



KC-135 Stratotanker prepares to refuel C-17 Globemaster III en route from Tripoli to Boston

The Responsibility to Protect **The Libya Test Case**

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The history of the air campaign over Libya has yet to be fully written. What might appear as yet another “operation in the Middle East” to the casual observer is in fact a revolution in global politics and the role of the United Nations (UN) as a global leadership body. The world collectively

redefined what sovereignty is and what it means to the people of the world. Operation *Odyssey Dawn* consummated the resolve of the international community to protect the global citizenry from atrocities, even those originating in their own state. *Odyssey Dawn* also presented significant challenges since it was the first operation of its kind and was

correspondingly governed by novel objectives, rules of engagement, and limitations. The result of the operation has far-reaching political and military implications that are important for both statesmen and military leaders to understand. To fully grasp the significance of *Odyssey Dawn*, it is important to understand the recent history that led to the events of the March 2011 air campaign.

While state-sponsored atrocities against domestic populations are not new, the scale, ferocity, and international awareness of such crimes were far greater in the

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20th century than in any other period. The events truly affronted the international community and eventually led to a revolution of political ideas.

Tribal violence in Rwanda between the Hutus and Tutsis in 1994 turned into a bloody civil war that removed the minority Tutsis from power and placed the previously disenfranchised Hutus in control of the country. The Hutus had chafed under the brutal rule of the Tutsis for decades, so once the Hutus seized power, they started a campaign to systematically destroy Tutsi resistance and punish them for their previous actions. This led to the rampant murder of Tutsis and eventually spiraled into widespread genocide. Although the United Nations initially sent peacekeeping troops to Rwanda, the conflict was quickly reclassified as a civil war and the UN had to extricate itself from the situation in accordance with its charter.¹

This left soon-to-be Secretary-General Kofi Annan sorely disappointed by the inability of the global community to aid those who were not protected by their own governments. The situation was desperate as women and children were raped and murdered and the global community was forced to watch, unable to intervene through the United Nations. By the end of the conflict, over 800,000 people had been executed at the hands of their own government in the short period of 100 days.²

Even while violence was erupting in Rwanda, the Balkan region was thrown into violent turmoil. Fractious new nations that separated from Yugoslavia found themselves faced with national identity crises following the disintegration of the former communist nation. While the communist dictator Josip Tito had managed to suppress much of the ethnic and religious hatred in the region, his death and the collapse of the Yugoslavian nation revived old hatreds and religious strife. The most conflicted of these fledgling nations was the small country of Bosnia-Herzegovina. The rift among the predominantly Orthodox Serbian people, Catholic Croatians, and Muslim Albanians led to genocide by the Serbs against the Albanians during the late 1990s. The murder of over 100,000 ethnic Albanian Muslims eventually forced the North Atlantic Treaty Organization (NATO) to intervene in 1999, while UN peacekeepers stationed in the country had to remain neutral as they stood by witness-

ing the atrocities.³ Unlike Rwanda, where no one intervened and the world sat idly by, despite impassioned pleas for intervention, NATO intervention in Bosnia was met with as much controversy as was the lack of intervention in Rwanda. Russia and China both argued that NATO illegally circumvented the UN Security Council (UNSC) by acting without its backing,⁴ but the action was later justified by UNSC Resolution (UNSCR) 1244.⁵

In the Millennium Report of the UN Secretary-General titled *We the Peoples*, Kofi Annan specifically addressed both the tragedies of Rwanda and Bosnia and, for the first time, suggested that the world body should intervene in the case of atrocities within the borders of sovereign nations under certain circumstances.

Humanitarian intervention is a sensitive issue fraught with political difficulty and not susceptible to easy answers. But surely no legal principle—not even sovereignty—can ever shield crimes against humanity. Where such crimes occur and peaceful attempts to halt them have been exhausted, the UNSC has a moral duty to act on behalf of the international community. The fact that we cannot protect people everywhere is no reason for doing nothing when we can. Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished.⁶

The significance of the Secretary-General's remarks was not lost on the global community. In an effort to address these concerns, the government of Canada set up the International Commission on Intervention and State Sovereignty (ICISS) in 2001. The commission submitted a report titled *The Responsibility to Protect* to the UN General Assembly and set out to develop a legal construct through which the international community could protect those who were not protected by their own governments.

The concept of the responsibility to protect (R2P), developed by the ICISS report, hinges on the belief that sovereignty grants the privilege to nations to govern independently, but it also comes with a responsibility to the people who are governed. The responsibility is for governments to protect their people from “avoidable catastrophe—from mass murder and rape, from starvation—but that when they are unwilling or unable to do

so, that responsibility must be borne by the broader community of states.”⁷ The ICISS report was significant not only because it addressed the issue of humanitarian intervention and framed it as a legal construct, but also because it attempted to lay out a prescriptive method for operational execution. It does so by dividing R2P into three distinct parts: responsibility to prevent, responsibility to react, and responsibility to rebuild. This allows for international support prior to an atrocity and for normalization after intervention has occurred.

At the 2005 World Summit, the ICISS work was unanimously ratified by the UN General Assembly in paragraphs 138 and 139 of that assembly's resolution:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter,⁸ to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII,⁹ on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States



U.S. Air Force (Kasey Close)

Airmen prepare to load 2,000-pound bomb into B-1B Lancer for mission in support of Operation *Odyssey Dawn*

build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

The next Secretary-General, Ban Ki-moon, was equally determined to ensure R2P was implemented and not simply diplomatic rhetoric. He further detailed the implications of the 2005 summit's resolution in his 2009 report *Implementing the Responsibility to Protect*. Here he detailed the responsibilities of the state and the international community as well as the importance of timely and decisive action.¹⁰

All this laid the stage for the events that would unfold in Libya as the “Arab Spring” spread from one North African state to the next, eventually sparking off the now famous protests in Benghazi during February 2011. While the protests associated with the Arab Spring were not directly associated with R2P, it was the reaction of the Libyan government, led by Muammar Qadhafi, that caught the attention of the international

community. Qadhafi on numerous occasions ordered security forces and mercenaries to open fire on unarmed protesters, leading to the death of hundreds of citizens. He also ordered his aircraft and artillery to fire on civilian populations. These actions led the UNSC to refer Qadhafi to the International Criminal Court for war crimes on February 26, 2011,¹¹ and led to the first UN decision to intervene in the domestic affairs of a nation, citing the responsibility to protect, on March 18, 2011.

On March 19, Operation *Odyssey Dawn* was under way, tasked with protecting the Libyan people from their own government in accordance with UNSCR 1973, which allowed for any necessary action to protect the civilian population of Libya and the implementation of a no-fly zone over the country, but did not allow for foreign troops to set foot on Libyan soil.¹² So in addition to being the first test of R2P, *Odyssey Dawn* was almost purely an air operation with coalition partners participating under a UN mandate.

The lessons from Iraq and Afghanistan taught coalition forces the value of protect-

ing innocent civilians in order to gain public trust when thwarting aggressors attempting to destabilize civilians' way of life. But protecting a populace is different from ensuring that innocent women and children are safe and provided with relief assistance. For the first time in history, a foreign military force was tasked by the United Nations to protect a society when the internal mechanisms of its nation failed to protect it, and that force was a complex coalition of militaries with different capabilities that was prohibited from occupying ground within the battlespace.

Planning for Operation *Odyssey Dawn* began in late February. As the United Nations was adopting UNSCR 1970, which demanded that the Libyan government end the violence,¹³ 17th Air Force was standing up 24/7 operations and was tasked with planning for a no-fly zone. The time between the start of crisis action planning and the first strike was merely 21 days. During those critical 3 weeks, the military situation on the ground and the political environment were chaotic. The international community vacillated and Washington insiders were skepti-

cal that the United States would get involved in yet another conflict in the region. This highly dynamic environment created a great challenge to planners, who were presented with new objectives, approaches, and priorities every day.

When UNSCR 1973 was passed, planners were unaware of the precedent that had been set, but they knew that what the UN had authorized presented a unique military objective and many challenges. The plan was to start by creating a permissive environment for coalition aircraft to operate in. This would maximize military effects, minimize risk to coalition forces, and limit expansion of committed forces due to surface-to-air casualties. The first task was to shut down Libyan air operations and air defenses. This represented the first layer of the onion that needed to be peeled back before airpower could discharge the task of protecting the Libyan people. Specifically, the longer range surface-to-air missiles that could threaten the Airborne Warning and Control System, Joint Surveillance and Target Attack Radar System, and tankers needed to be disabled immediately, followed by the rest of the Libyan integrated air defense system (IADS).

Although dismantling a nation's IADS is never easy, it is a familiar operation for air planners. The challenge to gain air superiority and establish the no-fly zone was next. Aircrews generally strike two types of targets: fixed and mobile. Attacks on fixed targets are typically planned ahead of time and have clear objectives, such as bombing a command bunker or striking a critical node in a power or communications network. Mobile targets are typically identified in a more dynamic environment and in close coordination with fielded forces that have real-time intelligence about the situation on the ground. The mandate in UNSCR 1973 that the coalition not field an occupying ground force complicated this type of targeting. The solution was to use U.S. crews trained to fly strike coordination and reconnaissance (SCAR) missions when operating in close proximity to the civilian population. These crews were able to find, fix, and finish targets from the air without confirmation from ground forces.

In traditional warfare, forces have a clear enemy and know who their allies are, but not much was known about the resistance in Libya, and the United Nations was not taking sides. All that was known was

that the Libyan government had perpetrated crimes against the population, and it was the coalition's responsibility to make sure no one else on either side did it again. This environment placed a huge burden on the aircrews, who had to make difficult decisions while striking tactical targets, knowing a mistake would have huge strategic implications. In addition to the difficult task these airmen faced, they were operating within an ad hoc coalition of operational partners, including some who had never worked with each other and many with systems that did not operate well together. The professionalism, training, and experience of those coalition aircrews made this extremely complex operation possible.

The translation of R2P from diplomatic theory to daily target selection was made more difficult by unique command structures and the coalition environment, which added to the complexities of execution from both a policy and a capability standpoint. Few of the partners possessed all the capabilities needed to perform many of the command and control, targeting, and integration functions required in this type of dynamic air operation. Additionally, the tactical systems and training needed to make many of the surgical dynamic strikes were resident with only the most advanced partners.

The importance of a military coalition in such an operation was far more significant than the capabilities that individual nations brought to the table. It signified the global community's commitment to stand against the criminal activities of a government that perpetrated crimes against its own people. In the case of Libya, Washington felt strongly about transitioning to a non-U.S.-led operation, and since the majority of the partners were also NATO members, the decision seemed clear. On March 31, 2011, a mere 13 days after the first sorties were launched, the U.S. command element transferred operational control to NATO. Operations continued under NATO-led Operation *Unified Protector* for an additional 7 months, when the rebel leaders had created a National Transitional Council and officially declared Libya liberated. The events in Libya since have been tumultuous, but it is important to remember that R2P is not about nation-building or removal of national leaders. The mandate is simply to protect innocent civilians from violence, which was accomplished in Libya.

It is important to note that Russia and China, which hold veto authority on the Security Council, abstained from the vote on UNSCR 1973. However, after the military intervention began, Russian Premier Vladimir Putin expressed concern, which was echoed by the Chinese Communist Party, that R2P was an excuse for the United States, United Kingdom, and France to forward their political and economic interests in the region and not the altruistic protection of civilians.¹⁴ Whether Russia and China truly believe this, it will be difficult for them to either vote for or abstain from future UNSC resolutions to enforce R2P without these statements reverberating.

R2P will continue to be debated as the United Nations struggles with future examples of civilian abuse by those in power. The precedent has been set in Libya, but it is important to remember that international order is not governed by precedent as much as *realpolitik*. The questions that remain are whether future R2P interventions will be authorized and under what unique circumstances some of the more reticent UNSC member nations would allow for intervention. Examples of civilian casualties emerging from the fighting in Syria could justify intervention in accordance with R2P, assuming all of the preceding measures were taken, but the political will of the UNSC is notably absent. This begs the question of whether Operation *Odyssey Dawn*'s mission to shoulder R2P will be the first of many operations to protect those who cannot defend themselves or merely a historical footnote, relegating enforcement of R2P to the long list of good ideas that failed to take hold. As Kofi Annan stated, "The fact that we cannot protect people everywhere is no reason for doing nothing when we can."¹⁵

If R2P is to be implemented again as a justification to act, it will certainly include a far more restrictive set of limitations, and the approval of Russia and China may prove more difficult to obtain. These nations and other UNSC member states are motivated by national agendas leading to permanent member intransigence, watered-down authorizations, and bureaucratic entrenchment. Overcoming these agendas will prove crucial to the UNSC approving action by citing R2P in the future. But other obstacles exist outside of the political arena, not the least of which is the military might of potential adversaries.

Idealism aside, no one will attempt to enforce R2P when the object state is capable of inflicting significant harm on the force prosecuting the action. That begs the question of how much perceived risk contributing nations would be willing to undertake to defend the citizenship of a foreign nation. As seemingly novel as the air-only approach appeared, it may be the means for future R2P enforcement because it is less risky when applied against less sophisticated states. While the claim that airpower can unilaterally win major conflicts is a little far-fetched, its ability to win more limited objectives while avoiding long-term entanglement is well documented. Historically, airpower has been able to accomplish this at a much smaller human cost than surface forces could. With these considerations in mind, for R2P enforcement to be exercised again it would require that none of the UNSC permanent member nations have close ties to the offending nation, the offending nation does not have credible means of inflicting harm on coalition airpower, and the environment is favorable for airpower enforcement.

Libya was a perfect environment for R2P enforcement because its leadership lacked meaningful allies and significant military capability and resided in a desert where it is hard to hide from air strikes. Even if another perfect case arises, we must be careful not to use *Odyssey Dawn* as a template. That does not mean that valuable lessons cannot be drawn from the conflict.

Given that an air-centric solution to future operations such as *Odyssey Dawn* is likely, it is important to ensure that U.S. airpower providers remain prepared to fight independent of surface forces. The lesson the United States should take away from the Libya operation is that it must retain military flexibility. As our forces work to enhance joint integration among sister Services, we must not come to rely too heavily on other component forces. The ability to conduct SCAR missions was critical to making *Odyssey Dawn* possible and highlights the need for such organic capabilities. Despite future fiscal constraints, we must retain vital resources that allow for this type of flexibility and enhance them when possible. Additionally, we must purchase and train with a variety of munition types and yields. Variable yield warheads allow for surgical strikes with adequate stopping

power while minimizing collateral damage. This will be critical as we prepare to engage in operations spanning the spectrum of conflict, requiring us to find new ways to harness violence in the pursuit of our objectives. Finally, we must train our warfighting leaders from the start to make critical decisions in a dynamic environment. This can be done by seeking out highly promising young officers and deliberately placing them in command and control billets such as the Combined Air Operations Center and the Joint Operations Center to foster operational decisionmaking. While the U.S. military creates independent-minded leaders better than anyone in the world, we must redouble our effort. Warfare is constantly evolving. As we find new ways to apply coercive force against our adversaries in new regions, we will continue to see military leaders challenged with unforeseen scenarios. The threat from contested airspace and the challenges governed by political constraints are just a few types of the dynamic environments our Airmen will face. The specter of communication disruption, which is the new fog of war, necessitates that we focus on training to make distributed operations viable and more than just a catch phrase. It is critical that we inculcate the broad range of knowledge necessary to best equip those leaders and empower them to lead at all operational levels and within complex coalition environments.

The legacy of R2P politically, regardless of future implications for military intervention, is its implications for sovereignty. R2P is arguably the most radical adjustment to sovereignty since the Peace of Westphalia was signed in 1648. Now sovereignty does not simply protect the nation; it also protects the citizens from the nation. This concept is a victory for democracy because it pledges to support sovereign rule only when it protects the populace it governs. **JFQ**

NOTES

¹ United Nations (UN) Charter, Chapter II, Article 2, Paragraph 1, states, the “Organization is based on the principle of the sovereign equality of all its Members.” Paragraph 7 states, “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice

the application of enforcement measures under Chapter VII.”

² “Rwanda: How the genocide happened,” BBC, December 18, 2008, available at <<http://news.bbc.co.uk/2/hi/1288230.stm>>.

³ “Bosnian Genocide,” *History.com*, n.d., available at <www.history.com/topics/bosnian-genocide>.

⁴ Russian President Boris Yeltsin was prepared to use UN Security Council veto authority to “block action in the Balkans, but never had the opportunity when [the North Atlantic Treaty Organization] made an unprecedented move of acting unilaterally without a UN resolution.” See Clara Portela, *Humanitarian Intervention, NATO and International Law: Can the Institution of Humanitarian Intervention Justify Unauthorised Action?* (Berlin: Berlin Information-center for Transatlantic Security, December 2000).

⁵ See “NATO,” *Politics.co.uk*, 2012, available at <www.politics.co.uk/reference/nato>.

⁶ Kofi A. Annan, *We the Peoples*, Millenium Report (New York: UN, 2000).

⁷ International Commission on Intervention and State Sovereignty (ICISS), *Responsibility to Protect* (Ottawa: International Development Research Center, 2001).

⁸ Chapters VI and VIII of the UN Charter address Pacific Settlement of Disputes and Regional Arrangements, respectively.

⁹ Chapter VII addresses Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.

¹⁰ Ban Ki-moon, *Implementing the Responsibility to Protect*, Assembly Report (New York: UN, 2009).

¹¹ A warrant for Muammar Qadhafi was issued June 27, 2011, by the International Criminal Court. See International Criminal Court, “ICC-Press and Media-Press Releases,” June 27, 2011, available at <www.icc-cpi.int/NR/exeres/D07229DE-4E3D-45BC-8CB1-F5DAF8370218.htm>.

¹² Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), 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 any form on any part of Libyan territory. See United Nations Security Council, “UNSC Resolution 1970,” New York, 2011.

¹³ *Ibid.*

¹⁴ John Chan, “China and Russia criticize Libyan bombing campaign,” *World Socialist Web site*, March 25, 2011, available at <<http://wsws.org/articles/2011/mar2011/chru-m25.shtml>>.

¹⁵ Annan.