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FAILURE IN LIBYA: THE CONSEQUENCES OF INTERVENTION

Maj A.M. Keeping

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Exercise Solo Flight

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Maj A.M. Keeping

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INTRODUCTION

On February 20, 2011, armed rebels took control of Benghazi and stories of an imminent bloodbath against civilians and protestors hit the papers.¹ Within days, the United Nations unanimously passed United Nations Security Council Resolution 1970² imposing an arms embargo, travel ban, asset freeze and referred the situation to the Prosecutor of the International Criminal Court.³ Just weeks later, on 17 March 2011, the United Nations Security Council Resolution 1973 was passed. Security Council members passed the resolution which authorized a Chapter VII mission through the establishment of a no-fly zone in order to protect civilians, by all means necessary.⁴ Within days, NATO was enforcing the resolution by means of an aerial bombing campaign.⁵

Yet, from the very beginning of the intervention, it was questioned as to whether or not NATO was carrying out the mission in the spirit for which UNSCR 1973 had been intended: to protect citizens.⁶ Dropping bombs and arming rebels did not match the narrative of saving the civilians of Benghazi. Rather, it seemed apparent that aiding the rebels to overthrow the Gaddafi regime was a goal from the start.⁷ Despite the fact that the NATO intervention was brief in duration from a historical standpoint, it turned an

¹ Reuters, "Gaddafi Army Tells Benghazi People to Lay Down Arms," Accessed 2 May 2017. <http://www.reuters.com/article/us-libya-east-idUSTRE72F32920110316>.

² United Nations, "UNSCR 1970," last modified 26 February 2011, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011)).

³ International Criminal Court, "Libya, Situation in Libya, ICC 01/11," accessed 9 May 2017, <https://www.icc-cpi.int/libya>.

⁴ United Nations, "UNSCR 1973," last modified 17 March 2011, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)).

⁵ Alan J. Kuperman, "NATO's Intervention in Libya: A Humanitarian Success?," In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray (New York: Palgrave MacMillan, 2013), 191.

⁶ Tom Keating, "The UN Security Council on Libya: Legitimation or Dissimulation?," In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray (New York: Palgrave MacMillan, 2013), 175.

⁷ Paolo Sensi, *Sowing Chaos: Libya in the Wake of Humanitarian Intervention*, Translated by Alexander M. Synge (Atlanta: Clarity Press Inc., 2016), 77.

uprising into civil war. Yet, some have applauded NATO's efforts in Libya as a model intervention.⁸ This begs to point out the fact that an intervention can achieve strategic military aims yet fall far short on international, strategic political gains – they are not one and the same. As such, an analysis is required of the post-conflict situation to determine the impact of the NATO intervention on Libya and the region.

This paper seeks to answer the question of what are the second order effects stemming from NATO's intervention in Libya, what second order effects are being felt within the region, and what lessons can be drawn from Libya. The fact that the UN-backed NATO intervention in Libya was legal and arguably legitimate does not mean that it was prudent and responsible. This essay will aim to prove that the intervention in Libya was a failure due to the second order effects that are affecting Libya, and the surrounding region, to this day.

This essay will not look at deconstructing the responsibility to protect doctrine as it applies to Libya, nor will it argue the legitimacy of the intervention. Rather, this essay will briefly examine the key first and second order effects of the intervention in order to analyze state and regional impact. The first section will look at the direct effects of the NATO campaign, including NATO's approach to the intervention and the arming of rebels. It will be shown that the NATO intervention prolonged the war, decreased the chances of a negotiated peace, and failed to properly prepare for post-conflict

⁸ Ivo H. Daalder and James G. Stavridis, "NATO's Victory in Libya: The Right Way to Run an Intervention," *Foreign Affairs* 91, no. 2 (2012), 2-7. <https://www.foreignaffairs.com/articles/libya/2012-02-02/natos-victory-libya>.

stabilization. These aspects resulted in second order effects that are destabilizing the country and the region to this day, which will be examined in part two of the essay.

Within this section, the second order effects that have resulted in Libyan state instability, regional instability, and increased humanitarian crisis will be examined. It will be shown that Libyan state instability has resulted from the prolonged civil war, lack of disarmament of rebel groups, as well as government institutional capacity that is weak and unable to maintain security. Secondly, regional instability second order effects can be seen through the rise of radical Islamists, destabilization of Mali, and militarization of the Syrian conflict, which are all related to weapons access. Lastly, it will be shown that the intervention has exacerbated the humanitarian crisis that it sought to prevent, seen through human migration, internally displaced persons and increased numbers of civilians impacted by conflict. These consequences will be used to highlight lessons that can be drawn from Libya and potential implications are for the future.

THE NATO INTERVENTION AND COALITION-BACKED REBELS

A Model Intervention?

NATO's mission in Libya has been touted by some as a model intervention⁹, and from a quick statistical perspective, it might appear so at first glance. With the exception of some special forces and intelligence operatives, there were no "boots" on the ground. There were no allied casualties and the conflict was over within seven months. Compared to Afghanistan and Iraq, it was also much less costly, which provided further appeal to governments and their public support. NATO postulated if this could be the new low-

⁹ *Ibid.*

cost model for future protection?¹⁰ Supporters of the NATO intervention have even gone so far as to state that the military campaign was specifically limited to ending attacks against civilians, despite all of the evidence to the contrary of regime change. Such supporters have even indicated that political transition should have been included as an element of the ceasefire.... somehow linking political transition to protection of civilians, which are not one and the same.¹¹ Protection of civilians was provided through the targeting of Gaddafi's forces and supporting the rebels so that they could effect regime change. The commonly held belief at the time was that the NATO intervention was successful – it protected the citizens of Benghazi and averted genocide, the likes of Rwanda, fostering democracy and human rights.¹² Once an intervention is contemplated, the challenges of post-conflict should be considered.

However, the challenges of post-conflict did not receive adequate consideration. As Robert Murray accurately states, “why would an R2P mission overtly ban the ability of Security Council or NATO states from using boots-on-the-ground intervention if the humanitarian crisis was bad enough to earn intervention in the first place?”¹³ Part of his argument is that such an intervention was palatable to the public and meant that the campaign would be quick with minimal collateral damage. What hindsight provides, though, is that despite the claims by Ivo Daalder, U.S. Permanent Representative to NATO, and James Stavridis, former Supreme Allied Commander Europe, the largest

¹⁰ Michael Doyle, “The Politics of Global Humanitarianism: The Responsibility to Protect Before and After Libya,” *International Politics*, 53, (2016).

¹¹ Derek Chollet, and Ben Fishman, “Who Lost Libya? Obama’s Intervention in Retrospect/Kuperman Replies,” *Foreign Affairs*, 94, no. 3 (May/June 2015) <https://www.foreignaffairs.com/articles/libya/2015-04-20/who-lost-libya>, 155.

¹² Kuperman, “NATO’s Intervention In Libya: A Humanitarian success...”, 192.

¹³ Robert W. Murray, “Humanitarianism, Responsibility or Rationality? Evaluating Intervention as State Strategy,” In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray (New York: Palgrave MacMillan, 2013), 30.

problem with the intervention is in fact the opposite of what was celebrated as a success: the lack of boots on the ground combined with the absence of a substantial post-conflict transition plan left the country vulnerable to the challenges of effective governance, demobilization of the rebels, and reconciliation. Kuperman further goes on to state that,

It is possible in the very long run, NATO's intervention will contribute to some beneficial consequences for Libya or its neighbours that cannot now be predicted or foreseen. But based on the humanitarian ground originally invoked to justify it, NATO's intervention in Libya has been a disaster. If it is a 'model intervention', as US officials claim, it is a model of failure.¹⁴

This seeming disregard for post-conflict is troubling, as there is a small window in which reconstruction can succeed.¹⁵ Without boots on the ground or a substantial transition force, then there is a high risk of increased fighting and insecurity as power vacuums arise. Without a peacekeeping force in situ immediately post-Gaddafi, there was no force present to provide for or enable any kind of transition.¹⁶ Despite this, post-conflict stabilization was disregarded which contributed to the escalation of violence and prolonging of the conflict which has now left Libya with years of civil war. Yet, there was likely little possibility of success post-conflict and blame cannot be put on the shoulders of any one actor. The Libyans did not want a post-conflict security force, nor did any nation want to lead such an enterprise for fear of appearing as though it was a neocolonial undertaking.¹⁷ This being said, if post-conflict had not been considered or deemed critical to the success of Libya post-Gaddafi, it was then even more imprudent of

¹⁴ Kuperman, "NATO's Intervention In Libya: A Humanitarian success...", 213.

¹⁵ Alina Rocha Menocal, "State Building for Peace: A New Paradigm for International Engagement in Post-conflict Fragile States?" *Third World Quarterly*, 32, no. 10, (2011), 1716.

¹⁶ Chollet and Fishman, "Who Lost Libya...?", 156.

¹⁷ *Ibid.*

NATO and its allies to arm the rebels and fuel the war that has caused disintegration of a functioning state.

Arming the Rebels and Fuelling the Fire

Just weeks after the intervention commenced, the UK and US were enabling the rebels.¹⁸ Despite the arms embargo that was to be enforced under the mandate of UNSCR 1970, NATO and its allies were reported to be supplying arms to rebel groups, and also had special forces and intelligence personnel in Libya operating as trainers.^{19,20,21} This support that was provided to the Libyan rebels removed incentive for them to negotiate a ceasefire with Gaddafi, exacerbating the conflict. There is no evidence that NATO attempted to use its leverage to facilitate peaceful negotiations, rather the organization remained focused on arming the rebels and overthrowing Gaddafi.²² Gaddafi accepted an African Union ceasefire proposal on 11 April²³; however, with rebel factions fuelled by NATO support and the possibility of successful overthrow of the regime seemingly in their future, ceasefire talks with Gaddafi remaining in power were never considered, and in fact negotiations cut-off within days of the bombing campaign.²⁴

Three weeks into the campaign, the rebels were reliant on NATO intervention. As Alan Kuperman points out,

the crucial, counter-factual question is whether these Libyan militants would have dared to challenge Gaddafi without the

¹⁸ Kuperman, “NATO’s Intervention In Libya: A Humanitarian success...”, 197.

¹⁹ Sensini, *Sowing Chaos...*, 76.

²⁰ Mark Hosenball, “Exclusive: Obama Authorizes Secret Help for the Libya Rebels,” *Reuters*, 30 March 2011, <http://www.reuters.com/article/us-libya-usa-order-idUSTRE72T6H220110330>.

²¹ Rod Nordland, “Libyan Rebels Say They’re Being Sent Weapons,” *The New York Times*, 16 April 2011, <http://www.nytimes.com/2011/04/17/world/africa/17libya.html>.

²² Kuperman, “NATO’s Intervention In Libya: A Humanitarian success...”, 198.

²³ *Ibid.*

²⁴ Chollet and Fishman, “Who Lost Libya...?”, 158

expectation of NATO support. If no, then NATO's willingness to intervene not only escalated Libya's civil war and resultant civilian suffering, but possibly triggered it in the first place by encouraging the initial rebellion that provoked Gaddafi's retaliation. To answer this question definitively, however, would require evidence that is not yet available.²⁵

In the absence of NATO's intervention and the arming of rebels, however, Gaddafi most likely would have been able to retake all of the ground he had lost in Libya.²⁶ On 20 October 2011, NATO airstrikes targeted a pro-Gaddafi convoy and the leader was subsequently killed by rebel fighters.²⁷ The arming of the rebels and the end of Gaddafi's regime have had second order effects which have resulted in Libyans state and regional security destabilization.

DESCENT INTO CHAOS – SECOND ORDER EFFECTS

Degradation of State Stability

Prolonging the Civil War

While the seven months of NATO's campaign was short as compared to other military interventions, civil war in Libya is going on to this day. When the NATO campaign began in March 2011^{28,29}, the rebels were already in retreat and Gaddafi had taken back the majority of the rebel-held towns, with the exception of Benghazi. The uprising began 15 February 2011 and by 16 March, Gaddafi's forces were poised to

²⁵ Kuperman, "NATO's Intervention In Libya: A Humanitarian success...", 208.

²⁶ Doyle, "The Politics of Global Humanitarianism...", 23.

²⁷ Sensini, *Sowing Chaos...*, 182-183.

²⁸ North Atlantic Treaty Organization, "NATO and Libya (Archived)," last modified 9 November 2015, http://www.nato.int/cps/eu/natohq/topics_71652.htm.

²⁹ Upon adoption of UNSCR 1970 on 26 February 2011, NATO deployed airborne early warning aircraft (AWACS) and ships to monitor in the Mediterranean on 8 March 2011. Upon adoption of UNSCR 1973 on 17 March 2011, a multinational coalition was led by the United States under the name of Operation Odyssey Dawn. On 24 March 2011, NATO agreed to enforce the no-fly zone and took command and control of the coalition on 31 March 2011 under the auspices of Operation Unified Protector.

retake Benghazi. While there were conflicting reports and rhetoric on Gaddafi promising a bloodbath, Alan Kuperman assessed that based on the pace of the retreat, the government forces would have recaptured Benghazi by 20 March 2011.³⁰ While it is not possible to determine in hindsight how devastating Benghazi would have been, if the same trajectory of casualties had been maintained, he estimates that only 1,100 Libyans, including government forces, rebel, and non-combatants would have died in the absence of intervention.³¹ At the commencement of the intervention, the rebels were a “rag tag army”, that lacked training, were unable to sustain fighting nor did they have the support of the Libyan population.³² The Libyan case is a good example of the moral hazard of humanitarian intervention, whereby,

... the emerging norm, by raising expectations of diplomatic and military intervention to protect groups targeted by such retaliation, creates moral hazard that unintentionally fosters rebellion by lowering its expected cost and increasing its likelihood of success. In some cases, moral hazard promotes irresponsibility: for example, a group’s leaders will acquire arms and secede from the state even though they know this may trigger state retaliation that they cannot defend against, because they expect the international community either to deter such retaliation or intervene on their behalf in the event of violence. In other cases, moral hazard promotes outright fraud: for example, rebels will attack state officials deliberately intending to provoke retaliation against their own group’s civilians, to attract international intervention that they deem necessary to attain their political goals. In practice, intervention does sometimes help rebels attain their goals, but usually it is too late or inadequate to avert retaliation against civilians. Thus, the emerging norm causes some genocidal violence that otherwise would not occur.³³

³⁰ Alan J. Kuperman, “A Model Humanitarian Intervention,” *International Security*, 38, no. 1 (Summer 2013), 118.

³¹ *Ibid.*

³² Sensini, *Sowing Chaos...*, 82.

³³ Alan J. Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly*, 52 (2008), 51.

NATO's involvement provided encouragement to the rebels that they could win their fight against the regime – and so they did. As one side escalated, so did the other resulting in fighting that has continued to this day, in large part due to both escalation of the conflict and failure to disarm the rebels.

Failure to Disarm

The rebels that took part in the uprising were comprised of groups that found common ground in overthrowing the regime. Rebels had come from cities and tribes which put aside historical differences. Yet, once Gaddafi was gone, and the regime ended, these rebels did not converge in order to form a collective post-Gaddafi government. The opposite, in fact, happened – rebel groups fragmented, remained armed to allow for their own protection and violence escalated as the post-regime power struggle occurred.³⁴

...local elites adopted confrontational strategies in national politics to cement their own local position, invoking the need for local unity. That approach backfired, because it wrought havoc on their own communities for political ends that were increasingly less clear. Widening local rifts were the consequence, with hardliners torpedoing attempts at conflict resolution.³⁵

Neither the UN nor NATO were equipped to disarm the well-armed militias. Rebel groups were irresponsibly provided with arms and training, and then post-Gaddafi, there was no rebel de-arming plan due to lack of post-conflict considerations.

Essentially, elected bodies were overcome by the strength of armed militias. The fact that these militias would be unpredictable was predictable in of itself, yet was

³⁴ Wolfram Lacher, "The UN Wants to End Libya's Civil War: Here's the Big Challenge They Face," *The Washington Post*, 5 November 2015, https://www.washingtonpost.com/news/monkey-cage/wp/2015/11/05/why-libya-isnt-just-divided-but-fragmented/?utm_term=.2b0eb09a0471.

³⁵ *Ibid.*

disregarded. One could argue that it was not foreseeable that the state would collapse,³⁶ but that the unpredictable and volatile nature post-conflict was foreseeable.

The contest for security institutions — for the monopoly of control on force — proved Libya’s undoing. The [National Transitional Council] NTC had at various times tried to dissolve the militias. At the same time, bereft of the ability to project its authority, it began subsidizing militias, placing them under the nominal control of the ministries of interior and defense. But these ministries were themselves captured by competing political factions. The result was a swelling of militias — beyond the number that had fought in the revolution — and the formation of a localized, highly divided and hybrid-security sector that existed in parallel to the decrepit army and police.³⁷

The failure to disarm the militias, combined with a political vacuum and lack of ability and legitimacy of state government, has proven disastrous.

The Inability to Govern

A notable element of the Gaddafi regime was how he was personally involved in direct governance of the country. Few administrators were trusted with decision-making, thus leaving a very small minority experienced with the intricate workings of the government. The product of the system that Gaddafi created was that there was an absence of a strong, central bureaucracy that could provide stability during regime transition. The state was run by Gaddafi and a handful of advisors and confidantes, without political or bureaucratic oversight and involvement. The lack of a constitution

³⁶ Wolfram Lacher, “Was Libya’s Collapse Predictable?” *Survival: Global Politics and Strategy*, 59, no.2, (April/May 2017), 149.

³⁷ Frederic Wehrey, “Why Libya’s Transition to Democracy Failed,” *The Washington Post*, 17 February 2016, https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/17/why-libyas-transition-failed/?utm_term=.751c61ca7c25.

also meant that there was no roadmap as a starting point in a post-Gaddafi era.³⁸ When Gaddafi was killed by rebels, and those loyal to him thrown from office (or killed), this left rebel groups vying for power and/or attempting to run a country without any experience, without a framework or constitution to guide them, and without guidance from a transitional administration.^{39, 40} A small UN mission was established under UNSCR 2009; however it was ill-equipped to manage the transition given its size.

In its study of Libya, Amnesty International reported that the UN-backed Government of National Accord (GNA) seized power from the National Salvation Government (NSG); however, the GNA has been unable to consolidate power and the contest between the two rival governments has continued to result in fighting between armed groups. Additionally, Libya's parliament has challenged the legitimacy of the GNA, leaving no government with consolidated power and authority, showing Libya's inability to govern post-Gaddafi.⁴¹ Large amounts of territory in Libya are essentially ungoverned. As stated by the European Council, "for the sake of simplicity, media and experts often refer to the Government of National Accord (GNA) as if it already exists, there is no such thing in place."⁴²

³⁸ Phillip Apuuli Kasaija, "The African Union (AU), the Libya Crisis and the Notion of 'African Solutions to African Problems,'" *Journal of Contemporary African Studies*, 31, no. 1, (2013), <http://www.tandfonline.com/doi/abs/10.1080/02589001.2012.761463>, 120.

³⁹ United Nations Support Mission in Libya, Accessed 1 May 2017, <https://unsmil.unmissions.org/Default.aspx?tabid=3545&language=en-US>.

⁴⁰ It should be noted that there are various reasons for why transitional assistance was not provided. In part, this was because UNMISIL was limited to only 200 troops, inadequate to provide oversight to governance. Secondly, NATO did not have troops on the ground to facilitate this transition.

⁴¹ Amnesty International, "Libya 2016/2017," accessed 9 May 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>.

⁴² Hayder Al-Khoei, Ellie Geranmayeh and Mattia Toaldo. "After ISIS: How to Win Peace in Iraq and Libya", European Council for Foreign Relations website, http://www.ecfr.eu/publications/summary/after_isis_how_to_win_the_peace_in_iraq_and_libya_7212, 11.

In July 2012, Libya held democratic elections, but the country's first Prime Minister did not last one month before being removed from office.⁴³ The abduction of Prime Minister Ali Zeidan and storming of the national parliament highlights the lack of government legitimacy.

Not a day went by without some major upheaval. The violence in Libya escalated after the 2012-13 lull. Elections were held. The NTC handed over the reins of power. A Prime Minister was kidnapped and fled the country. A *coup d'etat* devastated Libya's economy (paralyzing oil production). Two rival governments were formed. ISIS has established a mini-Caliphate in Benghazi ... and the feuds continue.⁴⁴

Post-Gaddafi Libya has proven to be a state without a cohesive vision of what it should become, largely due to internal power struggles. This has resulted in two separate authorities claiming to be the legitimate government of Libya, one of which is the United Nations-backed Government of National Accord, and the second based in Tripoli.⁴⁵

“The Islamic State has seized the opportunity amid the chaos to extend its control in the cities of Derna and Sirte. In short, post-Gaddafi Libya is far from achieving human rights for its citizens or ushering in an era of human rights-based society.”⁴⁶ The power vacuum provided armed rebel and jihadist groups with the space and opportunity to seize power and has left Libyan citizens worse off in the long term, regardless of what might have occurred in Benghazi under Gaddafi.

⁴³ Kuperman, “NATO’s Intervention In Libya: A Humanitarian success...”, 208.

⁴⁴ Sensini, *Sowing Chaos...*, 205.

⁴⁵ Human Rights Watch, “Libya, Events of 2016,” accessed 9 May 2017, <https://www.hrw.org/world-report/2017/country-chapters/libya>, 1.

⁴⁶ Mohammed Nuruzzaman, “Rethinking Foreign Military Interventions to Promote Human Rights: Evidence from Libya, Bahrain and Syria,” *Canadian Journal of Political Science*, 48, no. 3, (September 2015), 544.

Family feuds that exist today had been controlled under Gaddafi, yet in the absence of authority, these feuds and inter-ethnic rivalry rose to the surface.

The potential for renewed conflict in [Libya] is increased by power rivalries between competing armed political and militia factions. Many of these factions find support from regional powers, which, having fought hard to counter ISIS, now want to retain a degree of influence in the liberated areas. In such circumstances, it is simply not enough to establish a new government, call it 'inclusive', hold some elections and then leave the country to stew in economic, political, sectarian and security problems.⁴⁷

The Libyan government has passed laws that are ironically counter to the goals of the Arab uprisings. Law No. 65 denies citizens' rights to peaceful protest. And a second law, called the *Political Isolation Law*, bars any Gaddafi-era politicians from holding office.⁴⁸ This restricts anyone that had any experience in the administration of Libya from helping to construct a functioning state and society again. Such a failure is reminiscent of Iraq after the removal of the Ba'ath Party.

Human Rights Watch reported that the justice system has not been able to function, with internal actors acting without fear of consequence due to the government's inability to enforce accountability.⁴⁹ Most recently, in March of 2017, Libyan National Army members were reported by Human Rights Watch to be committing human rights violations, including executions of detainees, attacks on civilians and desecration of corpses. Without oversight and government provided security, the LNA operates without impunity.⁵⁰ As indicated by Stephen Kinzer "It is tempting to believe that when a tyrant

⁴⁷ Al--Khoei *et al.*, "After ISIS: How to Win Peace in Iraq and Libya," ..., 1.

⁴⁸ Nuruzzaman, "Rethinking Foreign Military Interventions...", 543.

⁴⁹ Human Rights Watch, "Libya, Events of 2016," ... 1.

⁵⁰ Human Rights Watch, "Libya: Stop Revenge Crimes Against Persons," last modified 20 March 2013, <https://www.hrw.org/news/2013/03/20/libya-stop-revenge-crimes-against-displaced-persons>.

falls, a better regime replaces him. In fact, nothing guarantees that post-dictatorship regimes will reflect public opinion, or even care about it.”⁵¹

A second order effect of the intervention is Libya’s resulting failure as a state. As indicated by Alina Menocal, the general consensus on what defines a failing state includes,

a state’s lack of authority or control over the whole of its territory and a lack of monopoly over the legitimate use of violence; persistently weak institutions and governance systems that often also lack legitimacy in the eyes of the population; and a fundamental lack of leadership, state capacity and/or political will to fulfill essential state functions, especially in terms of providing basic services to the poor.⁵²

Libya fits this definition as a failing state, as degradation of state stability was a clear second order effect of the intervention. By prolonging the civil war, Libya’s inability to govern its territory, and failure to disarm rebels, this has all contributed to its position in the world as a failing state. The second theme will highlight additional failures of state

Regional Instability, Terrorism, and Militarization

Mali

In January of 2012, approximately 3,000 armed Tuaregs, a nomadic tribe from Northern Mali who had served under Gaddafi, invaded Mali. This resulted in a military *coup* with the Tuaregs declaring independence in northern Mali.⁵³ The military *coup* created a political vacuum that quickly was overtaken by Al Qaeda of the Islamic

⁵¹ Stephen Kinzer, “Libya and the Limits of Intervention,” *Current History*, 111 (November 2012), 306.

⁵² Menocal, “State Building for Peace...”, 1715.

⁵³ Alex de Waal, “‘My Fears, Alas, Were Not Unfounded’: Africa’s Responses to the Libya Conflict,” In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray, (New York: Palgrave MacMillan, 2013), 58.

Maghreb. In addition, economic ties between Mali and Libya were broken, resulting in economic issues for Mali.⁵⁴ Interestingly, “when we walk back the cat to find the roots of the Mali disaster, we find the feline trail leading to Libya...”⁵⁵

The potential that the Tuaregs would leave post-Gaddafi could have been anticipated. This was in fact, predicted by Chadian President Déby who feared the instability in Libya would result in the spread of terrorist groups in the region.⁵⁶ The Tuaregs were suddenly without a homeland, and would not have returned to Mali if it had not been for the end of the Gaddafi regime, ethnic tensions that rose to the surface, and the subsequent persecution of Gaddafi supporters. The implications for the Tuaregs to return to their home region in northern Mali does not seem to have been considered by the United Nations, yet sub-Saharan African leaders were gravely concerned of the threat of “lawless mercenarism that could easily spill across the borders.”⁵⁷ As Stephen Kinzer indicates, “seen in isolation, Mali’s plunge into the abyss of instability is simply the result of swirling currents of tribalism, ethnicity, and religious fundamentalism. In fact, it is a cautionary tale about the unintended consequences of military interventions.”⁵⁸

⁵⁴ Grégory Chauzal and Thibault van Damme, *The Roots of Mali’s Conflict – Moving Beyond the 2012 Crisis* (The Hague: Clingendael Research Unit, Clingendael Institute, 2015), http://www.clingendael.nl/sites/default/files/The_roots_of_Malis_conflict.pdf.

⁵⁵ Stephen Kinzer, “Libya and the Limits of Intervention,” ... 306.

⁵⁶ Alex de Waal, “‘My Fears, Alas, Were Not Unfounded’ ...”, 58.

⁵⁷ *Ibid.*, 59.

⁵⁸ Stephen Kinzer, “Libya and the Limits of Intervention,” ... 305.

Regional Weapons Access

The fact that the Benghazi rebels had been treated as “the West’s new ally, no matter the links”⁵⁹ resulted in the arming of Islamic groups, without contemplating rebel alliances or ideologies in the post-Gaddafi conflict. Both Libya and Mali have turned into “terrorist havens” as such groups emerged better trained and equipped after the intervention.⁶⁰ At the time of the collapse of the Gaddafi regime, weapons were available in abundance. Some of this access to weaponry was due to lack of effort put towards disarming the rebels, but a large part was similarly due to sudden access to the Gaddafi arsenal of man-portable air-defense system (MANPADS), anti-tank missiles, truck-mounted grad rockets, and mortars.⁶¹

Failing to disarm has left armed militias vying for power within Libya. The Libyan National Army (LNA) has captured oil locations from GNA-allied groups and have been conducting air strikes in Derna.⁶² Military power, as such, is not consolidated under a single, legitimate government, leaving the country more insecure than ever.

When revolutions are indigenous, the pre-revolution period usually shows which groups are stronger and which are weaker. By the time rebels win, power relationships among them are already well established, and it is often clear who will run the new regime. But when tyrants are deposed from the outside, this process cannot have happened. Instead it occurs in the post-revolution period. Groups fight to show their superiority, plunging the country into violence. This happened after the American invasions of Afghanistan and Iraq. It is happening now in Libya, where groups

⁵⁹ Sensini, *Sowing Chaos...*, 82.

⁶⁰ Kuperman, Alan J. “Obama’s Libya Debacle: How a Well-Meaning Intervention Ended in Failure.” *Foreign Affairs*, 94, no. 2 (March/April 2015), <https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle>, 70.

⁶¹ Sensini, *Sowing Chaos...*, 198.

⁶² Amnesty International, “Libya 2016/2017,” accessed 9 May 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>.

seeking to prove their militancy have carried out horrific crimes...⁶³

The backing of the rebels left a post-conflict Libya without a clear leader and unconsolidated legitimacy, with the end state being that the state is ungoverned, with competing groups able to access large amounts of military-grade weaponry.

Due to porous borders, and the increase of transnational terrorism in the region, weapons have leaked outside of Libya. It is estimated that ten times the amount of weapons became available post-conflict as compared to Somalia, Afghanistan, or Iraq. Weapons originating in Libya have been found in Niger, Nigeria, Algeria, and Egypt.⁶⁴

Impact on the Syrian Conflict

Prior to the Libyan intervention by NATO, the protests in Syria had been relatively peaceful.

...ironically, some original proponents of NATO's intervention in Libya had argued that such action was essential to sustain the peaceful uprisings in Tunisia and Egypt. In the event, NATO's action not only failed to spread peaceful revolution, it encouraged the militarization of Syria's uprising that has produced such tragic consequences.⁶⁵

It has been speculated that the Libyan involvement likely encouraged Syrian protestors to take up arms, thus turning protests violent and militarizing the uprising.⁶⁶ "...any type or degree of humanitarian intervention can provide strategic benefit to rebels and raise

⁶³ Stephen Kinzer, "Libya and the Limits of Intervention," ... 306.

⁶⁴ Alan J. Kuperman, "Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure," *Foreign Affairs*, 94, no. 2 (March/April 2015), <https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle>, 71.

⁶⁵ Kuperman, "NATO's Intervention In Libya: A Humanitarian success...", 212.

⁶⁶ *Ibid.*

hopes for more decisive intervention – especially if there is precedent for such decisive action in recent or nearby cases.”⁶⁷

Beyond encouragement through the Libyan example, there was also access to new weapons for the rebels in Syria. The death of US Ambassador Christopher Stevens further shed light on the role the US were playing on transferring weapons out of Libya and subsequently arming rebels in Syria, providing access to weapons that may not have otherwise been available.⁶⁸ This further militarized the conflict.

A less tangible element that has been impacted is the trust amongst the UN Security Council, which played a role in lack of intervention in Syria.

The divergent interests of the US, Russian and China in Syria had their full play at the UN Security Council. Alarmed by the misuse of Security Council Resolution 1973 to effect regime change in Libya, Russia and China struck down two Security Council resolutions on Syria in October 2011 and February 2012 respectively....The specific factors that have critically shaped Chinese and Russian stance on Syria in the Security Council include their belief that they were deceived by the West over intervention in Libya, their staunch support for the principle of state sovereignty and non-intervention as contained in the UN Charter....⁶⁹

Yet, geopolitics and alliances play a part as well and Russia and China would most likely have vetoed any resolution for Syria, but the aforementioned has certainly hurt any progress.⁷⁰

These are but some of the second order effects that the intervention had on the region. The conflict in Mali, access to weapons across the region, and militarization of

⁶⁷ Alan J. Kuperman, “A Model Humanitarian Intervention,” *International Security*, 38, no. 1 (Summer 2013), 52.

⁶⁸ Sensini, *Sowing Chaos...*, 200.

⁶⁹ Nuruzzaman, “Rethinking Foreign Military Interventions...”, 542.

⁷⁰ Doyle, “The Politics of Global Humanitarianism...”, 27.

the Syrian conflict can be directly linked to Libya. The last section will discuss the humanitarian issues that have been exacerbated due to the conflict.

Fuelling a Humanitarian Crises

Human Migration and Displaced Personnel

According to the UNHCR, as of June 2015, there were approximately 434,000 internally displaced people in Libya with a large portion of the civilian population that unable to access basic services, such as healthcare and electricity.⁷¹ In 2016, the United Nations International Organization for Migration (IOM) estimated that there are approximately 350,000 internally displaced persons in Libya, displacement exacerbated by the conflict.⁷² The largest hit area has been in the region of Benghazi where healthcare has collapsed, in excess of 60 schools and universities have closed, and criminal activity is rampant due to absence of rule of law.⁷³ Further to this, Human Rights Watch states that tens of thousands of human migrants are transiting from African and the Middle East through Libya, which has resulted in over 4,500 drownings.⁷⁴

In 2008, Libya signed the “Treaty of Friendship, Partnership and Cooperation” with Italy in order to control the human trafficking and migration issues that were occurring between the two countries. This was a very effective program that improved the illegal migration problem between Libya and Italy. Yet, after the intervention, Libya

⁷¹ The United Nations Refugee Agency, “Number of Internally Displaced in Libya Double Since September,” last modified 30 June 2015, <http://www.unhcr.org/news/briefing/2015/6/559276de2/numbers-internally-displaced-libya-double-since-september.html>.

⁷² International Organization for Migration, “Libya,” accessed 9 May 2017, <https://www.iom.int/countries/libya>.

⁷³ The United Nations Refugee Agency, “Number of Internally Displaced in Libya Double Since September,” last modified 30 June 2015, <http://www.unhcr.org/news/briefing/2015/6/559276de2/numbers-internally-displaced-libya-double-since-september.html>.

⁷⁴ Human Rights Watch, “Libya, Events of 2016,” accessed 9 May 2017, <https://www.hrw.org/world-report/2017/country-chapters/libya>, 2.

has become a burgeoning centre for human trafficking, the profits of which are funding Libyan fundamentalist militias.⁷⁵

The IOM has estimated that the true number of migrants in Libya is currently between 700,000 and 1 million. These are residents mainly originating from Niger, Egypt, Sudan, Nigeria, Bangladesh, Syria, and Mali. Some migrants that do not make crossing into Europe remain stranded in Libya and are subject to arbitrary arrest by rebel groups operating detention facilities and remain subject to abuse and exploitation.⁷⁶

Civilian Humanitarian Impact

Despite all of the humanitarian intervention claims of the western powers in Libya, post-Libya, the rhetoric of a brutal regime has dissipated, despite crimes against humanity taking place in Libya post-Gaddafi. In April of 2012, rebels expelled 30,000 residents from Tawergha through burning them out of their homes, claiming accusations that they were mercenaries for Gaddafi.^{77,78,79} Today, the town is a ghost town as all of the residents of the town have been displaced.

Internal criminality has risen in the absence of a functioning judiciary. The ICC has indicated that it is specifically investigating the allegation against residents of

⁷⁵ Sensini, *Sowing Chaos...*, 205.

⁷⁶ International Organization for Migration, "Libya," accessed 9 May 2017, <https://www.iom.int/countries/libya>.

⁷⁷ Kuperman, "NATO's Intervention In Libya: A Humanitarian success...", 208.

<https://www.hrw.org/news/2013/03/20/libya-stop-revenge-crimes-against-displaced-persons>

⁷⁸ The United Nations Refugee Agency, "UNHCR Libya: Fact Sheet – April 2014," accessed 9 May 2017, <http://www.tawergha.org/docs/2014-04-00-libya-unhcr-fact-sheet-report-english.pdf>.

⁷⁹ Human Rights Watch, "Libya: Stop Revenge Crimes Again Persons," last modified 20 March 2013, <https://www.hrw.org/news/2013/03/20/libya-stop-revenge-crimes-against-displaced-persons>.

Tawergha,⁸⁰ allegations of which, Human Rights Watch, indicate are crimes against humanity.⁸¹ According to Human Rights Watch, “Militias and armed forces affiliated with the two governments engaged in arbitrary detentions, torture, unlawful killings, indiscriminate attacks, abductions, and forcible disappearances.”⁸² What can be taken from this, is that the current government displays an inability to protect its citizen, provide security, and maintain any rule of law. According to Amnesty International’s Libyan Report for 2016/2017, both rival governments and armed groups are committing crimes that would violate international law and constitute human rights abuse.⁸³

The civilian death toll has continued to rise as indiscriminate shelling, arbitrary detainment, unlawful destruction of property and killings take place under a state without internal security.⁸⁴ In a six-month period, from March-August 2016, 141 civilians, including 30 children were killed, with an additional 146 injured, including 28 children.⁸⁵

Civilians no longer have widespread access to health care. The World Health Organization reported that the health care system has nearly collapsed, with over half of hospitals shut down or inaccessible.^{86,87} Given the state of casualties involved in the daily conflict, this is a significant source of human insecurity.

⁸⁰ The United Nations News Centre, “International Criminal Court Prosecutor Calls on Libyan Authorities to Ensure No Impunity,” Accessed 5 May 2017.

http://www.un.org/apps/news/story.asp?NewsID=43435#.WRINpFM1_-b.

⁸¹ Human Rights Watch, “Libya, Events of 2016,” accessed 9 May 2017, <https://www.hrw.org/world-report/2017/country-chapters/libya>., 5.

⁸² *Ibid*, 1.

⁸³ Amnesty International, “Libya 2016/2017,” accessed 9 May 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>.

⁸⁴ Human Rights Watch, “Libya, Events of 2016,” accessed 9 May 2017, <https://www.hrw.org/world-report/2017/country-chapters/libya>., ...2.

⁸⁵ United Nations Support Mission in Libya. Accessed 1 May 2017. <https://unsmil.unmissions.org/Default.aspx?tabid=3545&language=en-US>.

⁸⁶ Amnesty International.... <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>

The conflict had a devastating impact on civilians, cutting or severely curtailing their access to food, health care, education, electricity, fuel and water supplies, and causing many to be displaced from their homes. Economic collapse left many struggling to support their families....Hundreds of civilians remained trapped without access to clean water, food, power or medical care in Benghazi's Ganfouda area due to fighting.⁸⁸

Freedom of expression and peaceful assembly is all but absent in Libya, as armed groups continue to abduct, torture, and kill human rights activists and journalists.⁸⁹

In studying Libya, Bahrain and Syria, Mohammed Nuruzzamen concluded that military interventions “produce negative impacts on human rights and democracy promotion in the target states.”⁹⁰ While some scholars would promote intervention in the support of protection of human rights, the historical evidence proves otherwise. Interventions exacerbate the problems that they are apparently attempting to protect. The evidence has shown Libya is unable to protect its own citizens and provide them with access to basic services. Human insecurity, including migration and crimes committed against the population remain a concern. From a *jus post bellum* perspective, Libya has been ethically problematic and has not been able to achieve peace. It has not decreased the loss of life, nor has it resulted in a legitimate government post-conflict, regardless of being a legal and legitimate intervention, and has left its citizens worse off in the end.⁹¹

⁸⁷ World Health Organization, “Libya Humanitarian Response Plan 2017,” accessed 9 May 2017, <http://www.who.int/emergencies/response-plans/2017/libya/en/>.

⁸⁸ Amnesty International....<https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>

⁸⁹ Amnesty International....<https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>

⁹⁰ Nuruzzaman, “Rethinking Foreign Military Interventions...”, 534.

⁹¹ Doyle, “The Politics of Global Humanitarianism...”, 23.

IMPLICATIONS FOR THE FUTURE

RESPONSIBILITY TO PROTECT, SECURITY COUNCIL COOPERATION, AND THE WEAKENING OF THE INTERVENTIONIST APPROACH

When UNSCR 1973 was passed, there were significant concerns raised by Russia, China, Germany and Brazil. Yet, the resolution was able to pass without a veto. Almost immediately, NATO indicated that it was able to respond on behalf of the resolution and quickly brought into question whether or not military operations were actually focused on protection of civilians.⁹² The concerns that were raised during the discussions and vote on UNSCR 1973, and subsequently validated, have hurt the interventionist camp and most likely the ability to operationalize Responsibility to Protect Doctrine (R2P) in the future.

For one of the key ironies of Operation UNIFIED PROTECTOR is that the very success of the mission actually increased global opposition to the doctrine of R2P. In particular, those in the international system who had expressed most concern about the implications of R2P when the doctrine was first articulated – notably the Russian Federation and the People’s Republic of China – had allowed UNSCR 1973 to pass in 2011 by abstaining on the vote, and then watched as the NATO-led mission engaged in what Jennifer Welsh has appropriately described as a ‘creep towards partiality’ and produced the end that Russia and China were most concerned about: regime change. However, once bitten, twice shy: if R2P celebrationists used to use the slogan ‘never again’ to underscore the intent of the R2P doctrine to prevent the kind of mass atrocities that were so much a mark of the 1990s, it is likely that diplomats in Moscow and Beijing – and many other capitals besides – will invoke that slogan before doing what they did in March 2011.⁹³

⁹² Keating, “The UN Security Council on Libya...”, 175.

⁹³ Kim Richard Nossal, “The Use – and Misuse – of R2P: The Case of Canada,” In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray, (New York: Palgrave MacMillan, 2013), 125.

While R2P has gained “rhetorical momentum”⁹⁴, it can be argued that the Libyan intervention has been detrimental to gaining consensus for humanitarian intervention and operationalizing it again in the future. The way in which intervention in Libya used the auspices of humanitarian intervention to effect regime change has discredited R2P.⁹⁵

Tom Keating argues one cannot look at UNSCR 1973 as a “death knell” for R2P and future humanitarian intervention, but confirms that the lack of consensus on Syrian intervention has been influenced by the way in which the intervention in Libya took place.⁹⁶ States must be careful to avoid,

excessively broad interpretations of the protection of civilians... which could ... create the perception that it is being used as a smokescreen for intervention or regime change.⁹⁷

Unfortunately, Libya has spiralled down to a failing state that is in chaos and calling it a success would involve ignoring the realities of Libya and the regional impacts felt today. What lessons can be drawn from the Libyan intervention? Firstly, military interventions may meet their military objectives, yet still lose in from an international grand strategy perspective. The second and third order effects of intervention have local and regional consequences, of which the intersection of such dynamics may not be understood by the intervening force. “Intervening violently in the politics of another country...is like releasing a wheel at the top of a hill: You have no idea how it will

⁹⁴ Theresa Reinold, “Africa’s Emerging Regional Security Culture and the Intervention in Libya,” In *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention*, edited by Aidan Hehir and Robert Murray, (New York: Palgrave MacMillan, 2013), 83.

⁹⁵ Doyle, “The Politics of Global Humanitarianism...”, 24.

⁹⁶ Keating, “The UN Security Council on Libya...”, 188.

⁹⁷ Bellamy, Alex J. and Paul D. Williams. “The New Politics of Protection? Côte d’Ivoire, Libya and the Responsibility to Protect.” *International Affairs*, 87, no. 4 (2011), 848.

bounce or where it will end up.”⁹⁸ Interventions, and specifically the impact of regime change, must be more prudently considered. “Overwhelming military power virtually guarantees short-term victory in these interventions, but no amount of weaponry can prevent the blowback that often follows.”⁹⁹

One other lesson that may become evident in the future is that the African Union (AU) needs to strengthen its regional role in order to ensure that it proves itself to be an organization with regional stability and security goals at the forefront. The AU was opposed to the intervention but was also much better poised to understand the intricacies of the second order effects that would occur as a result of the intervention. However, as an organization it must find a coherent approach to Africa’s problems. They are the best situated to understand Africa’s complex social fabric, complicated history and ethnic divides, but they were not a forceful organization engaged in the Libyan problem. This resulted in marginalization of the AU.¹⁰⁰

Some of the aspects that the AU was pushing, NATO and the UN would have been wise to support, such as the peaceful resolution of the conflict between Gaddafi and the rebel forces. When the AU presented the roadmap to Gaddafi on 10 April 2011, he accepted it; however, the Transitional National Council (TNC) rejected any agreement that did not include Gaddafi relinquishing power.¹⁰¹ With NATO continuing to back the rebels, and the success visible with NATO’s backing, there was no incentive to negotiate a ceasefire or to allow in a monitoring mechanism.¹⁰² Ironically, as Gaddafi’s son, Saif,

⁹⁸ Stephen Kinzer, “Libya and the Limits of Intervention,” ... 307.

⁹⁹ *Ibid.*, 309.

¹⁰⁰ Kasaija, “The African Union (AU) ...”, 127.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, 128.

indicated, “long-term stability in Africa depends on Africans. We cannot expect the rich countries of the world to continue to police Africa indefinitely, and we do not want a future where our regional stability is at the mercy of the foreign policy aspirations of nations from outside of the region.”¹⁰³

CONCLUSION

Libya is now a failing state, and this is, in large part, due to the second order effects from NATO’s intervention. As Alina Menocal indicates, “these characteristics of fragility are severely exacerbated by conflict....conflict, especially civil war, is a major trap for fragility.”¹⁰⁴ Yet, despite this, interventions occur without due consideration of historical lessons or true understanding of layers of state and societal complexity, unleashing instability in ways that are either unforeseen or ignored. “Military interventions to promote human rights and democracy are a messy and dangerous job. They often spawn counterproductive outcomes leading to an overall decline in the human rights situations in the target states.”¹⁰⁵ This point challenges the conflicting scholarship and disagreement between interventionist and non-interventionists. Yet, using Libya as an example, the argument in support of humanitarian intervention is weakened with hindsight. The second order effects in Libya have been disastrous.

This essay has proven that the NATO intervention was a failure due to the second order effects that have been deleterious to Libya and the region to this day. As such, regardless of legitimacy and legality of the intervention, it was not ethically responsible

¹⁰³ Saif Al Islam Al-Qadhafi, “An African Answer to an African Problem: Keeping the African Peace in the 21st Century,” *RUSI Journal*, 147, no. 6, (December 2002), 50.

¹⁰⁴ Menocal, “State Building for Peace...”, 1716.

¹⁰⁵ Nuruzzaman, “Rethinking Foreign Military Interventions...”, 436.

to intervene. “Indeed, it is difficult to identify any beneficial impact on the region from NATO’s intervention in Libya, including from Gaddafi’s demise.”¹⁰⁶

The NATO intervention prolonged the war, decreased the chances of a negotiated peace, and failed to properly prepare for post-conflict stabilization. This has resulted in second order effects of Libyan state instability, regional stability, and increased humanitarian crisis. State instability resulted from prolonged civil war, failure to disarm rebels, and a lack of a legitimate and functioning government. Second order effects in the region have resulted in the destabilization of Mali, militarization of the Syrian conflict, and regional access to weaponry. Lastly, it was shown that the intervention has exacerbated the humanitarian crisis that it sought to prevent through human migration, internally displaced persons, and an increased number of civilians impacted by the conflict.

While lessons for future interventions and African Union regional involvement should be considered for the future, the Libyan conflict has hurt the ability to operationalize R2P in the future. In short, looking at the second order effects, the NATO intervention has not been a success. International and multilateral organizations must consider the consequences of intervening, as there are many lessons that can be taken from Libya into the future.

¹⁰⁶ Kuperman, “NATO’s Intervention In Libya: A Humanitarian success...”, 212.

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