



Assessing Libya

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Since the death of Gaddafi and the formal end of NATO operations in Libya, there has been much discussion inside the UN community assessing the short and long term impacts of the Libya resolution. Most of these discussions take place outside the Security Council, which remains wary of conducting assessments that put the Libya resolution in context and potentially undermining the self-congratulations that the political leaders of some of the larger powers now seem to freely indulge – a partial consequence of these powers' collective preference for crisis response rather than preventive diplomacy. Vanquishing a known criminal is simply an easier activity to brand successfully than resolving a crisis in earlier, less public phases.

For the record, our office supported the UN resolution on the grounds that Gaddafi employed language reminiscent of the pre-genocide period in Rwanda and made other erratic, threatening gestures against his own people, both of which justified some form of direct international response. However, given the shortage of preventive and response tools in the UN toolbox, and given the added 'degrees of difficulty' facing military planners engaging in civilian protection operations, we had serious reservations whether NATO had the discipline or the clarity of purpose to avoid partisan engagement. To our mind, the mission evolved in ways that were somewhat expedient for the implementing powers but that did not elevate confidence that the international system yet has what it takes to provide even-handed, mandate-driven, last-resort responses to the threat of mass atrocities.

The following points seem germane to this discussion and have come up in other contexts, which we have shared with partners and critics:

1. The resolution that set the Libya mission in motion became, as some of us had feared, an afterthought once the mission was actually underway. Gaddafi became the 'enemy,' the Secretary General's repeated calls for negotiated restraint went unheeded, bombing raids were expanded to targets that seemed to have little relevance to the narrow goals of civilian protection – and even at times resulted in needless civilian casualties. The UN Secretariat, as is too often the case, lost control of a narrative that was important both for Libya and for the very viability of the UN itself. No amount of post-game rhetoric 'looking to the future of the Libyan people' can change the facts on the ground. The resolution was essentially a 'get out of jail' card for large



- powers that had apparently already made up their mind that a change in regime was both timely and welcomed. That such a profoundly unlikeable personality was at the helm in Tripoli provided a free pass and additional incentive for implementers bent on putting that personality out of commission.
2. As the partisan elements of the implementation were confirmed, there were other mistakes made that further undermined the viability of UN response. The acknowledgment of a 'rebel' government that we could barely identify; the willingness to look the other way while many thousands of illicit weapons (many now on their way to Sudan) flooded the country, including from the implementing states themselves; the failure to insist that the 'rebels' abide by the same human rights standards as Gaddafi was rightly being held to – these and other mis-steps served only to anger parties such as the Arab League that had initially signed off on the resolution with some enthusiasm. For many other delegations, small and large, the message was clear: the implementing countries were clearly more interested in their own foreign policy objectives than in promoting a robust, even-handed UN system that is prevention oriented and as fair as possible to all member states.

 3. This combination of rapid diplomatic recognition of an alternative government in Libya along with robust (both formal and non-formal) supplements to that 'new' government's military capacity raises an interesting point for us. As disgusted as we were by Gaddafi over many long years, we recognize that democratic governance and civil multi-lateral relations are not preconditions for UN membership. Thus the question arises: How exactly should we have counseled the 'legitimate' Gaddafi government regarding an appropriate response to a growing insurgent threat characterized by formal (if not presumptuous) international backing and an informal network of access to vast numbers of illicit weapons supplied from sources located in other member states? In light of the sometimes less-than-stellar history of reaction to insurgency by many UN members, including some NATO states, it isn't too much to ask that we commit ourselves to investigate and debate standards of conduct in such state-threatening situations, standards that can help to clarify the impacts and repercussions of insurgency on our legitimate responsibility to protect civilians from mass atrocities.



4. For what it was worth, I made the case over and over in the early days of the Libyan adventure, including several times to US officials, that the metaphorical 'first date' for RtoP is the one on which most of us are most careful. The reason is simple. We might well want a second date. The mission creep that almost inevitably characterized Libya has already made 'second dates' much less likely, at least for now. The governments that refused (with justification) to stand in the way of a resolution on Libya have no such compulsions on Syria or other trouble spots. While diplomats tend to have short memories, we find it hard to imagine how certain powerful states, including China and Russia, will countenance a further erosion of sovereignty in the name of a shaky system for 'protecting civilians,' especially when the only current, viable implementers of RtoP-inspired interventions are their primary security competitors.

5. Where do we go from here? In the short term, we would like to see a vigorous Council assessment of the resolution and its implementation. We would also request states to ensure that private business interests flooding Libya looking for quick gains are restrained until the country can find its economic footing. While seeking full justice for victims of Gaddafi, we also seek a robust role for the government and the UN in investigating allegations of abuses against Gaddafi loyalists and perhaps against the former president himself. Given indications that the TNC is attracted to a pattern of governance predicated on Sharia Law, we strongly urge the international community to do what is needed to guarantee basic rights of participation for women. And, following the lead of the Secretary General, we hope that the UN can facilitate a process of civilian disarmament that can help dry up the vast supplies of unmarked and even illicit weapons that have literally flooded the new Libya, many of such weapons are now finding passage to Darfur and other points east.

6. And in light of the recent Council debate on the ICC referral from Libya, we acknowledge with some gratitude Russia's and South Africa's call for a thorough review of all wrongdoing where abuse of Libyan civilians is concerned, not only by Gaddafi, but by the former rebels and by the resolution implementers themselves. The point of this latter suggestion is not to arrogantly threaten NATO with international legal sanctions – a hard



bargain in any case given its military might and the membership of three permanent Council members – but to highlight and hopefully assess a pattern of response to a civilian protection resolution that both protected and at times also endangered civilian populations. We will not attempt to fix what we do not acknowledge to be broken, and there were certainly things broken in this case. Fixing what needs to be fixed is the surest way to increase the confidence of member states in the evolving patterns of UN response to the threat of mass atrocities.

At the end of the day, and in light of next summer's GA debate on 'third pillar' response capacities, it is important that we look at ways to provide the UN with tools for response that it now can only pass off to implementing powers. There is neither a need nor taste for a UN army, but some standing, rapid response mechanism with expertly trained volunteers and a fully complementary relationship to existing preventive mechanisms and peacekeeping operations could provide reliable, even-handed response in those hopefully rare situations when diplomatic engagement fails to stop the violence. We need both more – and less – than NATO to provide effective response to the threats of mass atrocities until those threats are no more.