I. Activity Summary: NATO and the UN in Libya

Overview

As popular uprisings against authoritarian rulers gained momentum throughout the Middle East and North Africa, a popular movement to challenge the 'Brother Leader' Muammar Qaddafi was launched in February 2011. In response, Qaddafi launched an extremely violent crack-down, promising to "cleanse Libya house by house"[i] of his opponents whom he called terrorists. Although the scale of the violence in the early weeks of the uprising is in dispute, there is no question that Qaddafi was prepared to unleash violence on a large scale, and his threats against the population of Benghazi were particularly disturbing. In response, the African Union, having designated the popular uprisings in Tunisia and Egypt as legitimate expressions of democratic will, determined the Libya crisis to be a civil war demanding a mediated outcome. The AU established an ad hoc committee of heads of state to seek a negotiated settlement.

At odds with the AU political initiative, the UN passed resolution 1973, authorizing "all necessary measures" to protect the civilian population of the city. This was a rapid and rare invocation of the principle of the responsibility to protect (R2P). UNSC resolution 1973 referred to the AU's peace initiative in its preambular section but its legal force was the authorization of "all necessary measures" by UN member states. This led immediately to an air campaign by NATO members (soon taken over by NATO itself) with the clear objective of regime change. Through these actions, the P-3 countries shunned and denigrated the AU approach, rendering it ineffective and exacerbating divisions within Africa.

The rift between the AU’s approach and that of the UN P-3, NATO and the Arab League has far-reaching implications. At an international level these include: the standing of the principle of R2P; the legitimacy of regime change; and relations between the AU and the UN and other international actors. Within Libya, the repercussions of the international campaign include questions of clarity of mission goals, challenges of multilateral coordination, mission planning and resourcing, and unintended consequences.

Background

The events that led to Qaddafi’s overthrow unfolded amidst two parallel, uncoordinated AU and UN tracks to address the crisis.

The Libyan uprisings began on February 15, 2011 and hit the AU at a time when it was struggling to absorb events in Tunisia and Egypt.[ii] The AU Peace and Security Council (PSC) first debated Libya on February 23, 2011. Although Libya was a member of the PSC and objected to the debate, the PSC issued a resolution sharply condemning the Qaddafi government’s repression of opposition.[iii] It adjourned for two weeks, to allow the AU Commission to examine options for addressing the crisis.

This two-week period saw the escalation of the uprisings into a civil war, and acceleration of UN deliberations. The first significant event that outran the AU’s process was the UN Security Council action on February 26, which approved Resolution 1970, placing "sanctions, an arms embargo, and an asset freeze on Libya and referred Qaddafi’s crimes against humanity to the International Criminal Court in The
France, Germany, the UK, and the US proposed the resolution, and thanks in part to the advocacy of the Libyan Ambassador to the UN (who passionately denounced Qaddafi’s regime for its actions against civilians in a speech to the Council) the members all agreed. [iv] This was the first time that the Security Council unanimously referred a case to the International Criminal Court. The resolution also created a Panel of Experts to oversee and monitor the sanctions regime, which included an order to “freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities.” [v] It also imposed a travel ban on Qaddafi, his family members, and other senior figures. Finally, regarding the arms embargo, the resolution states that “All Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related material of all types, including weapons and ammunition.”[v]

Meanwhile, the AU had been developing a diplomatic option to stop the bloodshed. When the PSC met again on March 10, it issued a communiqué containing a “roadmap”, which included a call for a ceasefire and political reforms.[viii] While it did not call explicitly for regime change, it provided for an ad hoc committee of heads of state to negotiate a transition with Qaddafi. This ad hoc committee comprised the presidents of Mauritania, Republic of Congo, Mali, South Africa and Uganda, on the rationale that only African heads of state could speak credibly with Qaddafi and that the arrangement underlined the AU's seriousness. The ad hoc committee scheduled its first meeting for March 19 in Nouakchott, the Mauritanian capital, with the intent to fly to Libya the day after. Again, events in the intervening ten days outran the AU. On March 12, the Arab League recognized the resistance movement as Libya's legitimate government and called on the UN to impose a no-fly zone.[viii] The Arab League sided with Libyan civilians in response to Qaddafi’s brutal actions. A statement made by Qaddafi’s son, Seif, whom the ICC indicted, did not help: “Libya did not need the league and did not even need Arab workers.”[ix] The question of a no-fly zone was intensely debated within the Security Council, with China and Russia leading the opposition, reflective of their traditional stance on non-intervention in sovereign states based on humanitarian and human rights issues, along with Germany (which would not support military intervention), Brazil, and India. The Arab League's request for a no-fly zone undercut the positions of Russia and China and moved the Security Council in favor, as one of the criteria for such action is “clear regional support.”[x] On March 17, the Security Council adopted Resolution 1973, creating a no-fly zone and mandating “all necessary measures” for civilian protection.[xi]

Among other issues relating to establishing a ceasefire, freezing assets, and levying an arms embargo, Resolution 1973 “Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above…”[xii] Significantly, the resolution did not explicitly name the AU in this paragraph. As a regional organization, NATO took up the resolution’s authorization to undertake its mission in Libya.

The African members of the Security Council (the “A3” of Gabon, Nigeria and South Africa) voted for Resolution 1973, but had not expected the P3 to implement it selectively.[xiii] This was significant, because it is questionable whether the resolution would have passed if the A3 had abstained from or opposed it.

Despite lack of UN support, which stated it could not guarantee its protection, the AU ad hoc committee persevered in meeting in Nouakchott on March 19, but could not fly on to Libya as NATO began that day to impose the no fly zone. However, the ad hoc committee prepared a second mission from April 10, when it succeeded in meeting Qaddafi.

By this time, the AU’s scope for negotiation had further diminished. On March 29, the AU was conspicuously absent from a meeting in London between the UN, Arab League, Islamic Conference, European Union and...
NATO, which established the Libya Contact Group. This group called for Qaddafi to leave power and for the National Transitional Council (NTC) to take over. This set the tone for the ad hoc committees meetings: While, after some resistance, Qaddafi accepted the AU roadmap, the NTC rejected it without compromise on the grounds that the roadmap provided for transition rather than immediate regime change.

The AU continued to attempt negotiations through the spring, hoping that the stalemate would bring the parties to a ceasefire. However, in August the TNC made major military gains making their willingness to support anything other than the complete ousting of Qaddafi unlikely. Shortly thereafter Nigeria and Ethiopia recognized the TNC, and the rest of the AU followed suit, making this valiant attempt of African governments to broker a peace agreement ultimately a failure.[xiv]

**Operation Unified Protector**

NATO's Operation Unified Protector began as a US-led mission with coordinating NATO and non-NATO states put in place to support and enforce the arms embargo against Libya. The US took such an actively strong stance on this issue due to US domestic calls for intervention to support an aspiring Arab Spring democracy and stop the mass atrocities being carried out by the regime in power. On March 19, the US launched air and missile strikes against Libyan forces moving on Benghazi (headquarters of the resistance), taking out Libya's air defense system in three days. NATO then agreed to assume command on March 27.[xvi] The NATO mission, including 18 countries, was authorized by the UN under Chapter VII in Resolution 1973 and marks the first time NATO has intervened in Africa without a request to do so by the AU.[xvi] NATO had in the past assisted AU missions in Sudan and Somalia at the AU's request, but the Libya mission was significantly different because there was no AU mission for NATO to support. Instead, NATO led its own mission into Africa without the AU's consent. The discrepancies between African political efforts to resolve the crisis and NATO's military mission led to critiques at the time, and as the conflict in Libya has continued to today have drawn into question the effectiveness of such action.

NATO invoked the Responsibility to Protect (R2P) doctrine[xvii] to justify its intervention, which was charged with "policing the arms embargo, patrolling the no-fly zone, and protecting civilians."[xviii] The mission was designed to "make sure there was an arms embargo enforced on Qaddafi, that the people who were being attacked by government forces were protected and in some ways to provide the space and time for the people of Libya to decide their own future."[xix]

While the UN and NATO were taking a warlike approach, attempting to end Libyan government atrocities by supporting the rebels, the AU continued to pursue diplomatic solutions. In April members of the Ad Hoc Committee met with Qaddafi and got him to agree to their roadmap, which envisioned Qaddafi as a part of the transition process. However, the Committee was unable to convince the rebel government, the Transitional National Council (TNC), to accept it as well because Qaddafi was included.

By September 2011, due in a large part to the NATO mission, the NTC had secured the country and ousted Qaddafi. The dictator was fleeing from rebel forces when rebel forces captured him on October 20, 2011 near Sirte. While his bodyguards fought to protect him, a militiaman captured Qaddafi and beat him before he was shot several times. After Qaddafi's death, Operation Unified Protector's mission ended on October 31, just over seven months after it started. NATO left abruptly once the NTC attained control over the country, seeing its role as a protector of civilians as finished. In the course of the civil war, the Libyan health minister estimated that approximately 30,000 people were killed, 50,000 wounded, and 4,000 from January through November 2011.[xx]

The main contributors to the NATO mission were the US, UK, and France. The US contributed 8,507 personnel, 153 aircraft, 12 ships, and 228 cruise missiles. The UK contributed 1,300 personnel, 28 aircraft, 3 ships, and 18 cruise missiles. France contributed 800 troops, 29 aircraft, and 6 ships.[xxi] Each country paid for its own contributions. The US Department of Defense spent approximately $1.1 billion in Libya, the
UK spent somewhere between $257 million and $482 million, and France spent between $415 million and $485 million. NATO as an organization spent an “estimated at 5.4 million euros/month ($7.4 million/month), which totals more than 37.8 euros ($52.3 million) for seven months. NATO also spent roughly 5.6 million euros ($7.8 million) for structural and personnel costs related to the operation, the official says.”[xxii]

UNSMIL

In September 2011, as the NTC’s victory appeared increasingly likely and NATO’s mission neared its end, the new Libyan government requested assistance from the UN, via a letter from the Prime Minister of NTC Mahmoud Jibril to the Secretary-General, to implement NTC plans to stabilize the country.[xxiii] In response, in Resolution 2009 the Security Council established the United Nations Support Mission for Libya (UNSMIL), a Chapter VII political mission led by the Department of Political Affairs charged with helping the NTC establish rule of law and security in the aftermath of the civil war and NATO military intervention. It was established under the purview of the UN Department of Political Affairs (DPA) because the mission was primarily to support transitional authorities in developing and implementing political processes. The DPA is not usually charged with Chapter VII missions, as it usually handles Chapter VI missions that occur before, after, or instead of a Chapter VII DPKO mission. However, in the case of Libya, NATO took care of the major use of force component, and, likely, the UN had neither the appetite nor the international interest to field a mission through the DPKO, especially given the increasingly contentious views of the Libya intervention among the P-5.

The mission was originally mandated for three months, and then extended for another three months. These short-term mandates have consequences for the effectiveness of the mission because they do not present a longer-term cohesive plan for the mission and its goals and objectives. The NTC came to power amid optimism about its abilities to create stability in the country, thus the shortness of the original mandates. Its mandate included “assisting national efforts to extend State authority, strengthen institutions, restore public services, support transitional justice and protect human rights, particularly those of vulnerable groups,” as well as “taking the immediate steps required to initiate economic recovery and coordinate support that may be requested from other multilateral and bilateral actors, as appropriate.” The Resolution also partially lifted the arms embargo and asset freezes; however, the no-fly zone was maintained.[xxiv]

In Resolution 2022 (December 2011), the Security Council extended the mission through March 2012 and expanded its mandate to include “assisting and supporting national efforts to address the threat of proliferation of all arms and related material, in particular man-portable surface to air missiles.”[xxv] This expansion of the mandate’s focus was in response to the prevalence of small arms and general lawlessness in the region after the fall of Qaddafi.

In 2012, former rebel forces and local militias fought with the new government’s forces due to their discontent with the lack of accomplishments by the NTC. As the security situation deteriorated and the envisioned Libyan democracy remained only a vision, the mission was again modified and extended in Resolution 2040 (March 2012), this time to include “assisting the Libyan authorities to define priorities and matching their needs with offers of strategic and technical advice, as well as supporting Libyan efforts to manage the transition of the country to an inclusive democracy, promote the rule of law, protect human rights, restore public security, counter illicit proliferation of weapons, coordinate international assistance, promote national reconciliation and hold free, fair and credible elections.”[xxvi] This resolution also adjusted the sanctions regime to be less restrictive, ending the authorization of Member States to inspect sanctioned cargo, though it maintained the embargo on imports and exports of weapons.

A year later, Resolution 2144 extended the mandate for UNSMIL for another year. Discontent militias continued to fight government forces, and at the same time Islamist groups such as Ansar Al Sharia Libya...
(ASL) gained support and conducted operations within the country. The Libyan representative to the UN welcomed the new resolution, stating that the country was still "empty of institutions." As of July 2014, the total deployed international and national staff for the mission was 229, 201 of which were deployed mostly in Tripoli.

The Libyan mission is ongoing and today the state continues to be in turmoil, fought over by divided militias and Islamist groups. Estimates for total Libyan deaths since the revolution range from 1,000 to 2,500 and anywhere from 100,000 to 400,000 people are IDPs or refugees. In October 2014 in a Joint Communiqué, the African Union, the Arab League, the European Union, France, Germany, Italy, Malta, Spain, Turkey, UK, and US agreed that there was no military solution for the conflict and that a ceasefire and support of the UN mediated dialogue was the only road to resolution.

II. Key Issues, Dilemmas, and Lessons From Libya

1. Need for long-term strategic plan

The NATO intervention is considered by some a success because it succeeded in its mission to enforce the arms embargo, protect civilians from government attack, and create space and time for Libyans to decide their own future. However, despite these "successes," with the benefit of hindsight it is clear that the mission fell short in creating actual peace in the country. This failure is attributed to the mission's lack of long-term planning for a transition period. NATO conducted a brief military mission, then left a fledgling government, supported by a small UN mission, to handle the difficult post-war period. Apt comparisons to the war in Afghanistan call into question the wisdom or utility of a drawn-out engagement; however, it is clear that whether the mission is short or long, planners should think through the long-term objectives and implications of military intervention. Successive three-month mandates, as seen in UNSMIL, present challenges to effective mission planning, disincentivize forward-thinking planning and activities, and make it difficult for mission personnel to cultivate key relationships. To be truly successful, the NATO mission, or member governments, should have worked more closely with Libyan forces on the ground to ensure that they were prepared to take over the governing of a country. Additionally, the fact that NATO intervened without the support of the AU meant that they did not have adequate regional buy-in to ensure that the post-war transition phase would be supported by neighboring governments.

2. Missions should engage with bordering countries, especially those most likely to be affected by spill-over of the conflict

All of Libya’s neighbors, and some countries even further afield such as Mali, were strongly affected by insecurity within Libya and should have been engaged with to develop a long-term security plan for the region as a whole. The fall of Qaddafi, as supported by the NATO mission led to border insecurity along all of Libya’s borders, resulting in an unprecedented flow of small arms and combatants into neighboring countries. The crisis in Mali was partly an outcome of the Libyan crisis. Libya’s internal problems continue to affect its neighbors today, with Tunisia bearing the brunt of the growing Islamic extremism issues in North Africa. A critical and absent part of the mission would have been to devise a plan for border security within Libya and in partnership with its neighbors to prevent the spread of the conflict into the region.

3. Need for Coordination between UN, AU, and NATO

To be effective in peacebuilding, the UN should facilitate coordination between various UN entities within the country, as well as with the AU and in this case NATO. This is why UNSMIL is under the DPA rather than the DPKO; however, it has not been entirely effective in inter-organization coordination. The AU was
virtually ignored in its pursuit of a peaceful settlement (before and during the NATO intervention) and then essentially faded out as the civil war intensified. The UN took over peacebuilding upon the departure of NATO, but did so without coordinating a phase-out strategy for NATO. As a military body, NATO does not have the expertise or capacity to engage in long-term peacebuilding activities. The Alliance should foster coordination and active engagement with entities such as the UN, EU, and NGOs to foster long-lasting peace after an intervention. [xxx]

4. Protecting Civilians v. Regime Change

After the NATO intervention began, it quickly became clear that the limited mandate mission to protect civilians was secondary to attaining military gains towards the ultimate goal of regime change. Regime change was not mandated by the Security Council, and has been cited as a breach of international law, making the rebellion in Libya a foreign-orchestrated overthrow. Additionally, these extreme military measures dissuaded the rebels from seeking a negotiated settlement, which had been encouraged by the African Union and some other countries. [xxxii] The perception that the NATO mission was a foreign overthrow has damaged its credibility within Africa and could negatively affect African support of militarized peace missions in general. That the AU was so easily sidelined damaged its credibility as well, and that the UN has been so ineffective in facilitating peace post-conflict also hurts the credibility of that organization. The repercussions of the estrangement between the US and Russia at the UNSC were immediately evident in the failure of the UNSC to adopt a common position on Syria. The repercussions within the AU were also keenly felt by the then Chairperson, Jean Ping.

5. Saving Lives v. Exacerbating the Conflict

While some claim that the mission was a success in saving civilian lives from the Qaddafi regime's retribution, others claim that the intervention prolonged the conflict and actually caused significantly more civilian deaths. The latter narrative states that the intervention created disincentives for ceasefires and resolution of conflict at a local level. After NATO intervened, the conflict intensified and “NATO continued to aid the rebels even when they repeatedly rejected government cease-fire offers that could have ended the violence and spared civilians.” [xxxiii] A lesson from this is that international intervention can actually escalate the rebellion because it incentivizes rebels to provoke the state to violence to gain attention and support for their cause. This increased violence is ultimately worse for civilians. [xxxiv]

6. Air Power Meant “Clean War” Only for NATO

While only using air power enabled NATO to operate without any casualties, this was not reflective of the situation on the ground in Libya. NATO partner Qatar sent in ground troops, which were not under NATO command but in effect carried out the NATO mission, thus though there were officially no NATO “boots on the ground” the NATO mission was aided by allied ground forces. Rebel forces and civilians suffered high casualties, thus this "new model" for intervention, which is only applicable by wealthy governments because of their air power capacity, y , which is ielded benefit to NATO members but did not mitigate casualties and suffering for the people affected by the conflict. [xxxv]

7. UNSMIL was overambitious for its capacity

With only just over 200 personnel on the ground, UNSMIL did not have the capacity to effectively handle the post-conflict issues within Libya. Had NATO mission ended and handed power to an NTC capable of governing the country, it would perhaps be a different story. However, in a country with a long dictatorship, with little to no civic tradition, the creation of a state is far more challenging than a small advising and coordinating force can handle. The mission should have a) been larger to start with to handle the challenges of creating a state essentially from scratch, and b) as conflicts increased between militias and Islamist forces, the mission should have been increased and adjusted to effectively handle the new nature of threats.
III. Libya Literature Review

Reports/Scholarly Works


This article highlights the divergence in NATO's and the AU's approach to the Libyan crisis, drawing lessons learned for better NATO-AU cooperation in the future.


This article claims that the NATO mission in Libya was a success in achieving its stated goals, highlighting its effectiveness in providing a rapid response to the crisis. It claims that the intervention saved thousands of lives and significant financial costs (in comparison to NATO operations in the Balkans, Iraq, and Afghanistan), and discusses NATO lessons learned in terms of improving member coordination mechanisms.

de Waal, Alex. 'African Roles in the Libyan Conflict of 2011,' International Affairs, 89.2, March 2013, 365-379.

This article offers insights into the strategy of the African Union in Libya and ultimately why that strategy failed in the face of UN and Arab League opposition/alternative actions.


This article focuses on the military lessons learned for NATO, especially related to use of air power, command structure, strategic communication, and vision.


This brief article focused on internal lessons for NATO and the Alliance's paradigm shift towards Responsibility to Protect.


This brief offers a critical view of the NATO mission, citing discrepancies between Western media death reports that were used to justify the intervention and human rights organization research. It highlights the danger of an intervention prolonging and exacerbating the conflict.

"Libya: Getting Geneva Right." International Crisis Group, Middle East and North Africa Report N°157. February 2015. This report provides an analysis of the post-Qaddafi state, the various actors involved in the current conflict, and its effects on civilians. It very tangentially touches on the role of UNSMIL, and focuses more on the UN’s role in Libyan negotiations.

This article gives a thorough background of the social and political context in Libya in the lead-up to the civil war. It briefly covers the NATO mission and its implications, then goes more in-depth into the regional affects of instability in Libya.

**Official Documents, Agreements**

**UN Security Council**

UNSCR 1970 — February 26, 2011
Established sanctions on Libya

UNSCR 1973 — March 17, 2011
Established a no-fly zone.

UNSCR 2009 — September 16, 2011
Mandate UNSMIL

UNSCR 2022 — December 11, 2011
Extended UNSMIL mandate

UNSCR 2040 — March 12, 2012
Extended and adjusted UNSMIL mandate

UNSCR 2144 — March 14, 2014
Extended UNSMIL mandate

**UN Panel of Experts Reports**

S/2012/163 — February 17, 2012
Final report of the Panel of Experts in accordance with paragraph 24 (d) of resolution 1973 (2011)

Final report of the Panel of Experts in accordance with paragraph 10 (d) of resolution 2040 (2012).

S/2014/106 — February 15, 2014
Final report of the Panel of Experts in accordance with paragraph 14 (d) of resolution 2095 (2013).

S/2015/128 — February 23, 2015
Final report of the Panel of Experts in accordance with paragraph 13 (d) of resolution 2144 (2014).

**Arab League**


**African Union**


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[x] Ibid.

[xi] Daalder and Stavridis.


[xvii] Responsibility to Protect (R2P) is an international “norm that calls on the international community to intervene when governments fail to safeguard their own civilians.”

[xviii] Daalder and Stavridis.

[xix] Robins-Early.


[xxiii] S/2011/578 (September 15, 2011)


[xxiv] Ibid., 3.