



## Comment

### Libya: NATO must stick to the R2P script

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The UN-authorized intervention in Libya has thrown up complex ethical issues of paramount importance, as well as misgivings about NATO assuming command of the military dimension. It is an intervention that has both an overt face and a hidden face, and behind every rationalization seemingly another rationalization, often of quite a different order than the declared protection of Libyan civilians. [Simon Tisdall](#) writing in the *Guardian* sums up the contradictions: "It's a war of choice – except officially, according to the US and NATO, it's an internal conflict. It's about protecting civilians, says the UN, except the heavily armed 'civilians' of Benghazi and eastern Libya are now marching on Tripoli. In theory it's not about dethroning Gaddafi – but in reality it most certainly is".

The hypocrisy and double-standards of many contemporary military interventions (and non-military interventions) are well known. And of course, the 'international community' will not seek to intervene in every uprising against a dictator, and not even every rebellion that threatens genocide. But the fact that the international response to [Cote d'Ivoire](#) has been woefully inadequate is a poor reason to oppose intervening to prevent atrocities in Benghazi. [David Cameron](#) is right to point out that "Just because you can't do the right thing everywhere doesn't mean you shouldn't do the right thing somewhere" (although he could try a little harder to do the right thing more often, like foregoing the company of [arms sales teams on his visits to the Middle East](#)).

The UN's [Responsibility to Protect](#) (R2P) framework agreed in 2005 acknowledges that governments in sovereign states do not have the absolute right to do as they please within their own borders. It gives four instances where intervention is warranted: cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The targeting of civilian population centres is outlawed under Article 25 of the 1899 Hague Convention and as such represents a war crime. The evidence strongly suggests that Gaddafi's forces have indiscriminately attacked rebel held areas with disproportionate force and

thus committed a war crime. And as [Juan Cole](#) [argues](#) 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, including the new interim Egyptian and Tunisian governments, and was authorised by a UN Security Council (UNSC) resolution, the "gold standard for military intervention". 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. On the eve of the UNSC resolution vote, Gaddafi [said](#) "We are coming tonight... We will find you in your closets... We will have no mercy and no pity". Thus, a potential major war crime was stopped in its tracks: so far, so good.



However, what started out as an action that observed the majority of the norms of international law and multilateral consultation is now in danger of reverting to type. The heavy-handed application of unilateral US, French and British muscle and talk of regime change, arming the rebels and even assassinating Gaddafi risks breaking the fragile international consensus and many of the political gains secured through [UNSC resolution 1973](#) – including the historic embrace of the R2P principles agreed in 2005. The United States has already committed AC-130 and A-10 aircraft, which are both low-flying ground attack aircrafts. Their use, together with some of the other ongoing Allied airstrikes on Gaddafi's supply lines and other military targets not only near Benghazi but around other contested areas as well, undermines [NATO's pledge to remain impartial](#) and effectively embedded the coalition forces within the armed wing of the rebels.

It is hoped, therefore, that with NATO assuming command of all military operations, the worst unilateral excesses of some of the coalition members may be reigned-in. If NATO sticks to the letter of the UN resolution and R2P principles this may be possible. As NATO's Secretary General [Anders Fogh Rasmussen](#) [told CNN](#), the mission's

aim is to shield civilians, not arm the rebellion. Five crucial steps are required by NATO to bring the mission back within the boundaries of R2P:

**1. The use of "all necessary measures" to protect civilian areas from attack by Libyan government forces should only continue as long as the attacks on civilians persist or are threatened**

What this clearly precludes is 'boots on the ground' (unless in an unequivocal peacekeeping capacity, more of which in 2. below), [arming the rebels](#) and regime change. With both sides in the conflict apparently [running short of ammunition](#), this is not the time to be adding fresh arms to the conflict. Not only is this almost certainly [illegal under current UN resolutions](#) there is the potential for the weapons to be used either by some of the rebels to carry out the kind of atrocities NATO is intervening in Libya to prevent or that the weapons could end up in Gaddafi's hands.



However, the extent to which it means going beyond a no-fly zone to enforce a no-drive zone is a grey area and currently the most controversial part of the mission. British, French and American pilots have attacked tank and artillery positions that were used to subdue villages and towns that supported the rebels. And as of 23 March, [162 Tomahawk cruise missiles](#) had already been fired at Libya, most of them from US vessels, at more than \$1 million each. This rolling-back of Gaddafi's forces is seen by many as violating the spirit if not the word of the UNSC resolution 1973, and several allied forces have set out caveats precluding their involvement in such operations, even though they are taking part in enforcing the no-fly zone and arms embargo. The bottom line for these 'caveat states' is that it is no longer an unarmed population fighting against a state: it has become a civil war.

Thus, NATO should restrict itself to enforcing the arms embargo and the no-fly zone. Further airstrikes against Gaddafi's forces should only resume if they once again threaten civilians. And given that the commitment is to protect *all* civilians, the potential use of NATO air power also applies to deterring rebel forces should they threaten pro-Gaddafi civilians. However, airstrikes are a matter of last resort and a re-run of NATO's 1999 Kosovo bombing campaign must be avoided. Then, air strikes lasted 11 weeks, and NATO ran out of targets, killed civilians in strikes



that went wrong or against inappropriate targets (such as the office tower of Serbian state television) and fractured Alliance solidarity. Human Rights Watch estimated that between 489 and 528 Yugoslav civilians were killed in 90 incidents in NATO's Operation Allied Force over Kosovo. If similar numbers of civilians were to be killed by NATO forces in Libya the mission will have clearly failed (also see step 5 below).

**2. Diplomatic efforts should be stepped up to achieve an early unconditional ceasefire and then work towards a lasting political settlement**

Diplomacy should have an increasingly UN and regional face and should not be predicated on Gaddafi agreeing to stand down and leave the country, although that might be the eventual outcome of such a political process. While the Libyan uprising seems to be rooted in the new Arab democratic movements that swept Tunisia and Egypt, it could easily descend into a pattern of attacks and retributions that could result in large numbers of civilian deaths. Indeed, the most likely outcome at present is for a stalemate with rebels in the East and Gaddafi forces in the West. Having stopped the Libyan Army from entering Benghazi the next step is to try and stop a prolonged and bloody civil war. This means separating the sides and promoting dialogue for resolution of the conflict.

In other words, it may be time for a more traditional peacekeeping operation in Libya. The UN secretary general's special envoy is heading back to Libya for talks with both sides and the African Union looks set to play a key role in renewed efforts to reach a ceasefire. A contact group has been established to co-ordinate these efforts. What these diplomatic efforts do not need is a "[shadow force of Westerners](#)" muddying the waters even further. The UN should be allowed to co-ordinate on humanitarian and political matters, and the NATO Secretary General should be using his office to stress to national capitals in member states that their 'special forces' and intelligence agencies are not needed on Libyan soil.

**3. NATO should abide by clear and transparent rules of engagement**

When pressed on how he would ultimately define success in Libya, [Admiral Stavridis](#), NATO's top

military commander, said “The military mission has some clear metrics” including “Is the population safe?” and “Are civilians under attack?” This is fine as far as it goes, which is not very far. The metrics should be made public and kept under constant review. And daily on-the-record briefings as to how the mission is being implemented should be provided by NATO from its [command base in Naples](#). Nothing less would satisfy accountability and transparency criteria.

#### **4. *Parliaments in member states should hold their governments accountable for NATO actions in Libya***

There appear to have been relatively few public or parliamentary hearings or discussions on the Libyan strategy in member states. Exceptions include debates in the [Canadian](#) and [British](#) parliaments, and a Congressional hearing on Capitol Hill on 29 March at which [Admiral Stavridis faced tough questions](#) about whether NATO allies are sufficiently united in their interpretation of the goals of the mission and whether the United States has an exit strategy. Parliaments throughout the Alliance need to be asking tough questions about the policy and the costs, and on a regular basis. Not only is this a necessary part of political oversight, the human cost of war is too high to happen without debate.

#### **5. *Open and careful monitoring of civilian casualties***

The results of the R2P mission in Libya cannot be measured unless there is a serious commitment to monitor civilian casualties, inflicted not only by Gaddafi or opposition, but also UN-mandated forces. 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 the conflict. For these reasons, NATO should include 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.

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.

There was undoubtedly a strong anti-war case for staying out of Libya, but there was, and still is, a stronger pro-peace case for limited military intervention based upon a responsibility to protect civilians. On balance, the NATO forces now defending Libyan citizens are doing a good thing, whatever the motives of some of the individual Western leaders or whatever you think about NATO. But there is also a real and growing risk of this humanitarian mission being manipulated and co-opted for nefarious military and political purposes (or simply going awry through poor and ill-informed political judgements).



To go down this path again would be to repeat the costly and counter-productive mistakes of Iraq and Afghanistan. Another Western-led regime-change, no matter how virtuously motivated or how much more swift and competent, would likely undermine the very essence of the Libyan - and wider Arab -

rebellion. Therefore, as one of the principal intellectual advocates of R2P, [Gareth Evans](#), former head of the International Crisis Group, has said the limits of the Libyan intervention need to be clearly articulated and followed to the letter.

But equally, to have walked away and left the citizens of Benghazi to their fate may have been to repeat the mistakes that led to the Rwandan genocide and Srebrenica massacre. It ought to be possible for progressive voices to both support principled foreign interventions in rare and extreme cases *and* address head-on the issue of human rights and humanitarian intervention being [compromised and manipulated to serve the purposes of the national security state](#). If the narratives and language have indeed been co-opted in this way, then they need to be recaptured and recast. That is the very essence of politics. Advocating NATO reform is part of such a political struggle.

NATO has yet to formally endorse R2P, let alone agree that it trumps national and collective security or traditional definitions of vital interests. A huge opportunity was missed in not including



R2P as one of the main pillars in NATO's new Strategic Concept agreed at the Lisbon Summit last November. It didn't even warrant a single mention. Had it done so, NATO might have already established an R2P Committee to: analyse threats of genocide and mass atrocities; develop military guidance on genocide prevention and response; and incorporate guidelines into Alliance doctrine and training. NATO might have also started to provide capacity-building



assistance to international partners who are willing to take measures to prevent genocide and mass atrocities. In short, NATO would have been in a stronger position to adopt R2P as an 'actionable norm' in the Libyan crisis.

Preventing genocide and mass atrocities should be a priority

for NATO and not merely an idealistic add-on to the core collective defence agenda. It is a moral and strategic imperative for the Alliance to implement R2P agenda and resources should 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.

Photo credits:

A rebel mans an anti-aircraft gun in Ras Lanuf, 8 March - شبكة - برق | B.R.Q/flickr

US forces transport displaced Egyptians from Tunisia, 10 March - DVIDSHUB/flickr

The art room, 25 February- Al Jazeera English/Flickr

RAF Personnel Take Part in a Briefing During Operation Ellamy, the UN Sanctioned No Fly Enforcement Over Libya, 19 March – Defence Images/flickr

A Libyan rebel fighter sits with comrades on the outskirts of Ajdabiya, 22 March - \_BRMB\_/flickr

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