened the argument that it is very unlikely, if not impossible, to detach a humanitarian intervention from power politics, and prevent its misuse

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Libyan leader Muammar Gaddafi at the time issued a warning to Benghazi's people as his troops marched to retake the city from the rebels on 15 March 2011: "We are coming tonight. We will find you in your closets. We will have no mercy and no pity."¹ This sounded like a clear and imminent threat of mass slaughter if pro-Gaddafi forces captured the city. As a response, the United Nations Security Council passed a resolution to protect civilians in Libya, demonstrating a rare international consensus on the use of force for humanitarian purposes, without objection, not to repeat the horrors of Rwanda (1994) and Srebrenica (1995). What enabled this consensus was the newly developed doctrine of Responsibility to Protect (R2P), which was to replace the old and discredited notion of humanitarian intervention.

The Security Council Resolution 1973 on Libya was the first of its kind to implement the coercive mechanism of the doctrine.² Despite the ongoing civil wars and the mass atrocities occurring in other parts of the world such as Yemen, Syria, Myanmar, South Sudan, and Somalia where the humanitarian situation is no less devastating than in Libya, no similar global response has been discussed since then. What has prevented the international community from using R2P's coercive mechanism in these and other cases? Does the intervention in Libya have anything to do with it?

Responding to Mass Atrocities

Humanitarian emergencies generate moral cries and compel international actions. Searching for mechanisms to prevent mass atrocity crimes the international community has come up with the concept of Responsibility to Protect, a new doctrine to replace the contentious concept of humanitarian intervention.³ It was an attempt to reconcile the tension between humanitarian intervention and state sovereignty by claiming that with sovereignty comes responsibility and that national governments are primarily responsible for protecting their citizens from mass atrocities. If they fail in doing so the responsibility to protect would pass on to the international community.

At the 2005 World Summit, R2P was adopted by the UN General Assembly in its Outcome Document stressing that each state has the responsibility to protect its citizens, specifically, from genocide, war crimes, crimes against humanity, and

¹ Maria Golovnina and Patrick Worsnip, "U.N. Approves Military Force; Gaddafi Threatens Rebels," *Reuters*, 18 March 2011, <https://www.reuters.com/article/idINIndia-55670020110318>

² United Nations Security Council Resolution 1973 (2011), 17 March 2011.

³ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: Development Research Centre, 2001).

ethnic cleansing. Besides, it was affirmed that the international community has the responsibility to use appropriate means to help protect populations from these mass atrocity crimes, and the Security Council is prepared to take collective action under Chapter VII.⁴ Endorsement of R2P by UN institutions continued in 2006 when the Security Council reaffirmed the World Summit Document rendering R2P, according to some, an “emerging norm.”⁵ With this decision, the Security Council pledged its commitment to address mass atrocities since “systematic, flagrant and widespread violations of international humanitarian and human rights law may constitute a threat to international peace and security.”⁶ R2P includes, among others, a coercive mechanism of direct military operation, a form of humanitarian intervention, which must be preceded by a Security Council resolution as was the case in the Libya intervention of 2011. As such, the case of Libya was to set a new precedent for internationally endorsed humanitarian military interventions with the implementation of the newly developed doctrine of R2P.

“It appears that an UN-sponsored intervention has turned Libya into a failed state.”

From Consent to Contestation

The year 2011 was marked by popular uprisings throughout the Arab world against decades-old dictatorial regimes. On 15 February 2011, one month after the overthrow of Ben Ali in Tunisia and a mere four days after the resignation of another dictator, Hosni Mubarak in Egypt, protests broke out in Libya too, demanding the resignation of Gaddafi. The peaceful demonstrations that started in Benghazi rapidly reached all major cities. The government responded brutally. Hundreds of protestors were killed in the first days of the demonstrations.⁷ This triggered the opposition to create militias. By the end of February, National Transitional Council (NTC) was formed as an umbrella rebel organization with the purpose to act as the political face of the rebellion. The events turned into a civil war in the first days of March as Gaddafi urged his loyalists to kill the rebels at the spot, referring to them as cockroaches.⁸

⁴ United Nations, *2005 World Summit Outcome*, Resolution Adopted by the General Assembly, 24 October 2005, <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>

⁵ United Nations, *A More Secure World: Our Shared Responsibility*, Report of the Secretary-General's High Level Panel on Threats, Challenges and Change, 2004.

⁶ United Nations Security Council Resolution 1674 (2006), 28 April 2006.

⁷ “Libya: Governments Should Demand End to Unlawful Killings,” Human Rights Watch, 20 February 2011, www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful-killings

⁸ “Defiant Gaddafi Issues Chilling Threat,” *ABC News*, 23 February 2011, <http://www.abc.net.au/worldtoday/content/2011/s3146582.htm>

The resolution, underlining the Libyan government's responsibility to protect its population, defined the events as "crimes against humanity," and concluded that the situation in Libya constituted a "threat to international peace and security." The resolution, then, called for a no-fly zone to be established in the Libyan airspace, and it authorized the member states to take all necessary measures to protect civilians and civilian populated areas under attack.⁹ Resolution 1973 was adopted with 5 abstentions including the permanent members of the Security Council, Russia, and China. However, by not vetoing the resolution in Security Council, Russia, and China gave tacit support for the ensuing military operation. The decision demonstrated an exceptional international consensus on the use of force for humanitarian purposes.

Resolution 1973 was the first of its kind for the implementation of the coercive mechanism of R2P. Thus, its effectiveness in averting humanitarian catastrophes and maintaining international consensus was tested. However, when NATO forces, undertaking the responsibility act, began a military operation in Libya by referring to the UNSC resolution on 19 March 2011, the international consensus collapsed.

Instead of imposing a no-fly zone over Libya, blocking any arms from entering the country, and protecting the civilian lives as the Resolution 1973 envisioned, NATO allied itself with the rebels to oust Gaddafi even at the cost of more civilian casualties. This meant that the NATO operation in Libya overreached the Security Council mandate.¹⁰ NATO's stated aim of protecting civilians did not match with the conduct and outcome of the operation on the ground. This, inevitably, raised criticism, particularly from countries that were already sceptical of the purpose utility of R2P. Critics had simple questions: what was the goal in Libya? Was it the protection of civilians as ruled by the UNSC resolution or a regime change?

By the end of the operation, even the initial supporters of the resolution were questioning how the UN-mandated intervention to protect civilians and prevent mass atrocities resulted in a regime change and turned Libya into a failed state.

The Making of a Failed State

Intervention to Libya was initially described as a "model intervention" by the proponents of R2P.¹¹ They initially seemed to have a point; after all, unlike the Kosovo

⁹ UNSC, Resolution 1973.

¹⁰ Richard Falk, "Libya After Qaddafi," *The Nation*, 26 October 2011, <https://www.thenation.com/article/libya-after-qaddafi/>; Christopher Hobson, "Responding to Failure: The Responsibility to Protect after Libya," *Millennium* vol. 44, no. 3, pp. 433-454.

¹¹ Ivo Daalder and James Stavridis, 'NATO's Success in Libya,' *The New York Times*, 30 October 2011, <https://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html>; Alex Bellamy and Paul Williams, "The New Politics of Protection? Cote d'Ivoire, Libya and the Responsibility to Protect," *International Affairs*, vol. 87, no. 4 (2011), pp. 825-850; Thomas G. Weiss, "RtoP Alive and Well after Libya," *Ethics & International Affairs* vol. 25, no. 3, (2011), pp. 287-292.

intervention in 1999, which took place without the approval of the UN Security Council, the Libyan intervention took place under a UN mandate, and therefore started without controversy. Secondly, the fact that Russia and China did not veto the resolution was welcomed in the Western world raising hopes for uncontested internationalization of R2P.¹² Thirdly, the governments of intervening parties and prominent scholars were confident that the intervention met the just war criteria and the norms of R2P, such as the just cause, right intention, and last resort.¹³ However, the prevailing optimism was quickly interrupted as the military operations proceeded. The simultaneous overreach (to seek regime change) as well as violations (breaching the arms embargo, aiding rebels) of the Security Council mandate seriously damaged the credibility of R2P, especially throughout the non-Western world. Also, the catastrophic situation in Libya such as extreme lawlessness, unchecked militias, rivalling governments, Islamic extremism, and systematic violations of human rights after the NATO intervention has raised speculations, going beyond the Libya case, whether foreign intervention ever results in more good than harm.

“The Libya intervention has revived contentious issues surrounding the concept of humanitarian intervention and broken the fragile consensus on the doctrine of R2P.”

After the killing of Gaddafi, the rebel forces declared de-jure control over Libya. Yet, a centralized government authority has never been established. Competing authorities and institutions claiming control in different parts of the country have emerged, all fighting each other. Since the intervention, Libya has been embroiled in a civil war to which foreign mercenaries from Russia, Sudan, Chad, and finally Turkey and Syria have been brought in which rendered Libya a vast arena of international proxy wars.

A strong executive force has never been formed because dozens of rebel factions are at odds with each other and refuse to unite under a single government. This led to different armed groups having control over streets, districts, towns, and cities with a general sense of anarchy and sporadic fighting. In the absence of legitimate central authority, Libya has also become a playground for the Islamic State (IS) especially in 2015 and 2016. Thousands of fighters from Libya joined IS's fight in Syria, and

¹² Sarah Brockmeier, Oliver Stuenkel, and Marcos Tourinho, “The Impact of the Libya Intervention Debates on Norms of Protection,” *Global Society*, vol. 30, no.1, (2016), pp. 113-133.

¹³ James Pattison, “The Ethics of Humanitarian Intervention in Libya,” *Ethics & International Affairs*, vol. 25 no. 3 (2011), pp. 271-272.

subsequently returned home to establish IS-controlled areas.

In Libya, two governments have emerged claiming authority after a decade of intervention amid civil war, elections, agreements, and ceasefires. In the West, there is the UN-recognized Government of National Accord (GNA), based in Tripoli. In the East is its rival, the Libyan National Army (LNA) headed by Khalifa Haftar and backed by Russia. They neither resemble a functioning state. It is not certain whether the latest Geneva ceasefire and the transitional government will hold. It appears that an UN-sponsored intervention has turned Libya into a failed state.

The Spill-over Effects on Syria

The overreach of the Security Council mandate in Libya has also rendered R2P ineffective to be initiated in other cases of gross human rights violations by breaking the consensus on R2P. No Security Council resolution to prompt the use of force under the UN Charter invoking R2P could have passed since then although there were pressing cases for international action. The Syrian civil war has been demonstrative of the international community's failure to respond mass atrocities in the aftermath of the Libya intervention.¹⁴ In Syria, since 2011 almost half of the population has been displaced, the death toll surpassed 250 000, and a fanatical Islamic State was established in rebel-held territories committing crimes against humanity and engaging in terror activities all over the world. But so far, no international intervention has taken place invoking R2P to protect civilians. The overreach of the Security Council mandate in Libya has had a negative impact on the credibility of R2P destroying "the prospects for future legitimate uses of the Responsibility to Protect."¹⁵

While Western powers declared the Assad government as illegitimate and proposed Security Council sanctions Russia and China as permanent members adamantly opposed to the Western motions.¹⁶ Russia's Foreign Minister Sergei Lavrov explained their reluctance in the Syrian case by references to the Libya intervention: "The international community, unfortunately, did take sides in Libya and we would never allow the Security Council to authorize [in Syria] anything similar to what happened in Libya."¹⁷ Taking their lesson from Libya, Russians were concerned that the Western powers were essentially interested in regime change in Syria not really seeking humanitarian objectives. Russia and China vetoed various Security Council

¹⁴ Natalie Tocci, "On Power and Norms: Libya, Syria and the Responsibility to Protect," *Global Responsibility to Protect*, vol. 8, no. 1 (2016), pp. 51-75.

¹⁵ Falk (2011).

¹⁶ Charles Ziegler, "Russia on the Rebound: Using and Misusing the Responsibility to Protect," *International Relations* vol. 30, no.3 (2016), pp. 346-361.

¹⁷ Sergei Lavrov, Interview with ABC (Australia) television network, 31 January 2012, www.abc.net.au/lateline/content/2012/s3420041.htm

resolutions presented by Western powers that attempted to prompt Chapter VII of the UN Charter invoking R2P. In the meantime, Western powers routinely accused Russia, the chief supporter of the Assad government apart from Iran, of obstructing international law which was countered by Russia suggesting that it was actually the West that has undermined international norms while Russia has merely preferred the preservation of the established international order.¹⁸

The willingness of Western powers seemed to have also been shaken after the Libya case. It was increasingly heard in the West that direct military intervention in Syria would have had adverse repercussions on regional politics and impossible to carry out so long as the Russians and Iranians were involved in favor of the Assad government.¹⁹ Concerns were raised if a military intervention could have an impact on the ground, whether it may trigger more violence and facilitate a post-conflict peace as they had learned from the Libya experience. So Western leaders have opted for indirect ways of attaining regime change in Syria by supporting anti-regime forces largely stationed in Turkey.

Reviving Scepticism about R2P

As the military operations progressed in Libya, initial doubts of non-Western leaders were replaced by harsh criticisms towards the intervening parties. Russian President Vladimir Putin asserted that the West cannot be trusted on implementing the R2P, and cited Libya as a learning experience for Russia.²⁰ Russians further claimed that the Western utilization of R2P as a pretext for intervention in a situation where they had covert goals in mind has significantly tarnished the credibility of R2P.²¹ The critics from Russia have underlined the instability after the death of Gaddafi and questioned the success of ousting dictators through foreign intervention. Foreign Minister Lavrov said: “What we are seeing now only goes to show that regime change, especially through the use of force from outside, never leads to any good anywhere. Libya has turned into a territory without a central government, a country fragmented into districts controlled by different armed groups.”²² While Russia has always been on the sceptics group concerning R2P, the Libyan experience has

¹⁸ Vladimir Baranovsky and Anatoly Mateiko, “Responsibility to Protect: Russia’s Approaches,” *The International Spectator* vol. 51, no.2, (2016), pp. 52-54.

¹⁹ Elisabeth Bumiller, “Military Points to Risks of a Syrian Intervention,” *New York Times*, 11 March 2012, www.nytimes.com/2012/03/12/world/middleeast/us-syria-intervention-wouldbe-risky-pentagon-officials-say.html; Nick Hopkins, “Cameron’s Urge ‘to Do Something’ in Syria Resisted by Defence Staff,” *The Guardian*, 11 December 2012, www.theguardian.com/uk/2012/dec/11/syria-british-military-opposesrole

²⁰ Ziegler (2016), p. 350.

²¹ ‘NATO Interference in Libya Caused More Casualties – Lavrov,’ *Russia Today*, 6 October 2011, <https://www.rt.com/russia/lavrov-nato-libya-victims-201/>

²² Natalia Piskunova, “Russia and the Humanitarian Intervention Debate,” Paper presented at 12th ECPR General Conference, Hamburg, 22-24 August 2018.

further increased Russian adherence to absolute state sovereignty as well as a more conservative interpretation of international law.²³

China with significant reservations concerning a military operation had abstained in the voting for Resolution 1973, regretting it instantly as NATO started to target Libyan soldiers indiscriminately while supporting the rebels. The state media condemned the military operation claiming that “although it is under the name of protecting human rights and civilians, it is for their own economic and political interest.”²⁴ In this line, the spokeswoman of the Chinese Foreign Ministry, Jiang Yu, stated that “the original intent of the UNSCR 1973 was to protect the security of the Libyan people. We strongly oppose the arbitrary use of armed force causing even more civilian casualties and an even bigger humanitarian disaster.”²⁵

Similarly, India was not satisfied with the way NATO interpreted the Security Council mandate and suspicious of the motives of the intervening parties. India’s Ambassador to the UN reflected these concerns arguing that NATO “casually shifted its objective from protecting civilians to overthrowing the regime.”²⁶ Brazil also strongly objected to the implementation of the no-fly zone by NATO. To address the problematic implementation of R2P while also stimulating a dialog between interventionists and sceptics to find a common ground Brazil advanced the idea of Responsibility While Protecting though it didn’t generate much debate.²⁷ Some were quite harsh in their criticism, including President Jacob Zuma of South Africa, whose government had voted in favour of the resolution, but then declared: “We strongly believe that the resolution is being abused for regime change, political assassinations and foreign military occupation.”²⁸ Overall, it appears that the Libyan intervention has revived discussions about the best way to deal with humanitarian crises between the West and the rest of the world.

Conclusion

The mechanisms of Responsibility to Protect (R2P) as agreed by the world leaders

²³ Dogachan Dagi, “The Russian Stand on the Responsibility to Protect: Does Strategic Culture Matter?” *Journal of Asian Security and International Affairs* vol. 7, no.3 (2020), pp. 370-386.

²⁴ “Libya Conflict: Reactions around the World,” *The Guardian*, 30 March 2011, <https://www.theguardian.com/world/2011/mar/30/libya-conflict-reactions-world>

²⁵ “Libyan Leader should Stand Down as He has ‘Lost Legitimacy, Says Obama,” *The Guardian*, 3 March 2011, <https://www.theguardian.com/world/2011/mar/03/libyan-leader-stand-down-obama>

²⁶ Simon Adams, “Libya and the Responsibility to Protect: Results and Prospects,” *Global Policy Journal*, March 28, (2014).

²⁷ Charles Ziegler, “Contesting the Responsibility to Protect,” *International Studies Perspectives*, vol. 17, no.1 (2016), pp. 90-91.

²⁸ “South Africa Says NATO Abusing UN Resolution on Libya,” *Reuters*, 14 June 2011, <http://af.reuters.com/article/topNews/idAFJQE75D0F720110614>

in 2005 were expected to prevent mass atrocities by forming a consensus-based international response that includes the use of force. The Libya intervention of 2011 was hailed as a model for preventing severe human rights abuses in the rest of the world with global consent. Yet, the euphoria after the approval of Resolution 1973 was disappointingly short-lived.

The Libya intervention has revived contentious issues surrounding the concept of humanitarian intervention and broken the fragile consensus on the doctrine of R2P. It has sharpened the division between the advocates of intervention for humanitarian concerns and its sceptics. The hopes for convergence with Russia and China on the traditionally sensitive issues of humanitarian intervention and national sovereignty have diminished with the intervention in Libya. As such, the question of how to respond to mass atrocities has become more complicated and building a new consent on it seems less likely.

The apparent pursuit of a regime change in Libya by the intervening powers that resulted in a failed state has eroded trust in the Western coalition, shattered the belief in humanitarian missions, and alienated the non-Western world. As a result, the R2P has transformed from being an agreed-upon moral and, to some extent, legal code to a contested practice of the Western powers in which strategic considerations are believed to reign supreme. Consequently, the operational and political consequences of intervention such as extreme lawlessness, unchecked militias, rivalling governments, Islamic extremism, and systematic violations of human rights have reopened the question of whether foreign intervention ever results in more good than harm.

As a result, despite the ongoing conflicts, civil wars, and ensuing mass atrocities in other parts of the world, which have not been less grievous than those in Libya, the international community was not able to invoke R2P's coercive mechanism. The implementation of Responsibility to Protect in Libya more than a decade ago resulted in R2P's failure to prevent mass atrocities elsewhere with global consent and prevented a new humanitarian consensus ever since. The Libya debacle has, consequently, strengthened the argument that it is very unlikely, if not inherently impossible, to detach a humanitarian intervention from power politics, and prevent its misuse.