

NATO IN LIBYA: SIDING WITH THE REBELS

Starting in Tunisia, the 2011 Arab Spring uprising rapidly spread to other states in the Middle East and North Africa, leaving its mark in Yemen, Egypt, Bahrain, and Syria. Governments in those countries responded to political protests by citizens calling for accountability, freedom of expression, the right to participate in politics, an end to high-level corruption, an increase in living standards, and several other demands with military force.¹ On February 15, 2011, the fervour of the uprising reached Libya's shores and the country's citizens seized the opportunity to demonstrate against their long-time leader Muhammad Gaddafi. In Benghazi, the protest gathered traction as tens of thousands of people blocked government offices and businesses while calling for better human rights conditions. According to accounts from Human Rights Watch, the state security forces attacked the protestors using force in response, killing and injuring a significant number of civilians in the process.²

The League of Arab States, the African Union, Human Rights Watch, and defected Libyan ambassadors denounced the government's use of force against civilians and expressed concern about the possibility of a massacre in Benghazi. They urged the United Nations Security Council (UNSC) to adopt a resolution that would permit the international community to step in and defend the civilian population, particularly in Benghazi, from an imminent humanitarian disaster.³ The UNSC convened a meeting on 26th February 2011 to deliberate on the deteriorating situation in Libya, with all member states expressing their concerns and worry about the extent of the use of

¹ Rosiny, Stephan, and Thomas Richter. "The Arab Spring: Misconceptions and Prospects." German Institute of Global and Area Studies (GIGA), 2016. <http://www.jstor.org/stable/resrep21471>.

² Human Rights Watch, "Libya: Governments Should Demand End to Unlawful Killings: Death Toll Up to at Least 233 over Four Days" (New York: Human Rights Watch, February 20, 2011), <http://www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful>

³ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015): 162–82. <http://www.jstor.org/stable/24585876>

force by the Libyan government against civilian protesters. Member states welcomed the draft resolution proposed, which denounced the actions of Muammar Gaddafi and called upon the international community to cooperate in the implementation of the sanctions spelled out in the resolution. Resolution 1970, which was adopted unanimously under Chapter VII of the UN Charter, included a travel ban, an asset freeze, an arms embargo, regulations against the use of mercenaries, and, for the first time, a unanimous decision to refer the human rights situation to the International Criminal Court.⁴

Following further disregard by the Libyan government of the mandates in Resolution 1970, the UNSC called another meeting on 17 March 2011 to deliberate on the worsening human rights situation and the excessive use of military force on civilians. Resolution 1973 was adopted with a two-thirds majority and five countries abstaining (Brazil, China, Germany, India, Russian Federation).⁵ Resolution 1973 reinforced all the mandates in Resolution 1970 while introducing new mandates such as a no-fly zone. It authorizes Member States to take all necessary measures to protect civilians and civilian-populated areas under threat of attack but rules out a foreign occupation force of any form on any part of Libyan territory.

What was originally intended to be a strategic mission to put in place security measures to protect civilians turned into a full-fledged bloody conflict that lasted from February to October and resulted in additional civilian deaths, significant property damage, foreign countries arming parties to the conflict, and the pursuit of regime change objectives. The international community urged the North Atlantic Treaty Organization (NATO) to follow the directives laid out in the two UNSC Resolutions following criticism that it had opted for actions that heightened hostilities between the

⁴ UNSC Res 1970 (26 February 2011) Retrieved from <https://digitallibrary.un.org/record/698797?ln=en&v=pdf>

⁵ UNSC Res 1974 (11 March 2011) Retrieved from <https://digitallibrary.un.org/record/699709?ln=en&v=pdf>

opposing sides in the conflict.⁶ NATO's intervention, which was disastrous, left a nation that was more violent and lawless than it was before. The prolonged conflict raised serious concerns about an increase in civilian death and destruction of property, as well as an escalating humanitarian and economic crisis.

In this essay I will make the case that NATO violated both Resolutions 1970 and 1973 in attempting to carry out the UNSC mandate to protect civilian lives in Libya by choosing a side in the conflict. The principle of the Responsibility to Protect (R2P) underpinned these resolutions aiming to prevent mass atrocities and protect civilians. However, by aligning with one faction, NATO compromised its neutrality and contravened the intended impartiality of R2P, ultimately exacerbating the conflict rather than safeguarding civilian lives.

My primary question is: Were NATO's actions consistent with the UNSC mandates spelled out in Resolutions 1970 and 1973, specifically the protection of civilian populations? The paper is divided into three sections. Section 1 introduces the United Nation's (UN) concept of R2P and reviews existing literature on the NATO intervention in Libya. Section 2 presents my arguments in support of my position in three parts. Part I evaluates whether NATO put in place mechanisms to ensure that it took a neutral role between the opposing parties. Part II examines whether the NATO action really resulted in fewer civilian deaths, decreased hostilities, and ceasefire negotiations. Part III assesses whether NATO has implemented Resolution 1973's directives through diplomatic or other peaceful means. Additionally, to assess the level of force NATO employed in Libya. Section 3 briefly summarizes the above discussions to support my position

⁶ The Guardian, 'Libya Attacks under Way – Saturday 19 March Part 2' (19 March 2011).

that NATO exceeded the mandates given in resolutions 1970 and 1973 to pursue regime change, resulting in increased civilian casualties.

RESPONSIBILITY TO PROTECT

R2P is a humanitarian intervention framework established by the UN in response to the complexities of intervening in member states who commit widespread human rights abuses such as genocide, ethnic cleansing, and political persecution.⁷ While Article 2(7) of the UN Charter emphasizes respect for state sovereignty and non-interference in domestic affairs, R2P recognizes that in cases where a state fails to protect its population the UNSC should have the authority to intervene to safeguard civilians, even without the consent of the state in question. Additionally, it highlights the importance for the UN to possess a functional humanitarian framework to implement when indicators suggest the potential disregard for civilian human rights within a state. These insights stem from the lessons learned from the UN's shortcomings in Rwanda, Kosovo, Bosnia, and Somalia. In Rwanda, the UN failed to take action, while in Bosnia and Somalia, it was ill-equipped. Additionally, in Kosovo, the UN encountered legal challenges and issues related to disregarding territorial sovereignty.⁸

The primary principle underlying R2P is that state sovereignty comes with an obligation to its citizens. States have an obligation to ensure the safety and well-being of their populations. In cases where a state is unable or unwilling to fulfill this responsibility, the international community has a role to play in protecting civilians.⁹ R2P encompasses three broad elements: prevention,

⁷ See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa ISRC, 2001). Accessed January 19, 2024, <https://idrc-crdi.ca/sites/default/files/openebooks/960-7/index.html>.

⁸ IDRC - International Development Research Centre, "accessed January 19, 2024, <https://idrc-crdi.ca/sites/default/files/openebooks/960-7/index.html>.

⁹ Global Centre for the Responsibility to Protect. "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, 2001 - Global Centre for the Responsibility to Protect,"

reaction, and rebuilding. Prevention involves addressing the root causes of conflicts or crises that may put civilian lives at risk. It focuses on resolving underlying issues and preventing situations from escalating into mass atrocities. Reaction refers to responding to ongoing conflicts or situations that endanger civilian populations, using measures such as sanctions, international prosecution, and, as a last resort, military intervention. Rebuilding entails assisting with recovery, reconstruction, and reconciliation after a crisis has been averted to address the underlying issues and prevent future occurrences.¹⁰

The International Commission on Intervention and State Sovereignty's (ICISS) report on R2P emphasizes that prevention is the most important element. It stresses the need to address the root causes of conflicts and crises to avoid the need for reactionary measures. However, if a reaction becomes necessary, the document recommends considering less intrusive and coercive measures before resorting to more intensive approaches.¹¹

The ICISS report indicates that military intervention is regarded as a last resort and is only considered when there is a just cause threshold, such as large-scale loss of life or ethnic cleansing. The report highlights the importance of precautionary measures, including right intention, last resort, proportional means, and reasonable prospects. These criteria ensure that any military intervention is carried out with the appropriate justification, minimizing harm, and maximizing the chances of success.

Whereas resolutions 1970 and 1973 were adopted under R2P, actions of NATO had raised several questions about the application of the principle in Libya and its future adoption in similar scenarios.

December 1, 2021.P – 13. <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>.

¹⁰ Ibid., 13.

¹¹ Ibid., 13.

One of the arguments was that in the Libyan case, enough diplomatic means were not employed to see to it that both parties will agree to a ceasefire agreement before military actions were used. Other arguments were the provision of arms, training and offensive supports to the opposition by participating NATO members which is a blatant disregard of the UNSC resolutions. Additionally, the pursuit of regime change in Libya totally weakens the argument of R2P. State sovereignty had been the main issue of concern among states leading up to its ratification, and the Libyan intervention could be interpreted as an indication that R2P will always be used as a pretext to overthrow some governments that do not conform to western ideologies. The above arguments defy the primary objectives of R2P which is a humanitarian intervention, since these actions by NATO led to more civilian casualties and went beyond the mandates.¹²

LITERATURE REVIEW

There are three main arguments that raise concerns about NATO's intervention in Libya. The basis of these arguments holds NATO accountable to the mandates in UNSC resolutions 1970 and 1973 and humanitarian intervention under the principle of R2P.

Had NATO followed Resolutions 1970 and 1973 during its intervention, it would have implemented the no-fly zone, reacted against military activities by both factions threatening civilian lives, and pursued negotiations for a cease-fire, as argued by some scholars. These three measures could have been executed without overtly favoring one party, thereby avoiding any assistance that might lead to the victory of one side at the detriment of the other. Moreover, in assessing whether NATO's actions conformed to Resolutions 1970 and 1973, the argument maintains that within a fortnight of NATO's intervention, they initiated attacks on government

¹² Mohammed Nuruzzaman, "Responsibility to Protect" and the BRICS: A Decade after the Intervention in Libya, *Global Studies Quarterly*, Volume 2, Issue 4, October 2022, ksac051, <https://doi.org/10.1093/isagsq/ksac051>

forces and launched missile strikes on military installations. Notably, these government forces and military centers were not implicated in any egregious acts against civilians during these NATO assaults.¹³

The second argument is that NATO provided military support to the rebels, rejected ceasefire proposals from Muammar Gaddafi, turned a blind eye to human rights violations by the rebels, pursued a regime change agenda, and training to the opposition. Also, NATO targeted Gaddafi's forces, including his family, resulting in the tragic deaths of Gaddafi's children and grandchildren, while the plight of civilians loyal to Gaddafi remained overlooked. Overall, the argument asserts that NATO and the intervening states breached Articles 25, 2(7), and 2(4) of the UN Charter, in addition to specific violations of Resolutions 1970 and 1973 concerning Libya on multiple grounds.¹⁴

The third argument critical of the Libyan intervention focuses on the excessive use of force. The main contention is that just two days after the adoption of Resolution 1973, cruise missiles and bomber strikes targeted Libyan air defense systems and military bases. Additionally, the international community's expression of concerns about the use of force and disagreements among NATO allies regarding the interpretation of UNSC mandates are considered proof of conflict and confusion within the alliance. While Germany questioned the overall NATO objectives,¹⁵ the US, France, and the UK, which insist on them, were divided on the methods of engagement. As NATO bombardments and continuous airstrikes unfolded, Libya underwent a harrowing transformation

¹³ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): 105–36. <http://www.jstor.org/stable/24480571>.

¹⁴ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015): 162–82. <http://www.jstor.org/stable/24585876>.

¹⁵ Miskimmon, A. (2012). German Foreign Policy and the Libya Crisis. *German Politics*, 21(4), 392–410. <https://doi.org/10.1080/09644008.2012.739610>

into a zone of intense conflict. Media widely shared images depicting the devastating impact on territories held by pro-Gaddafi supporters and military units, revealing the paradox of purportedly safeguarding the civilian population. These arguments defend their claims with supported evidence from the UN International Commission of Enquiry on Libya, which stated that out of the twenty NATO air attacks scrutinized, five incidents resulted in a total of sixty civilian deaths.¹⁶¹⁷

On the other hand,¹⁸ scholars such as Shadi Hamid argue that criticisms of NATO's action in Libya are misplaced and reflect overly ambitious expectations. Comparing Libya's current state with hypothetical ideals is not the appropriate method for assessing the positive or negative impacts of the intervention. A more meaningful assessment of NATO's involvement in Libya should have considered comparing the current state of the country to a hypothetical scenario without any intervention of which the death toll was around 1,000 to 2,000.¹⁹ Regarding the objective of the intervention, this argument asserts that the UNSC resolutions authorizing the use of force aimed to protect civilians and civilian areas at risk of attack.

Other arguments suggest that NATO's intervention in Libya can be deemed successful because it averted the imminent destruction of tens of thousands of lives.²⁰ As evidence for this, consider the successful protection of the people of Benghazi. Within a span of 72 hours, the initial intervention effectively neutralized Libya's air defense system, and NATO promptly deployed aircraft and naval

¹⁶ Report of the International Commission of Inquiry on Libya. (2014, January 28). Retrieved from <https://digitallibrary.un.org/record/766468?v=pdf>

¹⁷ Chivvis, Christopher S. *Toppling Qaddafi: Libya and the Limits of Liberal Intervention*. Cambridge: Cambridge University Press, 2013. doi:10.1017/CBO9781139649704.

¹⁸ Shadi Hamid. 2016. Everyone says the Libya intervention was a failure. They're wrong. April 12, 2016. <https://www.brookings.edu/articles/everyone-says-the-libya-intervention-was-a-failure-theyre-wrong/>

¹⁹ Downie, James. "When Numbers Lie." *The New Republic*, May 11, 2021. <https://newrepublic.com/article/86090/libya-death-toll-war-qaddafi>.

²⁰ Daalder, Ivo H., and James G. Stavridis. 2012. "NATO's Victory in Libya: The Right Way to Run an Intervention." *Foreign Affairs* 91, no. 2–7. <http://www.jstor.org/stable/23217215>.

vessels to enforce UN resolutions. Proponents emphasize the achievement of the mission's objectives without incurring any casualties among NATO allies. Furthermore, the intervention carried a price tag of \$1.1 billion for the United States and several billion dollars overall,²¹ a substantially lower cost compared to previous interventions in the Balkans, Afghanistan, and Iraq. Another argument is that R2P recognizes and upholds the concept of state sovereignty. The international legal processes leading to the approval of the intervention, exemplified by Resolution 1973, distinguish the Libya case from other NATO interventions justified on humanitarian grounds. Additionally, it contends that all alternative non-military measures outlined in Resolution 1970 were thoroughly evaluated before the situation escalated into a fully-fledged military conflict.²²

Moreover, an argument asserts that critics alleging NATO's mission creep for regime overthrow overlook the fact that the Libyan people themselves called for a change in leadership. It argues that it is crucial to recognize the undeniable success of the intervention, considering it as a potential model for future NATO operations. It emphasized that the Libyan National Transitional Council rejected the African Union's Road Map. Additionally, it contends that without NATO intervention, Libya would likely be facing more intense and violent situations, akin to the ongoing conflict in Syria.²³

²¹ Ibid., 3.

²² Simon Adams. Libya and the Responsibility to Protect. Global Centre for the Responsibility to Protect Occasional Paper Series No. 3, October 2012.

²³ Sally Khalifa Isaac. 2012. NATO's Intervention in Libya: Assessment and Implications. IEMed Mediterranean Yearbook. <https://www.iemed.org/publication/natos-intervention-in-libya-assessment-and-implications/>

I. NATO'S POSITION BETWEEN THE OPPOSING SIDES

Muammar Gaddafi's threat to use force against protesters in Benghazi on March 17 prompted the UNSC to adopt resolution 1973. Two days later an alliance of US, UK and France intervened to impose the mandates. The intervention was fully assumed by NATO and a select group of allies, including Qatar, Egypt, and Sweden. Paragraph 4 expressly authorises "...Member States, acting nationally or through regional organisations or arrangements, to take all necessary measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of a military nature." This permitted the intervening states considerable discretion in choosing the strategies they would use to execute the goals of the mandate.²⁴ The inclusion of Benghazi resulted from the government's impending threat to attack the city. Moreover, a close reading of paragraph 2 reveals that all civilians in Libya are to be protected, including those on both sides of the conflict.²⁵

UNSC Resolution 1973, gave intervening states broad authority as long as they stayed within the bounds of its legal justifications. NATO and its allies, on the other hand, did not pursue alternative mechanisms that could fall within Chapter VII of the UN Charter. Rather, they emphasized the use of force which favored the protestors. The intervention's main goal was to protect the civilian population. It would have been less contentious to intervene if there had been measures in place to ensure that both parties were represented and that its activities and missions were impartial, fair, and transparent.

²⁴ Ulfstein, Geir, and Hege Føsum Christiansen. "The Legality of The NATO Bombing in Libya." *The International and comparative law quarterly* 62, no. 1 (2013): p. 4.

²⁵ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015): 162–82. <http://www.jstor.org/stable/24585876>

I would base my assessment of NATO implementation of measures that could guarantee fair and transparent treatment of the opposing parties primarily on the enforcement of a no-fly zone, protection of civilians in areas in the control of both parties and attempts to negotiate a cease-fire. In the case of enforcing the no-fly zone, such a regulation in Libya would simply entail putting in place measures to take control of the airspace, protecting civilian populated areas regardless of which party they support, and prosecuting warplanes with intentions other than to provide humanitarian support, such as flights carrying medical supplies, food, and humanitarian workers, or evacuating foreign nationals from Libya. The text in paragraph 6 of Resolution 1973 states, "decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians."²⁶

NATO missions in the early stages of the intervention were in line with the Security Council directive and directly contributed to the protection of the general Libyan population. However, the objectives changed in the following weeks when actions taken under the cover of enforcing the no-fly zone were used to propel the rebels towards being the leaders of the country.²⁷ Two days after resolution 1973 was passed cruise missiles and bomber strikes were directed at Libyan air defence systems and military bases.²⁸

The coalition argued that in order to effectively implement a no-fly zone, the government's capacity to resist had to be destroyed. In practice this meant disabling its air defence system. Based on Secretary Gate's testimony before the US House Appropriations Committee, NATO was aware

²⁶ Resolution 1973 (2011) /: adopted by the Security Council at its 6498th meeting, on 17 March 2011. (2011, March 17). Retrieved from <https://digitallibrary.un.org/record/699777?ln=en&v=pdf>

²⁷ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015): 162–82. <http://www.jstor.org/stable/24585876>

²⁸ Chivvis, Christopher S. *Toppling Qaddafi: Libya and the Limits of Liberal Intervention*. Cambridge: Cambridge University Press, 2013. doi:10.1017/CBO9781139649704.

that, should the UNSC authorise a no-fly zone, it would use force against the Libyan military institutions. He declared, "Let's just call a spade a spade . . . a no-fly zone begins with an attack on Libya to destroy the air defences. That's the way you do a no-fly zone."²⁹ NATO knew the extent of the damage that implementing the no-fly zone would cause before the intervention. It is important to note that neither an official request for the Libyan government to comply with the rules nor a violation of the rule by the Libyan army occurred after the regulation was put into effect.

One argument questioning the position of NATO in Libya is that NATO intervened in a civil war crisis where it was meant to protect civilian lives but violated the regulations that legalize their activities in Libya by choosing to take sides, arming, training, and giving them military intelligence, which strengthened one side over the other. After only two weeks of the intervention, NATO had already started committing offenses against the government forces by providing the rebels with excessive air power that helped them advance into civilian-populated areas in support of the Libyan government. As the government forces retreated, the rebels committed excessive human right violations by murdering and torturing injured soldiers, looted private properties, attacked pro-Gaddafi civilian supporters and in some cases murdered them.³⁰ Despite the fact that those forces and military facilities did not pose an immediate danger to the nearby civilians, they were the target of heavy airstrikes that caused additional loss of life and property. NATO's partiality

²⁹ Sanger, David E., and Thom Shanker. "Gates Warns of the Risks of Imposing a No-Flight Zone Over Libya." *The New York Times*, 2011, pp. A12-.

³⁰ Human Rights Watch. "Libya: Opposition Forces Should Protect Civilians and Hospitals," July 13, 2011. <https://www.hrw.org/news/2011/07/13/libya-opposition-forces-should-protect-civilians-and-hospitals>.

extended from the government forces to civilians who backed the regime; the airstrikes and attacks weren't just targeted at military installations and forces.³¹

Another line of reasoning critiquing NATO's partiality is that "NATO began bombing forces in Qaddafi's hometown of Sirte, where they represented no threat to civilians because the residents supported the regime."³² Egnell claims that while it is easy to think that military airstrikes and precision bombing campaigns led to the overthrow and the success of the rebels, it was far beyond that. In reality, the rebels were assisted through a comprehensive and unconventional warfare programme carried out by France, UK, and US in coordination with a few Arabian states. He also emphasised that the Libyan case opened up new possibilities for the use of Special Operations Forces by Western powers during international interventions.³³

The international community was alarmed at the destruction caused by NATO. Images of the devastating assault on the territories of pro-Gaddafi supporters and military units were shared across media platforms, exposing the irony of defending the civilian population to the world.³⁴

NATO's support of the rebel's refusal to accept ceasefire agreements empowered them to launch more attacks, advance their occupation, and expand their demands to include taking control of the entire country. This energised the rebels to consider themselves the interim National Transitional Council, portraying themselves as the legitimate authority and representative of the country; a

³¹ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015): 11 - 15. <http://www.jstor.org/stable/24585876>

³² Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 11. <http://www.jstor.org/stable/24480571>.

³³ Robert Egnell, "Lessons and consequences of Operation Unified Protector" in *The NATO Intervention in Libya*, ed. 12 – 14. Kjell Engelbrekt, Marcus Mohlin and Charlotte Wagnsson (London: Routledge, 2014)

³⁴ Chivvis, Christopher S. *Toppling Qaddafi: Libya and the Limits of Liberal Intervention*. Cambridge: Cambridge University Press, 2013. doi:10.1017/CBO9781139649704. P. 38.

move rapidly recognised by France on March 10 with NATO's approval.³⁵ For instance, the powerful NATO members and the particular allies to this mission had made unilateral decisions that directly aided the rebels in their efforts to oust the government. While the US was secretly speaking with the rebels and providing them with military intelligence, the United Kingdom publicly dispatched military experts to counsel them and assist them in formulating plans for their goal of regime change.³⁶

In addition to shipping military artillery to the rebels, Egypt and Qatar also sent troops to the rebels, with Qatar going one step further because of its demonstrated defiance. Hundreds of Qatari soldiers were sent to Libya in an attempt to support the rebels, a military chief in Qatar admitted. This fact was confirmed when Mustafa Abdel Jalil, the head of the National Transitional Council, said that Qatar was a crucial partner in the formation of his organisation's military operations in the conflict.³⁷ Also, it was disclosed right after the intervention, on a UN panel, that France was working with Italy and the United Kingdom to train the rebels and airdrop military supplies to them.³⁸ All of these contributions were made either by or with the knowledge of NATO's powerful member nations.

The most intriguing aspect of NATO's bias during the intervention in Libya was the support provided to the rebels during their refusal of ceasefire agreements and their rejection to requests from Muammar Gaddafi to engage in discussions and reform the country to accommodate their

³⁵ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015). <http://www.jstor.org/stable/24585876>

³⁶ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 11 - 12. <http://www.jstor.org/stable/24480571>.

³⁷ Ian Black, "Libyan Rebels Receiving Anti-Tank Weapons from Qatar," *Guardian*, April 14, 2011, <http://www.guardian.co.uk/world/2011/apr/14/libya-rebels-weapons-qatar>.

³⁸ Patrick Wintour and Richard Norton-Taylor, "Libyan Opposition Leaders to Get Advice from UK Military," *Guardian*, March 4, 2011, <http://www.guardian.co.uk/world/2011/mar/04/libyan-opposition-leaders-advice>.

demands. Gaddafi agreed to hold mediation talks with the protestors in early March, just two weeks into the uprising, after being persuaded to do so by Venezuela. He also expressed his readiness to listen to their demands. Later in April, the African Union intervened after it voiced its opposition to the use of force against civilians by meeting with Gaddafi and suggesting he accept a ceasefire agreement to stop all hostilities. Gaddafi agreed and proposed a cease-fire, which would be followed by a national discussion to settle the disagreements between the groups in a peaceful manner.³⁹

The protestors, who at this particular time had evolved into a viable political entity with an interest in ruling the country, flatly rejected those offers because they did not call for the leader's reign to end.⁴⁰ The same reason was given when South Africa's former president Jacob Zuma brokered a ceasefire deal with Gaddafi and the protestors. Gaddafi also made a cease-fire plan in May with the potential for talks towards a constitutional government and compensation for unrest victims, but the rebels rejected it and vowed to fight until they died in order to achieve their goal.⁴¹ NATO disregarded cease-fire agreements, saying that "the military operation should not be micromanaged."⁴² Additionally, Hillary Clinton, who was the US Secretary of State at the time, was referenced as having stated that regime change was in Libya's best interests and reflected the wishes of the Libyan people in her response to ceasefire offers.⁴³

³⁹ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 12. <http://www.jstor.org/stable/24480571>.

⁴⁰ Kuperman, Alan J, A Model Humanitarian Intervention, 12.

⁴¹ Ulfstein, Geir, and Hege Føsum Christiansen. "The Legality of The NATO Bombing in Libya." *The International and comparative law quarterly* 62, no. 1 (2013): p. 7.

⁴² Brockmeier, S., Stuenkel, O., & Tourinho, M. (2016). The Impact of the Libya Intervention Debates on Norms of Protection. *Global Society*, 30(1), 113–133. <https://doi.org/10.1080/13600826.2015.1094029>. Interview with senior Brazilian diplomat, 5 August 2014.

⁴³ Matthew Green. "To What Extent Was the NATO Intervention in Libya a Humanitarian Intervention?" 2019. P. 3. <https://www.e-ir.info/2019/02/06/to-what-extent-was-the-nato-intervention-in-libya-a-humanitarian-intervention/>

Overall, Anders Fogh Rasmussen, the Secretary General of NATO, publicly stated NATO's opinion on ceasefire proposals, stating that the absence of a strong monitoring system to ensure the agreements' execution rendered it premature to begin discussing ceasefire possibilities.⁴⁴ It is problematic that he was convinced there was a reliable surveillance system in place for NATO to carry out its offenses and airstrikes.

II. PROTECTING CIVILIAN LIVES AND CIVILIAN POPULATED AREAS

In contrast to the portrayal of the uprising in the Western media, the protest was a long-standing tribal, regional, and Islamist opposition to Gaddafi's authority.⁴⁵ The Arab Spring uprising's progression from the eastern regions (Ajdabiya, Al Bayda, Benghazi, and Darna) to Misrata, where tribal elements served as the foundation of the demonstration, emphasizes details of the regional and tribal components of the conflict.⁴⁶ These elements made it difficult to ignore the involvement of Islamic fundamentalists in the Libyan uprising. This was apparent when the leader of the National Transitional Council announced that Sharia would be the basis for the future Libyan constitution. Additionally, the appointment of Abdul Hakim Belhadj, a former leader of the Libyan Islamic Fighting Group, as the military commander of Tripoli, raised concerns due to his alleged association with al-Qaida and his group's history of terrorist activities against the Libyan government in the 1990s.⁴⁷ However, these elements of the crisis raised by the Libyan government were ignored and downplayed by the international community and media.

⁴⁴ NATO, press briefing on Libya (3 May 2011).

⁴⁵ Moniz Bandeira, L.A. (2017). The Uprising in Libya. In: The Second Cold War. Springer, Cham.
https://doi.org/10.1007/978-3-319-54888-3_13

⁴⁶ El-Doufani, Mohamed. "Libya Crisis: What Role Do Tribal Loyalties Play?" BBC News, February 21, 2011.
<https://www.bbc.com/news/world-middle-east-12528996>.

⁴⁷ Hugh Roberts, "Who Said Gaddafi Had to Go?" London Review of Books, Vol. 33, No. 22 (November 2011),

Notwithstanding all these violent elements, the Libyan government successfully gained control over armed protestors who had exploited the situation to vandalize other government structures and harm security personnel. The argument put forth by this dominant opinion is that the use of force by the Libyan government was proportionate and that if NATO had not intervened, the government would have been able to crush the unrest in a short period of time, as predicted by Saif Islam. This would have resulted in fewer civilian casualties compared to the prolonged war that followed. That demonstrates a state that was willing to take action against dissidents in order to protect civilian lives and populated areas.⁴⁸

NATO's intervention in Libya had a significant impact on the conflict. Prior to the intervention, the rebels had not been able to mount any effective defense, launch any offensives or capture any territory. The rebels had only rudimentary weapons, lacked coordination and were less tactical in their attacks. However, with NATO's involvement, the rebels began bombing government forces and military installations that were not posing a threat to civilian lives, even in cases where they were retreating from populated areas. These NATO missions aided the rebels in their objective to advance, reconnect with their supply sources, and launch offensives in other parts of the country.⁴⁹

As hostilities escalated, both sides used innocent civilians as human shields, which led to increased casualties among non-combatants.⁵⁰ Both pro- and anti-Gaddafi civilian supporters were targeted, with pro-Gaddafi supporters being particularly vulnerable.⁵¹ However, it seemed as if "no one supporting the Gaddafi regime counted... they could not be among the civilians to be protected,

⁴⁸ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 12. <http://www.jstor.org/stable/24480571>.

⁴⁹ Kuperman, Alan J, A Model Humanitarian Intervention, 14 - 15.

⁵⁰ Rubinstein, Amnon & Roznai, Yaniv. (2011). Human Shields in Modern Armed Conflicts: The Need for a Proportionate Proportionality. PSN: Other Conflict Studies (Topic).

⁵¹ Terry, Patrick CR, The Libya Intervention (2011), 13.

even if they were technically civilians."⁵² It appears that the NATO airstrikes on Gaddafi-controlled areas were carried out in a way that suggested that all the people in those parts of the country were viewed as combatants to be eliminated.⁵³ This message inadvertently gave the rebels the impression that they could act without restraint, leading to uncontrolled and indiscriminate shootings that caused further civilian harm. Another unfortunate consequence of NATO's actions were the attacks on Sirte, which appeared to be the intentional targeting of Gaddafi's hometown. There was no unrest in the town and government forces were not engaging with civilians since most residents identified as pro-Gaddafi supporters. Nonetheless, they were subjected to the horrors of NATO intervention through airstrikes.⁵⁴

NATO's intervention in Libya went far astray to the extent that it drew the attention and criticism of the United Nations Human Rights Council and independent human rights organizations worldwide, which called for investigations of war crimes committed. Human Rights Watch reported that a NATO airstrike on the town of Zlitan in June 2011 resulted in the deaths of at least 19 civilians. Similarly, a NATO airstrike in August 2011 in the town of Majer resulted in 85 civilian deaths, including 33 children.⁵⁵ The findings of the UN International Commission of Inquiry on Libya indicate that out of the twenty NATO air operations that were analyzed, five of them caused a combined total of sixty civilian fatalities.⁵⁶ Amnesty International issued a publication titled "Libya: The Forgotten Victims of NATO Strikes," detailing the implications of NATO's

⁵² Hugh Roberts, "Who Said Gaddafi Had to Go?" *London Review of Books*, Vol. 33, No. 22 (November 2011),

⁵³ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015). <http://www.jstor.org/stable/24585876>

⁵⁴ Praveen Swami, Rosa Prince, and Toby Harnden, "Coalition Forces Strike Sirte; Leader's Home Town," *Daily Telegraph*, March 28, 2011.

⁵⁵ Reporters Taken to Mass Funeral in Libyan Town, Nearby Hospital," Ivan Watson, CNN, August 9, 2011, http://articles.cnn.com/2011-08-09/world/libya.zlitan_1_musa-ibrahim-pro-gadhafi-libyan-civilians?s=PM:WORLD

⁵⁶ Report of the International Commission of Inquiry on Libya. (2014, January 28). Retrieved from <https://digitallibrary.un.org/record/766468?v=pdf>

interpretation of the statement 'protecting civilian lives and civilian populated areas'. The article further highlights how NATO's actions were reckless, causing more harm than good, and how the victims of these heinous airstrikes received neither recognition nor justice.⁵⁷ Moreover, a New York Times investigation conducted on the ground at more than 25 airstrike locations across Libya found that NATO airstrikes killed at least 40 people and potentially as many as 70.⁵⁸ It is clear that NATO's intervention in Libya resulted in significant civilian casualties and drew widespread criticism for potential war crimes.

Furthermore, the fact that NATO member states openly violated the arms embargo in Resolution 1970, which was later reinforced in Resolution 1973, gave the rebels the license to kill more civilians. France, Britain, Qatar, and Egypt all supplied sophisticated weapons to the rebels to be used in their attacks against government forces and pro-Gaddafi supporters. Moreover, Qatar's provision of troops on the ground, with NATO's knowledge but no action taken, violated paragraph 4 of Resolution 1973, which prohibited foreign occupation in the country. By providing arms and troops on the ground, NATO had effectively endorsed the transformation of the protests into a civil war.⁵⁹ It is difficult to see how NATO could protect civilians while supplying the rebels with weapons. This suggests that NATO intervened in Libya to fuel the protests and exacerbate the conflict, which lead to an unnecessary loss of civilian lives.

⁵⁷ Amnesty International. "Libya: The Forgotten Victims of NATO Strikes - Amnesty International," March 19, 2012. <https://www.amnesty.org/en/documents/mde19/003/2012/en/>.

⁵⁸ Abrahams, Fred. "Unacknowledged Deaths." Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign in Libya | HRW, May 14, 2012. <https://www.hrw.org/report/2012/05/13/unacknowledged-deaths/civilian-casualties-natos-air-campaign-libya>.

⁵⁹ Ian Black, "Libyan Rebels Receiving Anti-Tank Weapons from Qatar," Guardian, April 14, 2011, <http://www.guardian.co.uk/world/2011/apr/14/libya-rebels-weapons-qatar>.

A notable double standard also exists that the human rights violations committed by the rebels were not acknowledged, and NATO maintained that no such occurrences had taken place.⁶⁰ According to reports by Human Rights Watch, rebels were seriously violating the human rights of those who supported Gaddafi.⁶¹ Although they occasionally received a warning to cease, nothing was typically done about it. For instance, there have been cases where rebels have directly targeted and massacred Africans, falsely believing that every black-skinned person was a mercenary for Gaddafi. Subsequently, the accusations of Africans being loyal to Gaddafi and serving as mercenaries were ultimately disproven.⁶² The United Nations report highlighted that a significant number of sub-Saharan Africans, who were sometimes accused or suspected of being mercenaries, were among the detainees in Libya. The report also indicated that some of these detainees had allegedly been subjected to torture.⁶³ In addition, rebel forces were reported to have emptied entire villages of black Libyans, and black African women were said to have been raped by rebel forces in refugee camps located outside of Tripoli.⁶⁴

Based on the analysis and research of the dominant scholars who seek to analyse what might have happened if NATO had not interfered, they provided evidence to back up their comparison of the likely duration and gravity of the uprising. One of the arguments presented by Kuperman was that, "...without NATO intervention, Libya's rebellion and civil war—and resulting endangerment of

⁶⁰ Lang, A., & Smith, B. (2024, April 24). *Interpretation of Security Council Resolution 1973 on Libya - House of Commons Library*. House of Commons Library. Standard Note: SN/LA/5916 par 5. <https://commonslibrary.parliament.uk/research-briefings/sn05916/>

⁶¹ Human Rights Watch, "Libya: Governments Should Demand End to Unlawful Killings: Death Toll Up to at Least 233 over Four Days" (New York: Human Rights Watch, February 20, 2011), <http://www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful>

⁶² Matthew Green. "To What Extent Was the NATO Intervention in Libya a Humanitarian Intervention?" 2019. <https://www.e-ir.info/2019/02/06/to-what-extent-was-the-nato-intervention-in-libya-a-humanitarian-intervention/>

⁶² NATO, press briefing on Libya (3 May 2011).

⁶³ Enders, D. (2011). "Empty village raises concerns about fate of black Libyans," McClatchy.

⁶⁴ Enders, D. (2011). "African women say rebels raped them in Libyan camp" McClatchy.

civilians—likely would have ended by late March 2011, less than six weeks after the conflict had started."⁶⁵ With the exception of Benghazi, the disturbance had been curtailed nationwide. If the rebels had not been supported, the severity of the conflict would not have resulted in greater loss of life and destruction of property. As previously mentioned, it would have lasted only a short time, and taking into account the reported death toll as of March 19, it is estimated that approximately 1,100 Libyans, including government forces, rebels, and non-combatants, would have perished if NATO had not interfered. Given that the protest was not peaceful and that a sizable portion of the protesters were armed and prepared to use force against government forces and properties, Benghazi and all of eastern Libya, where the uprising was extremely brutal, documented an estimated 500 deaths.⁶⁶

Seumas Milne, a British journalist, was also critical of NATO's goals in Libya before the UN Human Rights Council recognised the atrocities committed against civilians and provided death toll estimates. "If the purpose of the NATO intervention in Libya was to protect civilians and save lives, it has been a catastrophic failure," Milne wrote in an article.⁶⁷ According to UN estimates, which fall within Kuperman's range, there were between 1,000 and 2,000 fatalities before NATO intervened and departed eight months later, leaving between 10,000 and 50,000 people dead. This wasn't a humanitarian action meant to save civilian lives.⁶⁸

⁶⁵ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 15. <http://www.jstor.org/stable/24480571>.

⁶⁶ Kuperman, Alan J, A Model Humanitarian Intervention, 15 - 16.

⁶⁷ Seumas Milne, "If the Libyan War Was about Saving Lives, It Was a Catastrophic Failure," *Guardian*, October 26, 2011, <http://www.guardian.co.uk/commentisfree/2011/oct/26/libya-war-saving-lives-catastrophic-failure>.

⁶⁸ Campbell, Horace, and Ali A. Mazrui. *Global NATO and the Catastrophic Failure in Libya*. NYU Press, 2013. <http://www.jstor.org/stable/j.ctt9qfrnd>.

III. DIPLOMACY OR USE OF FORCE

Some argue that because UNSC Resolution 1973 said "all necessary measures," this gave member states broad discretion in carrying out the tasks set out in the resolution.⁶⁹ On the other hand some scholars argue that this discretion is limited to implementing measures that align with the objectives of the resolution and contribute to the protection of civilian lives.⁷⁰ In either case, the emphasis is on ensuring that the methods employed by intervening states are reasonable and effective in achieving the desired outcome of protecting civilian lives. It is important to note that the authority granted by the phrase "all necessary measures" is not a license for destruction or the reckless use of force but rather a responsibility to use methods that are proportional to the situation at hand.

As previously mentioned, the key mandates of Resolution 1973 were to enforce a no-fly zone over Libyan territory to prevent parties from launching attacks on civilian populated areas, supervise an arms embargo by preventing parties from obtaining foreign weapons, and initiate a ceasefire mission by getting the parties involved to stop hostilities and pursue other means of resolving their differences. The primary purpose of the resolution, which falls under the Responsibility to Protect (R2P), is the ultimate protection of civilians and civilian populated areas.⁷¹

However, the resolution did not specify how intervening states should meet the objectives, nor did it recommend the use of force as the only solution. While the phrase "all necessary measures" in the resolution provided member states with the legal authority to take military action as deemed

⁶⁹ Ulfstein, Geir, and Hege Føsum Christiansen. "The Legality of The NATO Bombing in Libya." *The International and comparative law quarterly* 62, no. 1 (2013).

⁷⁰ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015). <http://www.jstor.org/stable/24585876>

⁷¹ UNSC Res 1973 (17 March 2011) UN Doc S/RES/1973.

necessary to protect civilians and civilian populated areas, it was not the only means available to member states to meet the objectives of the resolution. Other non-military measures, such as diplomacy, economic sanctions, and other peaceful means of conflict resolution, could also have been employed. Ultimately, member states were expected to act in accordance with the primary objective of protecting civilians and civilian populated areas in Libya.

Under international humanitarian law, civilians are defined as “persons who are not members of the armed forces. The civilian population comprises all persons who are civilians.”⁷² Based on this definition and the civilian scenario in Libya, which includes both government-controlled and protester-occupied territory, there was a considerable number of civilians who were not engaging in offensive operations and consequently required protection. Considering the language of Resolution 1973, which mentions "civilians and civilian-populated areas," it implies that the objectives of intervening states should prioritize the safety of civilians on both sides of the conflict, rather than favoring one side over the other.

The dominant literature on NATO's intervention in Libya suggests that the use of force against the Gaddafi regime was necessary to protect civilian lives. The rhetoric and actions of key NATO members, such as the US, France, and the UK were in contravention of the UN's ultimate objective in Libya. For example, while the US approached its involvement in the operation with caution, providing financial and tactical support and approving several airstrikes immediately after the resolution was passed, it failed to establish diplomatic relations with the Libyan regime.⁷³ The US

⁷² International Committee of the Red Cross. "Customary IHL - Rule 5." Accessed January 2022. <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule5>

⁷³ whitehouse.gov. "Remarks by the President in Address to the Nation on Libya," April 30, 2013. <https://obamawhitehouse.archives.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>.

emphasized the use of force.⁷⁴ On the other hand, France and the UK were very straightforward in their support of the rebels' use of force. Reports from BBC⁷⁵ and The New York Times⁷⁶ cited the French government confirming its airdrop of military arms to the rebels while intercepted intelligence from Reuters⁹⁵ suggested that the British military infiltrated Libya and installed radio equipment, aiding in their airstrikes. The disregard and breach of the arms embargo, the rejection of ceasefire offers, and the use of force to implement the no-fly zone further suggest that the use of force was the primary means employed in the intervention.

One of the scholarly interpretations regarding paragraph 4 of Resolution 1973, which aligns well with NATO's intervention in Libya, suggests that, "it is overwhelmingly agreed that the phrase 'all necessary measures' is a euphemism the Security Council has in the past reverted to in order to authorize the use of force by UN member."⁷⁷⁸ This suggests that the phrase "all necessary measures" was intentionally used to provide member states with the authority to take military action as deemed necessary to protect civilians and civilian populated areas. The description also highlights the role of the Security Council in authorizing the use of force in Libya. The Security Council's complicity in the Libyan massacre is a topic beyond the scope of this paper. However, the Security Council's authorization of military action in Libya raises questions about the extent to

⁷⁴ POLITICO. "Obama Approves Airstrikes against Libya, March 19, 2011," March 19, 2019. <https://www.politico.com/story/2019/03/19/barack-obama-libya-airstrikes-1224550>.

⁷⁵ Libya conflict: France air-dropped arms to rebels. (2011, June 29). BBC News. <https://www.bbc.com/news/world-africa-13955751>

⁷⁶ Ny times, The. "France Acknowledges Aiding Libyan Rebels With Airdrops of Arms." The New York Times, The New York Times, 29 June 2011, www.nytimes.com/2011/06/30/world/europe/30france.html

⁹⁵ Reuters. "Exclusive: Britain Infiltrated Libya before Rebels Took over." Reuters, Thomson Reuters, 6 Sept. 2011, www.reuters.com/article/us-libya-endgame-idUSTRE7853C520110906/.

⁷⁷ Merkel 'Die Militärintervention gegen Gaddafi ist illegitim' Frankfurter Allgemeine Zeitung 22 March 2011.

⁷⁸ Payandeh 'The United Nations, military intervention, and regime change in Libya' (2012) 52 Virginia Journal of International Law.

which the international community is willing to prioritize the protection of civilians in conflict-affected areas.⁷⁹

The only defence NATO may be able to make for its excessive dependence on force is that attacking Gaddafi and his forces was required to prevent him from committing further crimes against humanity. NATO's choices in the Libyan revolt may be interpreted as reflecting the belief that as long as Gaddafi remained alive, the objective of safeguarding civilian lives was unattainable.⁸⁰ As a result, that did happen on October 20th, 2011, when Gaddafi was killed in a way that generated a lot of controversy, in addition to his home having been destroyed earlier in April and the deaths of his sons and three grandchildren.⁸¹

Over 26,500 flights, of which 9,700 were strike sorties, were reported to have been flown during the six-month NATO military campaign in Libya, and approximately 5,900 military targets were said to have been destroyed. NATO's use of force resulted in the deaths of thousands of unaccounted civilians in Tripoli, Zlitan, Majer, Sirte, Brega, and in all the civilian-populated areas, as a result of inaccurate or deliberate missile strikes.⁸²

Nygren's analysis of NATO's use of force in Libya focused heavily on the air power utilized by intervening states.⁸³ He stated that within 48 hours of the passing of Resolution 1973, the US and Britain had launched Tomahawk cruise missiles, while France had sent warplanes to destroy Libya's defense systems. Along with the thousands of sorties flown, approximately 300

⁷⁹ Terry, Patrick CR. "The Libya Intervention (2011): Neither Lawful, nor Successful." *The Comparative and International Law Journal of Southern Africa* 48, no. 2 (2015). <http://www.jstor.org/stable/24585876>

⁸⁰ Hugh Roberts, "Who Said Gaddafi Had to Go?" *London Review of Books*, Vol. 33, No. 22 (November 2011).

⁸¹ Ulfstein, Geir, and Hege Føsum Christiansen. "The Legality of The NATO Bombing in Libya." *The International and comparative law quarterly* 62, no. 1 (2013).

⁸² Amnesty International. "Libya: The Forgotten Victims of NATO Strikes - Amnesty International," March 19, 2012. <https://www.amnesty.org/en/documents/mde19/003/2012/en/>.

⁸³ Anders Nygren. "Executing Strategy from the air" in *The NATO intervention in Libya Lessons Learned from the Campaign*, edited by Kjell Engelbrekt, Marcus Mohlin and Charlotte Wagnsson. Oxon: Routledge, 2014.

ammunition dumps, 600 battle tanks and armored personnel carriers, and 400 rocket launchers were deployed. NATO's extensive use of airstrikes contradicts the idea that it was actually operating in accordance with the Responsibility to Protect because, on average, 150 airstrikes were conducted daily, killing hundreds of people.⁸⁴ The justifications given above summarise NATO's best strategies for defending civilian life and civilian-populated areas by converting a political demonstration into a highly military battleground.

IV. CONCLUSION

In the context of a political uprising with the potential to escalate into a civil war, an intervening party that is impartial to both sides does not necessarily mean bringing the opposing parties together for discussions over coffee. NATO was granted wide discretion as long as they led to achieving the objectives outlined in the UNSC resolutions. However, rather than encouraging the parties in the conflict to resolve the issues through political means, NATO created a warzone, influenced one side not to surrender, armed and trained them, and ultimately joined them to take down the other side. In doing so, NATO violated Resolutions 1970 and 1973, thereby making it challenging for the UNSC to adopt future resolutions under the principle of R2P.⁸⁵

While there was significant support for Resolution 1973, the legality of the intervention is just one aspect of the debate surrounding NATO's intervention in Libya. If NATO had implemented the mandates outlined in the resolution wisely, it could have led to beneficial results. However, the focus should not have been solely on the legality of the intervention but rather on whether NATO's

⁸⁴ Matthew Green. "To What Extent Was the NATO Intervention in Libya a Humanitarian Intervention?" 2019. P. 3. <https://www.e-ir.info/2019/02/06/to-what-extent-was-the-nato-intervention-in-libya-a-humanitarian-intervention/>

⁸⁵ Ulfstein, Geir, and Hege Føsum Christiansen. "The Legality of The NATO Bombing in Libya." *The International and comparative law quarterly* 62, no. 1 (2013). P. 12.

actions were effective in protecting civilian lives and resolving the conflict. It is clear that NATO's intervention did not achieve these goals.

Nonetheless, NATO has not acknowledged its failure in Libya to date and continues to defend its intervention based on legality. However, authors cited in this paper do not argue about the illegality of NATO's intervention. Instead, they argue that NATO overstepped the boundaries of the mandate, disregarding the regulations that had sanctioned the intervention. By its actions, NATO turned what started off as a legal intervention into a major human rights crime and a crime against humanity. Therefore, the mandate should have been handed over to the African Union to intervene and help resolve the differences.⁸⁶ The African Union had expressed willingness to play a role but was sidelined by Western states.⁸⁷

Regarding Kuperman's assessment of the one-sided relationship NATO had with the rebels, he was on the opinion that because NATO and its allies had developed close ties with the rebels and had been supporting them, they could have used that connection to persuade them to accept one of Gaddafi's proposals regarding the obligations under Resolution 1973, which are limited to the protection of civilian lives. Instead, the facts show the opposite, as highlighted earlier. The length and severity of the conflict following NATO's intervention in Libya highlights the failure to protect civilian lives and populated areas. Instead of curbing violence, NATO's actions provided the rebels

⁸⁶ Murithi, Tim. "The African Union and the Libya Crisis: Situating the Responsibility to Protect in Africa." *Journal of African Union Studies* 1, no. 1 (2012): 83–88. <https://www.jstor.org/stable/26893822>.

⁸⁷Ibid. One month into the Libyan conflict, and prior to the adoption of UN Security Council Resolution 1973, which called for military intervention in Libya, the African Union (AU) had already presented a drafted roadmap outlining how it believed the crisis in Libya could be resolved through political dialogue and consensus. The AU presented this roadmap when government forces were en route to Benghazi to quell the armed protest. The AU, concerned about the potential for further violence and seeking to protect the civilians and civilian populations in the town, acted in accordance with the Responsibility to Protect principle, which is enshrined in the AU's Constitutive Act of 2000.

The scope of this essay does not include justifications for this position.

with significant military support, including foreign sophisticated weapons, training, and expert troops, along with airstrike campaigns that directly aided the rebels. This prolonged the conflict from an estimated 6 weeks to 36 weeks and intensified the fighting with highly dangerous weapons. As a result, the rebels were able to advance into previously contested territories, leading to more loss of life and property damage. The fierce defense put up by government forces and the high-level attacks by the rebels, with the help of NATO, only added to the death toll and destruction.

According to the US government, there were approximately 8,000 deaths. However, the Libyan Ministry of Martyrs and Missing Persons initially estimated that 30,000 people died, although this figure was later revised to 4,700 civilians and rebels and 4,700 deaths for government forces, with an additional 2,100 missing persons from both sides. Therefore, the total recorded casualty was 11,500.⁸⁸ It is important to note that these numbers do not capture the full extent of the devastation caused by the conflict, including the displacement of thousands of people and the destruction of infrastructure and communities.

In conclusion, the arguments presented in this paper suggest that NATO failed to adhere to the mandates outlined in resolution 1973 and instead pursued the collective and individual interests of its member states. Although the mandate was to protect civilian lives and populated areas using "any necessary measures," NATO's actions were biased and undiplomatic, resulting in more destruction and loss of life than what was attributed to Gaddafi. Even former US President Barack

⁸⁸ Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *International Security* 38, no. 1 (2013): P. 19 - 20. <http://www.jstor.org/stable/24480571>.

Obama has come to acknowledge that the intervention in Libya was worst mistake of his presidency, further supporting the arguments presented in this paper.⁸⁹

⁸⁹ "President Obama: Libya aftermath 'worst mistake' of presidency," BBC News, April 11, 2016, <https://www.bbc.com/news/world-us-canada-36013703>.