NATO’s 2011 intervention in Libya: Beyond humanitarian intervention

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ABSTRACT

The aim of this article is to contribute to the debate that NATO’s 2011 intervention in Libya, actively supported by the United Nations Security Council was designed to oust Gadaffi from power. Using political realism as analysis framework, we underscored this position by stating that the pursuit of regime change in Libya by western powers had represented the predominant thrust of American and European policy since 1969 after Colonel Qaddafi seized power by staging a coup d’etat against King Idris. Again, in the course of the revolution in Libya, the West severally directed Gadaffi to resign; not to mention the assistance NATO rendered to rebels; its rejection of armistice deal brokered by Gadaffi’s son and the manner NATO bombarded its targets. The current study stresses that Gadaffi chose to die as President because he knew NATO’s coalition was bent on ousting him from power.

Keywords: Intervention, humanitarianism, realism, regime-change.

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INTRODUCTION

Was the United Nations Security Council, UNSC Resolution 1973 of 2011 authorizing “protection of civilians” and “a No-fly zone over Libya” adopted purposely for humanitarian concerns or to oust the Gadaffi regime? This question has been necessitated as a result of three fundamental reasons.

First, there have been numerous efforts by America and other Western powers to topple Gadaffi since he came to power. For instance, in 1981 the National Front for the Salvation of Libya (NFSL), with the full support of the Central Intelligence Agency, CIA, French intelligence and Saudi Arabia, tried to overthrow Qaddafi. The NFSL launched a series of military attacks in the 1980s and created its own Libyan National Army (LNA). Also, when it was alleged in 1981, that a squad of Libyan hit men was said to be plotting a terrorist attack against the White House and to assassinate President Reagan, Reagan it was revealed approved a secret directive under which United States military forces would support Egypt in the event of a “preemptive” attack. Again, the Reagan Administration clashed with the Libyan fighter jets over control of the Gulf of Sidra, and bombed Qaddafi’s bunker, killing his adopted daughter. Qaddafi was said to have revenged by bombing Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988. By 1993, the UN imposed sanctions on the regime after Scottish prosecutors charged two alleged Libyan intelligence agents in November 1991 with carrying out the Lockerbie attack.

Second, there was lack of willingness on the part of the US and its allies to strike a peace deal during the bombing of Libya by NATO forces. In mid-June, the bombing campaign was unfolding across the major fronts: near Brega in the east, along the road from Misrata to Tripoli, and in the mountains south of Tripoli itself. Gaddafi’s son, Saif al-Islam, speaking on behalf of his father, declared that Gaddafi would be amenable to holding open elections and cede power if he lost. This seemed like a potential power sharing deal that may have been satisfactory to the US, its allies, and the rebellion before the airstrikes started. However, according to the US State Department, it was “a little bit late” for the
A BRIEF ACCOUNT OF EVENTS LEADING TO NATO’S INTERVENTION IN LIBYA

When the bushfire effect of the Arab Revolution/Spring that started in Tunisia caught up with Libya on 16 February 2011, not a few people expected it to take the dimension it took given the history of Libya as one of the stable countries in the Arab world with little or no internal dissent. The Gaddafi regime like many other Arab state governments responded to the protest by employing force to suppress the protest. The state began to crack down on those it called oppositions or rebels. Just like in the case of Egypt, the international community led by the United States admonished the government to listen to the yearnings of the people and embark on immediate democratic reform. The use of force in dealing with unarmed civilians was condemned.

However, as the protest in Libya persisted, the Gaddafi regime’s response became more swift and decisive, calling on the supporters of the regime to get into the streets and deal with the rebels whom he described as rats and cockroaches. Gaddafi blamed the West, Al-Qaeda and use of narcotics by youths for the uprising. He promised to die in as Libya a martyr than step down and bow to the rebel’s wishes. Amidst threats from Gaddafi and his son Saif al Islam, media reports were awash of the heavy casualties on the side of the rebels as reports claimed that Gaddafi used the army to clobber down opposition and journalists reporting against the regime. There were also reports of injured demonstrators being refused access to hospitals and ambulance transport, of dead bodies being removed from hospitals to conceal the carnage, and of doctors being prevented from documenting the number of dead and wounded (Nkolik, 2012:2).

Worried by this situation in Libya, UNSC on February 26, 2011 adopted and issued Resolution 1970 which expressed grave concern at the situation in the Libyan, condemned the violence and use of force against civilians. It also frowned at the gross violations and vague violations of human rights including the repression of peaceful demonstrators; it expressed deep concern for the deaths of civilians and rejected in clear terms the incitement of hostility and violence against the civilian population from the Libyan government. The resolution also demanded immediate end to violence, calls for step to fulfill the legitimate demands of the population, and urged the Libyan government to act with the utmost restraint, respect human rights and international humanitarian law, as well as ensure safety of foreigners and safe passage of humanitarian and medical supplies. The resolution also referred the situation in Libyan Arab Jamahiriya to the prosecutor of the international Criminal Court for investigation and banned both direct and indirect sale/transfer of arms by member states, their nationals, or through their territories to Libya. It called on member states to freeze assets of Gaddafi and members of his inner circle and enforce travel ban on them. The Secretary General was tasked to create an eight member panel of experts to assist the Security Council monitor the sanctions (UNSC Resolution 1970, 2011).

The UNSC Resolution 1970 did not deter the Libyan government from cracking down on the rebels and other forms of internal dissent. This led to another UNSC Resolution 1973 of 2011 adopted on the 17th of March authorizing “protection of civilians” and “a No-fly zone over Libya” popularly known in international relations parlance as “humanitarian intervention” (HI). The Security Council treated the matter as constituting a threat to international peace and security and thus authorized member states or their regional organizations “to take all necessary measures to protect civilians and civilian populations. Armed with this resolution, NATO, led by the

US and France, launched the military operation termed operation Odyssey Dawn aimed at crippling Gaddafi’s military capability in order to protect the civilian population and demonstrators in the cities especially Benghazi and Misrata. There are now questions that the situation in Libya was exaggerated to encourage the intervention and failure to protect civilians.

THEORETICAL PERSPECTIVE

This article will anchor its analysis on the realist theory of International Relations. The basic assumption of this theory is that states in their foreign affairs, must pursue power, and ensure that they act rationally with the most appropriate step that will be taken to perpetuate the life of the state in a hostile and threatening environment. This situation arises because of human nature that is fraught with fear, competition and war. Justice, law, and society either have no place or are circumscribed in international politics.

The inadequacies of the inter-war idealists’ approach to studying international politics gave rise to the emergence of political realism. The ancient traditional thoughts or classical realism that gave rise to modern realism are the works of Thucydides, Niccolo Machiavelli and Thomas Hobbes. Classical realism was later developed by Morgenthau who argued that politics, like human society in general, is governed by objective laws that have their roots in human nature (Morgenthau, 1948). The insights that these ancient realist authors which is the raison d’ etat, or reason of the state of modern realism. The classical realists were concerned with the security of the state.

The foundation of classical realism gave rise to structural realism. Structural realism concur that international politics is a struggle for power but they do not endorse the idea that it arises due to human nature. Instead, structural realists attribute security competition and inter-state conflict to lack of an overarching authority above states (Baylis and Steve, 2006). Structural realism is associated mainly with Walt’s Theory of International Politics. For realist of all branches, the survival of the state can only be guaranteed through an endless acquisition of military power. They also advocated for imperial expansion as a means of gaining greater security. In fact, to the realist, might is right in international politics.

It is within this perspective that both US and France led the NATO intervention in Libya that one can understand the ramifications of their intervention. NATO basically intervened in Libya because it is an alliance of great powers that cannot be challenged by Libya and other nations of the third world. Countries have no right to intervene in the internal affairs of other countries. Granted that the intervention may be accepted on the grounds of worsening humanitarian situations in Libya, however, when international public opinion documented NATO’s various acts of violations of international law, the world did not call NATO to order thereby reinforcing the assumption that might is right and that great powers can exercise expansionist tendencies in international politics.

THE LEGAL FRAMEWORK FOR THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

Over the years, the protection of civilians has been the reason for humanitarian military interventions in states of the world. This conventional reason for humanitarian intervention was advanced by, through the International Committee of the Red Cross and development in customary international law in human rights and International Humanitarian Law, IHL (Frits and Liesbeth, 2001). According to John-Mark (2012), the most significant international instrument regulating the protection of civilians in armed conflicts is the Four Geneva Conventions of 12 August, 1949, of particular importance are the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War and the two 197 Protocols Additional to the Geneva Conventions of 12 August 1949, especially Additional Protocol I. These rules form part of customary international law and bind all parties to an armed conflict regardless of whether it is international armed conflict or non-international armed conflict. Also relevant here is the International Criminal Court (ICC) Rome Statute of 1998.

The existence of several human rights laws such as the ones aforementioned have not prevented civilians from being decimated in times of armed conflict. In fact, the 1990s in Africa showed how endangered civilians are in times of conflict. According to the United Nations (1999:11):

In the past, civilian populations were chiefly victims of fighting between hostile armies. Today, they are often the main targets, with women suffering in disproportionate numbers while often also being subjected to atrocities that include organized rape and sexual exploitation.

The international community and the UN response to this situation is to categorize attacks on civilians as “threats to international peace and security” and therefore open the way for enforcement action for the protection of civilians under Chapter VII of the UN Charter (John-Mark, 2012). It also included the protection of civilians in its Peacekeeping Operations (PKOs) and recently became the core doctrine of Responsibility to Protect (RTP) norm and seeks to give a broad range of instruments to states and the international community and agencies for the enforcement of the protection of civilians (Report of International Commission on Intervention and State Sovereignty, 2001).

The UN, usually authorize its peacekeeping operations
to use all necessary means to protect civilians, implying subtly that force may also be exerted in achieving the protection of civilians with the consent of the head of state. However, Bellamy and Williams (2011), Libya marks the first time UN authorized the use of force to protect civilians without the consent of the sitting head of state. This shows that NATO before the intervention saw Gaddafi as a pseudo president of Libya and had the intention of overthrowing him. The intent to oust Gaddafi made NATO to commit incalculable acts of civilian destruction. In fact, at the height of the conflict in Libya, officials in South Africa and United States called for a probe of NATO. According to US Congressman, Dennis Kucinich, in Libya “NATO recklessly bombed civilians in the name of saving civilians” (Xinhua News, 25 August, 2011). Similarly, Kgalema Motlanthe, South Africa’s Vice President, also called on the ICC to investigate allegations of human rights violations in Libya by NATO (Human Rights Watch, 2012). As we write, nothing has happened buttressing the fact that international politics is basically where the strongest thrive.

Again, the basis for humanitarian intervention in Libya may also be gleaned from the just war doctrine. The doctrine operates on three principles: (a) justice of resorting to war; (b) just conduct in war; and (c) justice at the end of war. These principles formed the anchorage for the RTP adopted by the UN. Therefore, it is germane in addressing the rationale behind the adoption, and implementation of resolution 1973. Thus, the just war thesis constitute rational for humanitarian intervention.

**REGIME CHANGE AS BASIS FOR NATO’S INTERVENTION IN LIBYA**

President Barak Obama of United States of America repeatedly told the world that the aim of deploying UN forces in Libya was for humanitarian purpose and not for regime change. He stated that the international community had a responsibility to protect the people of Libya, that the air strikes were saving "countless" civilian lives and had prevented a "massacre that would have stained the conscience of the world". However, the president said broadening the mission to include the installation of a new government would be a mistake. "If we tried to overthrow Gaddafi by force, our coalition would splinter. We would likely have to put US troops on the ground to accomplish that mission or risk killing many civilians from the air...To be blunt, we went down that road in Iraq... but regime change there took eight years, thousands of American and Iraqi lives, and nearly $1 trillion. That is not something we can afford to repeat in Libya", Obama added.² Interestingly, the West has an unenviable record of trying to oust Gaddafi from power.

It should be borne in mind that it was only in 2006 that the US under George Bush Administration, that the US recognized Gaddafi’s regime. This shows an underlying hatred for a regime that began in 1969. Thus, the Anglo-French military intervention in Libya, backed by US and then NATO, and legitimized by the Arab League and the UN Security Council, represents a complete and calculated attempt to overthrow Gaddafi’s regime although justified as a means to protect civilians against the regime brutality.

It should be noted that the pursuit of “regime change” in Libya by western powers has represented the predominant thrust of American and European policy since 1969 after Colonel Gaddafi seized power by staging a coup d’etat against King Idris. Yet unable to overthrow Gaddafi by clandestine means, the UK, France, US (and South Africa) then began to engage in a policy of cooptation in the period 1997 to 2010. This period of cooptation saw Libya destroyed its Weapons of Mass Destruction (WMD). Once Gaddafi did agree to eliminate WMD, the Bush administration recognized the Libyan regime in 2006. Libya was also removed from the US government list of states that support terrorism in 2006. This US-European policy of cooptation largely remained in place until the rise of Arab “democracy” movements in 2011 (Hall, 2011). More importantly, the overthrow of authoritarian regimes in Tunisia and Egypt also gave the western powers hope that other regimes in the Arab/Islamic world could be overthrown by popular insurgency- including that of Qaddafi.

The manner American fighter-jets bombarded Libya showed that NATO had ulterior motive. The first American attacks against the Gaddafi regime occurred on 18 March, and consisted mostly of Tomahawk attacks against air defense, radar, and missile systems in an effort to set the conditions for the no-fly zone implementation (this action would allow Allied planes to operate with reduced anti-aircraft threat) (Kirkpatrick et al., 2011). The campaign intensified over the following day, as airstrikes on 19 March focused on strategic command and control targets in Tripoli as well as Libyan mechanized and motorized forces in the vicinity of Benghazi (Kirkpatrick and Elisabeth, 2011).

These strikes sent a particular signal. That is, the strikes near Benghazi demonstrated NATO’s support for the rebel fighters on the ground and a willingness to attack Libyan forces that could suppress the rebellion. The strikes could be thought of as close air support, which supported troops in contact. This showed a willingness to go beyond the steps of a simple no-fly zone, and showed a disposition toward destroying Gaddafi’s armed forces. Thus, instead of simply providing civilians protection from those conducting indiscriminate killing, the allies were destroying Gaddafi’s ability to conduct any combat, and, thus, were eroding his power. This point to the conclusion that the bombing had but a serious intention: to tell Gaddafi that the US and its allies (under the NATO umbrella) would support the uprising until he was out of power.

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Again, throughout the rebellion, both pro-Gaddafi forces and rebels alike were accused of indiscriminate violence against civilians. For example, on 30th September, reports surfaced from Human Rights Watch (2012) in Tripoli that former rebels were torturing innocent civilians based on suspicion of supporting the former regime. Even with reports of humanitarian mistreatment, no NATO bombing was conducted to protect those civilians from violence in Tripoli after its fall showing that NATO was more interested in the fall of the regime. According to Shawn (2011) this also represented the notion that NATO was more concerned with the course of the progress of the operational campaign against Gaddafi than protecting all civilians using "all necessary means".

The notion "all necessary means" to protect civilians, observed Nkolika (2012) is not only vague but totally undefined. Thus in a context of international power politics such imprecise terms unavoidably becomes interpreted according to the self interest of the intervening parties and therefore can never be the basis of legally justifiable action. Again, the imprecise definition of the term makes it impossible to ascertain the compatibility and commensurability of the adopted measures with the goals stated in the resolution. It also allows the interested states and groups of states to act outside a framework of checks and balances and with total impunity. Furthermore, to authorize states to use all necessary means in the enforcement of legally binding resolution is an invitation to an arbitrary and arrogant exercise of power, and makes the commitment of the UN to international rule of law void of any meaning.

In fact and expectedly, Gaddafi’s reaction to the Arab democracy movement was to engage in violent repression in order to prevent his future overthrow by factions of his own people, whom, he claimed were supported by the Americans, Europeans and the Saudi’s (plus groups such as Al Qaeda) that had historically sought to overthrow him. In fact, Gaddafi was not wrong to suggest that his regime was under threat of collapsing because even before he was captured and eventually killed, the US, France, Italy, Turkey, and some other European states had formally recognized the National Transition Council (NTC), as a legitimate diplomatic representative of the Libyan people. The US invited the NTC to set up an office in Washington DC.

On March 3rd, President Obama called for Gaddafi’s immediate resignation, saying that he, “has lost the legitimacy to lead, and he must leave” (Shear, 2011). In the same vein, on 28 May 2011, the G-8 (including Russia) demanded that Gaddafi stepped down. By the end of May, South African president Jacob Zuma stated that Gaddafi was ready to accept an African Union initiative for a ceasefire that would stop all hostilities, including NATO airstrikes in support of rebel forces. The latter options, however, was rejected by both NATO and the insurgents who demand that Gaddafi left power before any kind of deal was made. This is not supposed to be the position of NATO who was in Libya for humanitarian reasons.

The major issue to take into account during the NATO air campaign is how the campaign itself ended. Gaddafi was killed outside of Sirte on 20th October after an American Predator and a French warplane stopped his convoy during his escape. According to reports, the air raids destroyed two vehicles, neither of which held the alleged dictator. However, the vehicles were forced to scatter, and when rebels came to the scene, Gaddafi was beaten and killed by opposition fighters (Fahim et al., 2011). Sirte fell to rebel fighters on the same day. What is interesting to note is that this attack was the last to be carried out by NATO forces. After that, the Organization flew only 24 more combat sorties after this, yet nothing was targeted. The NATO mission officially ended on 31 October. This abrupt end to the campaign reflected one of two scenarios. The first one is that the death of Gaddafi constituted such a reduced threat against civilians that no additional bombing was required to protect them. The second is that the bombing had achieved its ultimate objective: the fall of the dictator, and the opposition victory (Shawn, 2011).

Even Gaddafi knew that NATO’s intervention purpose to oust him from power and that is why he chose to die as President. According to Shawn (2011), that defined his only choice-continuing resistance. Since the US and the rebels would not accept anything less than Gaddafi ceding power, the dictator had no choice but to continue the military campaign, attempt to fracture the coalition, and eventually, suppress the rebellion. Some commentators will deny that the coalition has dubious motives on the basis that Libya's oil output accounts for only 2% of worldwide consumption. However, a few key NATO members rely on Libya for petrol at levels not easily replaced on short notice, such as France, which imports 15% of its oil needs from the North African country.3

Conclusion

This article examined NATO’s 2011, UNSC supported intervention in Libya. It x-rayed the grounds that prompted NATO’s intervention in Libya, showed the legal framework for international humanitarian intervention and the ramifications of NATO’s quest to overthrow Gaddafi garbed in humanitarian intervention. The article revealed that the approval given to NATO by UNSC to “take all necessary measures” in order to protect civilians reveals the real intension behind the resolution and thus violates the twin principle of just cause and right intention of the just war thesis and the principle of RTP which is the underlying basis of resolution 1973.

The issue is that based on international legal framework, some analyst have argued that NATO's

Intervention in Libya was borne out of humanitarian or just war thesis, however, the long history of western conspiracy against Gaddafi’s administration such as the well known 1981 CIA connivance with National Front for the Salvation of Libya to overthrow Gaddafi and the 2006 late recognition of a regime that came to power in 1969 render the humanitarian or just war thesis vacuous. Again, the enforcement of the resolution which purports to protect civilians, ironically ended up killing more civilians, thus defeating the main aim of resolution 1973 which was “to protect civilians” or prevent wide spread suffering.

Arising from these facts, this article argues that, humanitarian or just war thesis that informed NATO’s intervention in Libya was more apparent than real. In fact, in the course of the revolution in Libya, the West severally directed Gaddafi to resign; not to mention the assistance NATO rendered to rebels; its rejection of armistice deal brokered by Gaddafi’s son and the manner NATO bombarded its targets. It is therefore not surprising that Gaddafi chose to die as President because he apparently knew NATO’s coalition was bent on ousting him from power.

Finally, we are not joining the bandwagon of commentators who out of anti-Western scholarship in the Third World conclude that Western efforts in Africa are for selfish purposes. However, we came to the ineluctable conclusion that NATO’s 2011 intervention in Libya was designed to embarrass and subsequently cashier Gaddafi out of power based on the long trajectory of uneasy interaction between Libya under Gaddafi and the West. The true position is that the final outcome of the intervention in Libya was the killing of Gaddafi and subsequent toppling of his government. This outcome based on evidence adduced in this article was not fortuitous.

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