To What Extent Was the NATO Intervention in Libya a Humanitarian Intervention?

The North Atlantic Treaty Organisation's (NATO) intervention in Libya is an operation that has caused great debate. This was fundamentally due to the contradicting actions that NATO undertook in the intervention and the extent that the intervention can be considered successful. Before NATO's true role can be analysed, it is important to state the definitions of Responsibility to Protect (R2P) and regime change. The internationally accepted definition of Responsibility to Protect is the result of the 2005 United Nations World Summit meeting, where the definition was stated as:

Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity . . . We accept that responsibility and will act in accordance with it . . . The international community, through the United Nations, also has the responsibility to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context we are prepared to take collective action, in a timely and decisive manner, through the Security Council… should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity[1].

In contrast, regime change, according to Lawson, is 'indicated primarily by a change in (or abandonment of) the principles and norms governing the nature of regime'[2]. Krasner elaborates on this, suggesting that:

Change within a regime involves alterations of rules and decision-making procedures, but not of norms or principles; change of regime involves alteration of norms and principles; and weakening of a regime involves incoherence among the components of the regime or inconsistency between the regime and related behaviour[3].

These definitions provide the framework for NATO's intervention, however the context for the intervention is also equally important, as it presents the justification that international organisations utilised in order to respond. Following the rebellions in Egypt and Tunisia, Libya's ruler Muammar Gaddafi faced a similar uprising. Within one week of protests, Gaddafi had sworn to hunt those who protested his rule 'inch by inch, room by room. Home by home, alleyway by alleyway, person by person'[4]. This speech, along with the increasing possibility of Libya erupting into a civil war, prompted the United Nations into asking the international community to assist. Subsequently, NATO launched Operation Unified Protector, with the advertised aims of 'enforcing an arms embargo, maintaining a no-fly zone and protecting civilians and civilian populated areas from attack or the threat of attack'[5].This is the initial evidence that NATO had what appeared to be a mandate focused on Responsibility to Protect, yet the outcome of the intervention contradicts this analysis.

If viewed as an operation focused solely on Responsibility to Protect, the NATO involvement in Libya has been supported by scholars such as Pattison, who states that the actions of the Gaddafi government met the International Commission on Intervention and State sovereignty test, thereby justifying a NATO intervention[6]. As previously mentioned, Gaddafi had made abundantly clear his views on the protests, calling for his supporters to 'go out and cleanse the city of Benghazi'[7]. This was illustrated by the Gaddafi regime's 'subsequent indiscriminate shelling of Misrata[8], emphasising that intervention for the protection of Libyan civilians was indeed justifiable. Moreover, an

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Amnesty International report stated that Gaddafi's forces:

fired indiscriminate rockets, mortars and artillery shells as well as cluster bombs into residential neighbourhoods, killing and injuring scores of residents. On several occasions they fired live ammunition or heavy weapons, including tank shells and rocket- propelled grenades (RPGs), at residents who were fleeing – in what appeared at times to be a policy of "shoot anything that moves"[9].

According to the Rome Statute of the International Criminal Court, 'acts committed as part of a widespread or systematic attack directed against any civilian population, where the attack is part of a state or organizational policy, constitute crimes against humanity if committed with knowledge of the attack'[10]. Consequently, it is evident that NATO had credible reasoning to intervene in Libya if the organisation's primary aim had been to defend the civilian population.

It should be noted that NATO intervening under the umbrella of Responsibility to Protect involves the 'responsibility to help to protect populations'[11]. By stating 'populations', this critically includes all of the citizens that are based within the state, yet throughout the intervention, NATO fundamentally failed in this duty to protect. This is evident from the reports of rebel opposition groups torturing individuals based upon their skin colour. Prior to the protests, the treatment of migrants from sub-Saharan countries by the Gaddafi regime was appalling, as the 'government refused to recognize the right to seek and enjoy asylum'[12]. Yet this situation continued throughout the civil war, as one detainee told Amnesty International:

The problem is my black skin; the thuwwar think I am with Colonel al-Gaddafi. Mu'ammar [al-Gaddafi] repressed my people, and those opposing him because of his brutality are now doing the same[13].

Furthermore, a United Nations report stated that 'sub-Saharan Africans, in some cases accused or suspected of being mercenaries, constitute a large number of the detainees. Some detainees have reportedly been subjected to torture'[14], 'rebel forces [had] emptied entire villages of black Libyans'[15] and 'black African women were raped by rebel forces in the refugee camps outside of Tripoli'[16]. These reports illustrate that while NATO may have been actively engaging the Gaddafi regime militarily, the organisation failed in the protection of the Libyan people, and therefore failed to adequately intervene under Responsibility to Protect. Moreover, many of the sub-Saharan African torture reports place the preparators as rebel groups, which was problematic for NATO as these groups had NATO's backing for regime change. Considering that rebel groups were torturing minority ethnic groups, many of whom were civilians, it resulted in the undermining of NATO's mission, as it contradicts the definition of Responsibility to Protect and delegitimises the necessity for regime change. Additionally, the torture of civilians creates a parallel between the Gaddafi regime and the rebel groups, therefore Krasner's 'change within a regime' may have been the logical approach, rather than complete regime change. It was not just sub-Saharan African's who suffered from NATO's failure to protect, civilian supporters of the Gaddafi regime were also targeted by rebel groups. The *New York Times* quoted Hillary Clinton's former policy planning director Ms. Slaughter stating that "we did not try to protect civilians on Qaddafi's side"[17]. This further emphasises the proposition that not only did NATO fail to intervene in Libya on the sole purpose of Responsibility to Protect, it also failed to adequately cover all aspects of Responsibility to Protect doctrine without discriminating against the Libyans who suffered under rebel rule.

When analysing NATO's role in the Libya conflict, it is important to consider the legitimacy of human rights abuse claims that NATO had initially justified the intervention upon. When the preliminary reports of the protests emerged, statements such as 'witnesses say warplanes have fired on protesters in the city'[18] made mainstream news, yet these exaggerations largely turned out to be false. These false statements were confirmed in a Pentagon press conference:

Do you see any evidence that he [Gaddafi] actually fired on his own people from the air?… if so to what extent?" U.S Secretary of Defence Robert Gates replied, "We've seen the press reports but have no confirmation of that", with Admiral Mullen adding "that's correct. We've seen no confirmation whatsoever[19].

This is a crucial issue in evaluating why NATO decided to intervene. It certainly casts doubt on the premise that it

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was under the principle of Responsibility to Protect and subsequently it is clear that there was hyperbole in the reporting of the uprisings in Libya. According to Forte, 'this is important… [as] myths of atrocities perpetrated from the air took on added value as providing an entry point for foreign military intervention that went far beyond any mandate to "to protect civilians"'[20].   These shortcomings in NATO's ability to prioritise their fundamental objectives emphasises that regime change was the priority for NATO's involvement.

Although NATO may have had the initial goal of protecting civilians, there is a substantial amount of evidence that suggests that the intervention was focused on regime change. This is very apparent from some of the military actions that NATO authorised and executed.

For example, the bombing of Gaddafi's forces in his hometown Sirte. This was seen as largely unjustified, as the Gaddafi military posed a negligible threat to the local population as the local residents were supporting of the Gaddafi regime [21],and therefore was tactical decision focused on dismantling the manpower of the Libyan army, rather than the welfare of the Libyan people. Furthermore, the *New York Times* quoted the Deputy Foreign Minister of Libya, Khalid Kaim, who claimed that 'the airstrikes in and around Ajdabiya had hit the government troops who were not advancing but merely stationary'[22]. This demonstrates another example of the NATO force attacking the Libyan Army; as Kaim stated, 'the American and European forces were overstepping mandates from the United Nations and NATO by providing close air support to the rebels instead of merely establishing a no-fly zone or protecting civilians'[23]. Furthermore, Bats argues that these military actions caused 'emerging powers [to complain] that the West hijacked the operation'[24]. The extent of the airstrikes that NATO committed in the intervention should be noted. A NATO report stated that 'since the beginning of the NATO operation a total of 26,323 sorties, including 9,658 strike sorties, have been conducted'[25]. Considering NATO had stated this intervention was a to protect the Libyan people yet conducted an 'average of 150 air strikes per day… killing hundreds – if not thousands – of people'[26], it is apparent that there was a blatant disregard for Responsibility to Protect. This sheer volume of missile strikes underlines the attention that was given in crippling the Libyan military, which would successively permit regime change to occur. Another key indicator which suggests that NATO was more concerned with the expulsion of Gaddafi from power, was the arming and training of the rebel groups who were fighting Gaddafi's regime. Post intervention, it has been stated that the 'combination of coalition airpower with the supply of arms, intelligence and personnel to the rebels guaranteed the military defeat of the Gaddafi regime'[27]. It was reported that 'NATO helped through co-ordinated bomb-strikes but acknowledged that the means for doing so were convoluted and indirect'[28]. Britain also declared that 'NATO was providing intelligence and reconnaissance information to the rebels'[29]. Moreover, according to Wedgwood, 'If observers found the rebels firing on civilian centres, they would get a warning to stop; the Libyan government received no such benefit'[30]. This would limit accidental engagements on innocents, which would be crucial for a rebellion attempting to gain the support of the local civilian population. The NATO backing of rebel groups was also problematic due to the hidden intentions of certain rebels. This became evident when 'criminal gangs emerged either during the war or after, along with jihadist groups, especially in the east. Most estimates indicate that such groups are small, even if problematic and growing'[31]. Moreover, 'MI6 estimated that there were a million tons of weaponry in Libya, more than the entire arsenal of the British army'[32], which when combined with the albeit 'small' extremist sects of the rebels, presented another issue with the NATO efforts to overthrow the Gaddafi regime.

The NATO preference of regime change over Responsibility to Protect was also illustrated in the refusal of NATO and the rebel groups to co-operate with the Gaddafi regime for a ceasefire. A senior Brazilian diplomat 'recalled that the suggestion to interrupt the military operation and to pursue political negotiations was opposed by the countries leading the NATO intervention, with the argument that the military operation should not be micromanaged—not an argument that truly addressed the proposed termination of the operation'[33]. This was a recurrent theme of the intervention as demonstrated by the African Union's proposed 'five-point plan that includ[ed] an immediate ceasefire, negotiation between the two sides, and an end to the NATO bombing campaign. Qaddafi embraced the initiative'[34], but the 'rebel-led Transitional National Council (TNC… rejected the plan, believing it to be a mere ruse to prolong Qaddafi's leadership'[35]. Although a ceasefire would have the potential to open communication between the warring sides and limit further violence against civilians, NATO did not openly support the ceasefire. The United States' Secretary of State Hillary Clinton stated in response to the ceasefire offer, "We believe, too, that there needs to be a transition that reflects the will of the Libyan people and the departure of Qaddafi from power and from

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Libya"[36]. This is controversial, especially in response to a ceasefire, as, if accepted, it would provide relief for the Libyan civilians affected by the civil war. Subsequently this would parallel with the objectives of Responsibility to Protect. Thus, this reiterates that the prioritisation of NATO was regime change over Responsibility to Protect.

NATO's focus on regime change in the Libya conflict has been argued to be a form of United States-backed imperialism. The creation of the Africa Oil Policy Initiative Group (AOPIG) in 2002, which submitted a white paper to Congress entitled African Oil: A Priority for U.S National Security and African development,[37] was the foundation for this American initiative. Later, the establishment of the United States military's Africa Command (AFRICOM) allowed 'a more comprehensive U.S. approach in Africa, and establishment of U.S. Army Africa enables USAFRICOM to more effectively advance American objectives for self-sustaining African security and stability'[38].

AFRICOM's mission is described as consisting of 'diplomacy, development, defence',[39] however, Forte argues that without 'window-dressing' AFRICOM's mission is '*infiltrate, enlist and expropriate*'[40]. This remark is worth noting, as there is certainly evidence which indicates that the United States was 'worried about Libya's influence, and looking for ways to minimize Gaddafi's leadership'[41] yet also simultaneously focusing on the 'absolute imperative to secure African sources for U.S.'s own needs[42]. For General Gaddafi, AFRICOM represented a threat to Libya, as Ambassador Cretz remarked:

Gaddafi 'excoriates European states for having colonised Africa and strongly argues against external interference in internal African affairs' and that indeed Gaddafi almost has a "neuralgic issue" when it comes to "the presence of non-African military elements in Libya or elsewhere on the continent[43].

This anti-American / European attitude that Gaddafi held may have contributed to NATO's focus on regime change. Prior to NATO's intervention, 'Libya produced some 1.6 million barrels a day'[44] and boasted 'Africa's largest proven crude oil reserve'[45]. Thus, if Libya's ruler prioritised other nations over the United States in protest of AFRICOM, this would be a discreet justification for the United States (and NATO) in supporting regime change.

To conclude, the NATO intervention in Libya was extremely controversial due to its failure in outlining what the true objectives were. Although the intervention was framed under Responsibility to Protect, it is clear that regime change was the priority for NATO—though it does not follow from this that NATO failed to protect the Libyan population in its entirety. As discussed, it is unquestionable that NATO's short-term priority was regime change (excluding the initial justification under Responsibility to Protect), and this was achieved. However, this alteration of mission objectives questions the legitimacy of the intervention, and of NATO itself.

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