



*Promoting a more transparent and accountable NATO*

## How good is NATO after Libya?

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A common cliché in sport is that you are only as good as your last game. Of course, your reputation should actually be the sum total of all your actions, but the most recent of these actions is by far the most important in forming opinions. The same applies in a very real way to international affairs.

NATO's reputation only a few weeks ago was less than stellar. As the intervention in Libya dragged on, from "days and weeks" to months, criticism of the mission grew on all sides. Many Western liberals and peace activists, as well as political leaders in powerful non-NATO states, such as Russia, China and India, charged that this was yet another US-led coalition fighting a third war without proper authority and for doubtful ends (it was all about securing preferential access to Libya's vast oil reserves according to some detractors). Meanwhile, mainly US conservative critics censured NATO (and especially European NATO) for doing it too slowly and with inadequate resources. Others, including this author, who initially supported the intervention under the principle of [Responsibility to Protect](#) (R2P), [grew more restless](#) as the 'protection of civilians' morphed into 'regime change'.

Now, with the downfall of Gaddafi (if not yet an end to the fighting or the uncertainty of what comes next) it signals that NATO's strategy was at least partly a success. But has NATO really turned from 'serial choker' to 'gold medallist' in the space of a few weeks? An interim review of lessons learnt—the 'Libyan game' is still in added time and the revolution is ongoing—reveals a mixed bag of positives and negatives. This is only to be expected given the hard and complex

questions that arose before and during NATO's midwifery of Libya's liberation from dictatorship.

### ***What were the motives for the intervention?***

Foreign policy in NATO member states, as in many other states, is driven by a ceaseless and inconsistent conflict between notions of national self-interest and more 'altruistic' ideas, which often reflect public sentiment. Publicly at least the main motive on this occasion appears to have been the protection of civilians, on the grounds of both altruism and self-interest. (Contrary to some accounts, NATO does have an interest in a lawful world order and of preventing massacres of people for merely exercising their right to free assembly).



(Children, playing around the remains of battle...19 May – photo credit: Internews Network/ flickr)

R2P intervention is only justified, however, when demanding conditions are met and continue to be met. The intervention in Libya, unlike Iraq in 2003 (and in many ways, Afghanistan over the past decade), was prosecuted, initially at least, in a legal way. It was demanded by the people being attacked, it included the support of (large parts) of the Arab League and was authorised by [UNSC resolution 1973](#). Similarly, while the motives for the 'early' French ground attacks were mixed at best, the risk of a large-scale massacre of civilians in Benghazi was real enough.

To those that argued, why Libya and not Syria, in the latter there was (and remains) no prospect of UN authorisation or multilateral agreement for military intervention, although some of the other non-military mechanisms in the R2P toolbox could and are being applied.

Clearly, there were also special 'self-interest' factors motivating NATO to intervene in Libya. The country is on Europe's doorstep. Fears of an uncontrolled exodus of migrants to the Continent, coupled with Gaddafi's history of sponsoring terrorism, were among the motivations offered by leaders such as British Prime Minister David Cameron for supporting the intervention. Many critics cite 'oil' as another key factor or even a principal reason for the intervention. While energy security issues were certainly a contributing factor, Libya was already integrated into the international oil markets and the major Western corporations had substantial contracts with the Gaddafi regime. NATO's military intervention was expected to (and did) disrupt supplies and lead to an increase in the oil price, something that was not in the interests of Western political leaders in the current economic crisis. Thus, despite the Transitional National Council (TNC) announcing that new oil contracts will go to the countries who supported them, the economic case for an imperial adventure in Libya is not backed by the evidence.



French supplied training and transport for new weapons and Washington added two extra Predator drones to the skies over Tripoli. In addition, the United Arab Emirates and Qatar provided weapons, military training and money.

(Tripoli Street, Misrata's former fruit market, 22 May - photo credit: Internews Network/ flickr)

Cole's assessment that it was less a civil war and more a popular uprising. However, it is also clear that NATO sided with the rebels in seeking to overthrow the regime. Assistance of every description was given to the anti-Gaddafi rebels, from political and diplomatic support to training, logistics and even theatre leadership in the attack on Tripoli (as this [Reuters report](#) makes clear). British operatives infiltrated Tripoli and planted radio equipment to help target air strikes, the

### **Did the intervention go beyond the UN mandate?**

This is hotly contested. On the one hand, critics argue that what started out as an action that initially observed the key norms of international law and multilateral consultation, quickly reverted to type when the focus shifted to regime change. NATO, on the other hand, has consistently argued that its actions fell and continue to fall within the UN mandate. Alliance officials cite the wording of Resolution 1973, which allows "all necessary measures" to protect civilians. According to this broad interpretation even limited numbers of 'boots on the ground' are said to be permissible in support of the rebels, outside of an "occupation force".

### **Did NATO intervene in a civil war?**

While the Libyan conflict carries some of the hallmarks of a civil war—defined as a war between organised groups within the same nation state or republic—some analysts, like [Julian Cole](#), prefer to describe the uprising in revolutionary terms:

*There was nothing like the vicious sectarian civilian-on-civilian fighting in Baghdad in 2006. The revolution began as peaceful public protests, and only when the urban crowds were subjected to artillery, tank, mortar and cluster bomb barrages did the revolutionaries begin arming themselves. When fighting began, it was volunteer combatants representing their city quarters taking on trained regular army troops and mercenaries. That is a revolution, not a civil war. Only in a few small pockets of territory, such as Sirte and its environs, did pro-Qaddafi civilians oppose the revolutionaries, but it would be wrong to magnify a handful of skirmishes of that sort into a civil war. Qaddafi's support was too limited, too thin, and too centered in the professional military, to allow us to speak of a civil war.*

The NATO mission is meant to protect the civilian population and there is certainly room for debate about what this actually means. NATO and some Western leaders drew the conclusion that only the removal of Gaddafi would provide real and lasting security to the civilian population; in turn this meant providing the rebels with weapons (although the NATO Secretary General insists that this was done by some allies outside of the alliance command framework) and intelligence to support them in their fight against Gaddafi.

However, this approach faced a number of difficulties. First, different national laws and foreign policy imperatives in the individual NATO member states led to different intra-alliance interpretations of the mandate. Some countries such as France, Britain and the United States interpreted it more offensively, while others like Poland and Germany took a much more 'non-offensive' standpoint. The failure to secure a NATO consensus on the terms of the mandate meant that several allied forces set out caveats

The crowds that poured onto the streets of Tripoli to welcome the rebel convoys, lend weight to

precluding their involvement in offensive operations, even though they took part in enforcing the no-fly zone and arms embargo.

Second, the rolling-back of Gaddafi's forces has been seen by many, both within but especially outside of NATO, as violating the spirit if not the word of the UNSC resolution. The threat to Benghazi was the principal basis on which UN and Arab league support was obtained for a no-fly zone. That threat was averted within days and no further resolution was gained for NATO to support a rebel advance on Tripoli. Once Gaddafi's heavy weapons had been stopped the Libyan people could have been left to struggle it out themselves (which might have prolonged the conflict and led to even more casualties). If no party had prevailed the option of a negotiated political settlement brokered by the African Union may have become more attractive.

For the future of Libya, however, none of this conjecture may matter—the end may in time be seen to justify the means—but in the short to medium term the criticism from China, Russia, India and others, makes it less likely that a similar R2P intervention would gain international backing any time soon (as discussed further below).

Third, in providing this form of covert intervention involving military advisers and special forces, the alliance was not only charged with exceeding the UN mandate, but political leaders in Washington, London, Paris and Rome faced accusations of duplicity from their own electorates and the wider world. Given the numerous specific promises that no foreign troops would enter Libya, much of the domestic opposition focused on the trampling of constitutions and legal processes and the ignoring of proper governmental checks and balances in the authorisation of covert military forces.

### ***Will the intervening forces withdraw promptly?***

NATO has already begun talks about the logistics of drawing down operations, which have mainly been based in Naples, Italy. Speaking at a press briefing in Brussels on 5 September, NATO Secretary General Anders Fogh Rasmussen [said](#) "NATO and our partners will be there as long as we are needed - but not one minute longer. When we assess that the threat is over for good, we will conclude Operation Unified Protector. I cannot give a precise date – but I believe it will come soon". NATO's decision to end the Libya operation would be on the basis of "comprehensive

assessments" Rasmussen [said](#), including the "capability of the National Transition Council (NTC) to actually protect the civilian population".

It is assumed that the termination of NATO operations will also see the end of the limited Western military footprint inside Libya. But that pledge presupposes either a benign ending to Libya's ongoing revolution or that—in the event of social breakdown in post-Gaddafi Libya—a UN peacekeeping force without a NATO troop component will be able to stabilize the country. On the other hand, Obama, Cameron and Zarkosy have all offered reassurances that NATO allies would not abandon Libya but instead remain "a friend and a partner" continuing military and diplomatic ties to "safeguard" the Libyan people. While the NTC has clearly indicated that it does not see a future security role for external forces, the history of recent Western interventions, and in particular the [difficulty of withdrawing US forces from Iraq](#), suggests that a prompt withdrawal is by no means certain.



(Libya, 7 August – photo credit: physicians for human rights/ flickr)

***Has NATO caused wanton damage, unrelated to the needs of the mission?***

[According to the NATO Secretary General](#), the alliance has "been implementing the mandate with unprecedented precision. No comparable air operation in history has

been so accurate and so careful in avoiding harm to civilians". Having conducted over 8,000 strike sorties, the Libyan intervention does appear to have resulted in far fewer civilian casualties and less damage to infrastructure than either the Bosnia or Kosovo operations. However, we do not know how many Libyans were killed in the fighting in the past six months. Juan Cole ([in his blog](#)) cites an estimated death toll from NATO strikes of about 3,500 Gaddafi combatants and less than 200 civilians. [NATO, however, has been reluctant to acknowledge any civilian casualties.](#)

Some critics also argue that the use of 'soft military power' simply prolonged the war and possibly caused many more deaths, both military and civilian. But the last thing the rebels needed when they eventually took power was a civil infrastructure wrecked by bombing (as was the case in Iraq and to a lesser extent the Balkans). In the event, by trading speed of escalation for scale of escalation—a slower, more secure escalation—it does seem like NATO did take great care to target almost exclusively military targets.

But targeting mistakes and/or faulty munitions did result in some civilian casualties, and the UN-mandated NATO forces should have done more to monitor and investigate them. Detailed monitoring of civilian casualties is central to investigations into abuses and violations of law, and can help to determine the true costs (both human and capital) of a conflict. For these reasons, NATO should have included a casualty-monitoring element in its activities to review the Libyan conflict in its entirety, as proposed by the [Oxford Research Group](#). A casualty recording mechanism would also realise the human rights of victims by enabling their recognition and by contributing to the distribution of reparations following the conflict.

**Does the Libyan ‘victory’ assure post-conflict peace and stable, democratic rule?**

While the jury is still out on this question, the prospects do look reasonably promising. But with rival tribes and militias competing for power and the internationally-recognised NTC still to take control in Tripoli, the endgame could yet go sour. If sustained violence, a humanitarian crisis, large refugee flows, or a hostile government begin to emerge in Libya, then the lessons learnt would take on a very different complexion.

As the [International Crisis Group](#) argue, “How the new leaders deal with law and order will be essential in determining popular perceptions of their qualifications to run the country in the interim period”. Collecting and securing the huge quantities of [weaponry circulating in the country](#) will be a priority as will protecting citizens of sub-Saharan nations who were caught up in the conflict, whether as unfortunate victims, mercenaries or misplaced migrants. Encouragingly, Western leaders seem acutely aware of the need for the Libyan post-conflict environment to be shaped by Libyans. However, it is important to remember that Libya will need foreign assistance both technical and financial in the months to come.

**What was the impact of the ICC indictments against Gaddafi?**

The International Criminal Court (ICC) issued arrest warrants in June for Gaddafi, his son and onetime heir Saif Al-Islam Gaddafi, and spymaster Col. Abdullah Al-Senussi for crimes against humanity. Some critics argue that the ICC indictments prevented the option of a negotiated

end to the war and ultimately led to higher casualties, since Gaddafi had no option but to ‘fight to the finish’. According to such critics, a negotiated exit for Gaddafi with guarantees against trials in The Hague might have worked faster with less loss of life. Supporters of the ICC process on the other hand point to the deterrent effect on other likeminded dictators and the ‘glue’ it provided for the international anti-Gaddafi coalition during the months when Libya appeared to be at a stalemate. But as [George Friedman](#) argues, in the future it may be necessary to decide what is more important—to alleviate the suffering of people or to punish the guilty.

(Rebels enter Gaddafi’s compound , 23 August – photo credit: Magharebia/ flickr)



**How useful a template is Libya for future R2P missions?**

Undoubtedly, the best way to overthrow dictators is through the people of the affected countries themselves doing so through the power of mass strategic nonviolent action—as demonstrated in Egypt, Tunisia, Serbia, Chile, the Philippines, Indonesia, Poland and many other countries. But

when dictators refuse to go peacefully and threaten the lives of their citizens, R2P is meant to provide a lifeline. Most of the tools in the R2P toolbox are diplomatic, economic and humanitarian, with more coercive measures authorised by the Security Council as a last resort.

In the case of Libya, a range of these non-military measures were adopted with unprecedented speed and decisiveness through the Human Rights Council, General Assembly, Security Council, Arab League, African Union and Gulf Cooperation Council. But it was not enough to deter Gaddafi.

In some respects, the Libyan intervention has strengthened the proponents of the UN’s R2P doctrine. Nothing succeeds quite like success. And as in Kosovo, East Timor and Sierra Leone, humanitarian interventionism can at least point to a relatively successful outcome. As such, the spectre of Iraq for R2P interventionists may not be banished but is no longer the haunting presence it once was.

However, the appropriateness of an intervention and the honesty of its methods are vital if R2P is to carry its proclaimed moral clout. Here, the combination of air strikes and covert intervention and planning by limited ground forces raises questions over the honesty of these methods and

therefore their suitability as a template for future potential R2P interventions. Over what other countries would NATO aircraft be allowed to fly with impunity for six months? And how likely is future UNSC approval for such a mission?

A deeper problem is that many political leaders still see R2P simply as a new cloak for a late form of western imperialism. Others note the overdependence on military force. In spite of its incorporation into UN thinking, R2P remains an idea of which the non-western world is suspicious, while at the same time NATO finds the idea of R2P by others, say Russia or China, extremely worrying. Indeed, NATO itself has yet to formally endorse R2P (although some individual member states have), let alone agree that it trumps national and collective security or traditional definitions of vital interests. It didn't even warrant a single mention in NATO's new Strategic Concept agreed at the Lisbon Summit last November.

R2P is neither discredited nor fully validated by the Libyan mission. It remains work in progress, and it is hoped that the lessons from the Libyan intervention may help develop a more coherent and comprehensive approach. To this end, NATO should set up an independent review of its Libyan operation, publish the findings and establish an R2P Committee to implement them. Such a Committee could also analyse threats of genocide and mass atrocities; develop military guidance on genocide prevention and response; and incorporate guidelines into alliance doctrine and training. NATO could also provide capacity-building assistance to international partners who are willing to take measures to prevent genocide and mass atrocities. In short, NATO could adopt R2P as an 'actionable norm' and seek to close the gap between R2P rhetoric and reality.

### ***Has NATO emerged from the Libya campaign stronger or weaker?***

The op-ed pages have been full of commentary on this question, with many concluding that despite the apparent success of the mission, it nonetheless revealed two growing weaknesses at the heart of the alliance: member states' taking an increasingly *à la carte* approach to their NATO responsibilities and the ever-widening 'capabilities gap' between the United States and the rest of NATO.

The first thing to note in NATO's favour is the speed in which the operation was mounted.

Despite Turkish and German opposition to the intervention, the NATO response in Libya was significantly faster than previous operations in both Bosnia and Kosovo. On 17 March, the UN Security Council imposed a no-fly zone in Libyan airspace. Within two days, French planes were flying missions over Libya (it had taken 12 days for NATO to begin a no-fly-zone over Bosnia).

Second, for all the complaints about the lack of transatlantic burden sharing, Libya was the first NATO military intervention where the US was not centre stage. With Anglo-French leadership, the recent anti-Americanism of Iraq and Afghanistan was largely avoided. Out of 28 NATO members, 14 committed military assets, but just eight (France, UK, US, Belgium, Denmark, Norway, Italy and Canada) were prepared to fly ground-attack sorties. Only France and Britain deployed attack helicopters. Non-NATO Sweden and Jordan flew air patrols enforcing the no-fly zone, while both Qatar and the United Arab Emirates joined strike sorties.

(Libyan protesters burn Gaddafi's Green Book outside the Libyan embassy in Cairo, 22 August – photo credit: Maggie Osama/ flickr)



At his most recent [monthly press briefing](#), NATO Secretary General Anders Fogh Rasmussen said that "the Libya operation has demonstrated that despite the periods of economic austerity, despite defence cuts in a number of countries, maybe all countries, it was possible for European allies and

Canada to provide the majority of assets for our Libya mission, strike aircraft and also maritime assets". "But", he added in a cautionary note, "the whole operation has made it visible that there are some gaps (between European countries and the United States) to be filled".

These gaps included so-called key enablers, such as air-to-air refuelling, airborne intelligence gathering and drones. The US also provided most of the cruise missiles (that destroyed Gaddafi's air defences in advance of the no-fly zone being established) and replenished European stocks of precision-guided weapons when these ran low after only a couple of months. "Let me put it bluntly: those capabilities are vital for all of us. More Allies should be willing to obtain them. That is a real challenge. And we will have to find the solutions at the next NATO Summit in Chicago," Rasmussen said. But the implications of this 'dependency' continue to be overstated and misinterpreted.

Rasmussen's remarks came around three months after former US Defence Secretary Robert Gates sharply criticised some European nations' reluctance to expand defence budgets and unwillingness to take on combat missions, which he claimed has created a two-tier alliance. (It should be noted that Gates is not averse to tilting against NATO solidarity, having argued [against](#) the Libyan intervention within the US National Security Council). The New York Times was one of a cluster of US editorials that jumped on the Gates bandwagon, [commenting](#): "If it was this hard taking on a ragtag army like Qaddafi's what would it be like to have to fight a real enemy?" To which it might be reasonable to reply, who or what are the 'real enemies' that the New York Times expect Europeans to fight? Paradoxically perhaps, Robert Gates partially answered this latter question in a statement in February when he warned against future wars like Iraq or Afghanistan and of the dismal prospects of effecting regime-change in that fashion. "Any future defence secretary", he told American cadets in a speech at West Point, "who advises the president to again send a big American land army into Asia or into the Middle East or Africa should have his head examined".

Part of the problem is that within European NATO (combined military spending \$220 billion), the alliance is seen as the cornerstone of their respective national defence policies, whereas in the United States (£700 billion defence budget, although upwards of a \$1 trillion when all security funding is included) it is but one of several regional building blocks for a global military presence. Despite the acknowledged shortfalls, Europe's militaries are more appropriately scaled for their actual needs—homeland defence, peacekeeping and crisis management missions and limited R2P interventions—than their US counterpart. Indeed, it is wholly appropriate that an exceptional mission like Libya stretches European armed services to the limit. Iraq and Afghanistan revealed the extent to which over-the-horizon military interventions by the US military in the post-9/11 decade were undertaken too quickly and without due consideration of the consequences – in part, simply because they could.

While Europeans do probably need to spend smarter (and some countries may need to



increase their defence spending), it is the US that needs to spend much less and shift the focus to 'soft' security expenditure. The case for reducing and rebalancing US security resources is overwhelming, but continues to be the 'elephant in the room' during transatlantic burden sharing discussions.

### Conclusions

Libya could have turned out a great deal worse (and indeed still might). The transition from a dictatorship to a fledgling democracy was never going to be easy, but it has turned out reasonably well so far. Both critics and supporters of the intervention would probably agree that getting to where we are today involved more luck than judgement and that the 'game' is far from over.

The feasibility of future interventions will rest on a complex assortment of issues, realistic potential outcomes, and the involvement of direct interests of several major or emerging powers. It will also have to satisfy domestic opinion in states weighing up such action.

The lack of cohesion within NATO is worrying, and is certainly not confined to the Libya mission. The fraught internal discussions over NATO's deterrence and defence posture review are another example of the breakdown in consensus. While this may be inevitable given the absence of an existential threat to any of the alliance's member countries—lesser threats and moral causes inevitably prompt a wide range of responses—the search for a new post Cold War and post-9/11 'glue' remains problematic.

NATO must decide if it wants to make preventing genocide and mass atrocities a priority and not merely an idealistic add-on to the core collective defence agenda. It ought to be a moral and strategic imperative for the alliance to implement the R2P agenda, in which case, resources would need to be directed towards the development of a comprehensive approach to genocide prevention, including improved early warning mechanisms, early action to prevent crises, timely diplomatic responses to emerging crises, greater preparedness to employ NATO military assets in UN peacekeeping operations, and action to strengthen global norms and institutions.

(I painted Libya's Flag in honour of today's Rebel Victory, 16 August – photo credit: ConvenienceStoreGourmet/ flickr)

**Ideas, feedback, suggestions?** We want to hear from you. Please contact us at [NATO Watch](#) with any news and stories for the [Observatory](#), as well as feedback or suggestions on this briefing.

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