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Long-term implications of adopting the no-fly zone over Libya: Principles of interventions, US responses and Middle East consequences

The uprisings in North Africa during early 2011 have come to spark an unexpected political fire across the wider Middle East. The geostrategic implications are profound and are likely to have changed the game for decades to come. One important element contributing to this 'game changer' has been the internationalisation of the Libyan conflict. Officials in Stockholm and Brussels will now have to engage in complex analysis of the policy implications of this uprising for future foreign and defence planning. In this brief, an examination is made of the policy implications of adopting and implementing the Libyan no-fly zone under a UN mandate. Four elements are discussed: the role of the US hegemony in the face of its engagement in Libya; the current debate on the 'responsibility to protect' principle; the future security dynamics among Arab states (following the internationalisation of the conflict in Libya); and the long-term implications of the no-fly zone policy.

Setting the stage for Libya's future: UN actions

Acting under Chapter VII, the UN Security Council on 26 February 2011 adopted Resolution 1970 (2011) after weeks of popular unrest across the country and the wider Maghreb region. The resolution authorised mandatory action to isolate the Libyan regime following the indiscriminate use of violence against its own citizens. The UNSCR stipulated that the situation in Libya called for the imposition of: 1) An arms embargo on the entire country (apart from *exemptions* provided for by the UN Security Council's Subsidiary Committee for Libya); 2) the imposition of a travel ban and assets freeze on leading regime members and state companies (as defined by Security Council members); and 3) referral of the situation to the International Criminal Court for further investigation regarding severe human rights violations.

In the period that followed no sign of change in political behaviour was evident. Discussions at the Council led it to vote again on 17 March in favour of UNSCR 1973

(2011). By now, military events on the ground were tilting favourably towards Gaddafi loyalists (in part due to his superior air power), which generated intense discussions over the need to establish a no-fly zone over the important parts of Libya as soon as possible. Despite initial reluctance by several council members, such as Russia, China, India, Brazil and Germany, which later agreed to abstain from voting against the resolution (Germany's foreign minister stated: 'Germany has a strong friendship with our European partners'), UNSCR 1973 (2011) was finally approved without a Council veto.

Key elements of the more forceful UNSCR 1973 (2011), include: 1) An end to violence and all attacks against, and abuses of, civilians; 2) dispatch of a UN Special Envoy to Libya (and an invitation to the Peace and Security Council of the African Union to do the same) in order to facilitate dialogue and to protect civilians and civilian-populated areas under threat of attack in the Libyan Arab Jamahiriya; 3) recognition of the important role of the League of Arab States; 4) imposition of a no-fly zone; 5) authorisation of UN Member States to act nationally or through regional organisations such as the Arab league or arrangements to enforce compliance with the ban on flights; 6) a call to states of the region, acting nationally or through regional organisations or arrangements, in order to ensure implementation of the arms embargo and inspections in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from Libya; 7) a ban on flights and expansion of designated sanctions. Clearly, the prospect of imposing a no-fly zone would inevitably change the political and military dynamics on the ground, possibly with implications for the wider region. However, in a historical retrospect the reluctance to quickly respond to the humanitarian crisis could potentially have the unintended consequence of triggering a debate on whether the decision ultimately came too late to save lives on the ground (Gaddafi loyalists were close to overrunning the final stronghold

of the rebels in Benghazi by the time the resolution was passed).

The outstanding questions at the time of adoption on March 17 were how far the mandate on ‘protection of civilians’ could be taken and whether or not the exceptionally wide UNSCR 1973 (2011) allowed military engagement on the ground. A second important but unresolved issue concerned the limitations of the effectiveness of such a policy. Yet, beyond the immediate answers to these particular questions, the UN Resolution provided for new mandatory aspects that would create precedents not only for Libya, but also for the wider region and beyond. Below, some possible long-term consequences of the decision to impose a no-fly zone in Libya are discussed.

US hegemony strengthened

Despite not stepping up to the political fore in the coalition to uphold a no-fly zone, the US is nonetheless bearing the main load of the military engagement in Libya. This follows from the simple observation that the US *is*, and will continue to be, the sole hegemon in decades to come. The reluctance by the US not to act and not to drive forward a bilateral military engagement should be perceived as a carefully tailored strategy on the part of the White House. Rather than pushing for a military engagement that could easily feed Arab dictators with propaganda on yet another ‘crusading’ attempt, the US, together with willing allies (in this case the UK and France), have sought to ensure – by all means necessary – that intervening in Libya is not perceived as another war with a Islamic country. A misunderstanding or a sceptical reading by the Arab masses could easily lead to more negative sentiments towards the West among the democratic Arab movements. Furthermore, Washington has to carefully balance further action in Libya with its previous record of intervention in other Arabic or Muslim countries, which since the 1990s has included countries such as Iraq 1990/1991, Somalia 1992/1994, Bosnia 1993, Sudan 1998, Iraq 1998, Yemen 2000 (+), Afghanistan 2000, Iraq 2003, Pakistan 2005 (+), Somalia 2006, Syria 2008, Yemen 2009, Libya 2011. However, the projected image of a ‘reluctant’ or ‘hesitant’ US power when it comes to foreign engagement is what critical theorists scholars have lately portrayed as a *hegemon acting in disguise*, i.e. although wanting to manifest power, it pretends not to have any clear strategic goals in order to

have other states serve its interests. This strategy serves several aspects of US politics, as it simultaneously saves US money and US lives and promotes US geostrategic interests.

Having ensured as best they could that Arab countries and their people would not view any forthcoming US engagement in Libya as a crusade, in the days leading up to UNSCR 1973 (2011) the White House finally called for the imposition of a no-fly zone. Following events on the ground that were about to tilt the military situation in favour of the Gaddafi regime, rebels and other Arab/Muslim commentators elsewhere in fact *called* for US engagement. Such demands have not been seen in the Arab world for decades, apart from loyal allies in the Gulf, and will likely bring about a shift towards a new relationship between Arab democracies and the US and the West. Regardless of the outcome, the US may have emerged from events in Libya as a clear winner considering the improved relations with the Arab peoples. However, what we are seeing is a *hegemony in disguise* calling for other countries to shoulder responsibility with regard to enforcing the no-fly zone. Thus, as noted above, while it may appear as if the US is overstretched, its motive is only to look for political and economic burden-sharing and for a way to sweep off insinuations that the US sets the agenda on invasion into Libya (read Arab/Islamic country). Ultimately, however, the US has set the agenda and determined the rules of engagement for any actors with interests in the region.

The debate on the responsibility to protect

A long-term consequence of UNSCR 1973 (2011) and military engagement to implement a no-fly zone is a revitalisation of the principle of responsibility to protect (R2P) by the UN. More specifically, UNSCR 1973 (2011) establishes that ‘the widespread and systematic attacks [...] against the civilian population may amount to crimes against humanity’. Recalling that such crimes, along with genocide, war crimes and ethnic cleansing, are the triggering conditions for humanitarian interventions, this resolution clearly links to the normative principle of responsibility to protect (a principle adopted by the UN in 2005). More specifically, an element of the resolution is to ensure that ‘protection of civilians can be fulfilled’ (coupled with other strategic measures such as targeted sanctions). As opposed to the more general principle, R2P on the protection of

civilians, which was adopted in 1999, sets out the particular means and tasks to ensure that civilians are saved from harm. Consequently, the UN resolution provides the means to ensure this. Indirectly, the UN resolution also sets the benchmark for how seriously the UN views the situation in Libya and how to relate to other conflict situations in the region. Thus, having framed the Libyan conflict as a case where the R2P norm could be applied, other situations in the region such as developments in Yemen, Bahrain and Syria may in the future have to be assessed with this in mind. In any case, this is how the debate is likely to unfold.

A key question then will be why the 'Libya' situation was considered an appropriate R2P case and not other one-sided killings against peaceful protesters in other parts of the Arab world. In this context, the criteria on which military engagement is based become important. The threshold level coupled to the principle of *just cause* is of particular pertinence in the Libya case, as it provides precedents for the wider Arab region (compare previous historical examples such as Bosnia, Rwanda, Somalia, Kenya, etc.). The use of the R2P principle as well as the protection of the civilian element in tackling Libya may be a cause of concern for other countries in the region facing popular revolts. However, in this debate, the *uniqueness* of each potential case for intervention must be stressed and there are no general principles to be applied across all circumstances. (In the case of Libya, there is 40 year record of quarrels with the international community. This was an important argument that helped paved the way for the 1973 [2011] resolution.)

More generally, however, there is a growing recognition that the R2P principle cannot be applied in all circumstances where human rights violations occur and where governments have 'lost' their right to govern citizens. Even if there is political will and clear-cut ends, resources will be scarce or unfit as means. The international community will therefore have to pick its fights. Libya proved to be one of these because it fulfilled a number of criteria, not least because there was a manifest political will based on strategic interests, i.e. beyond that of the humanitarian urge 'to act and to do something'.

The future security dynamics among Arab states

The larger context in which the no-fly zone over Libya has been implemented also has consequences for the security dynamics among Arab states in the region. Separate patterns of protests and government reactions have come to swing Arab states in different political directions. This may shift security relations in the region.

First, UNSCR 1973 (2011) provides support for regional organisations in the maintenance of the resolution, in particular the Arab League. The Arab League, having trouble to gather any real momentum in recent decades, has clearly been deemed an important platform for shouldering responsibility for any developments in the region. Hence, the League will continue to play an important role in world affairs, regardless of the democratic wave currently taking place in the region. It will also position itself as a regional body influencing North Africa, thereby 'occupying turf' where the African Union has an increasing stake. In fact, the general uprisings in Libya and Egypt have far-reaching consequences for the Arab League (given that these countries provide strong financial support for the AU).

Second, the decision to allow military engagement via a no-fly zone in another Arab country (as well as the decision to freeze membership of a member state for the first time) was not taken unanimously. Countries such as Algeria and Syria voted against the motion. Such a decision will not be forgotten in countries supporting the no-fly zone.

Third, there will be long-term consequences for most players in international affairs given the new and active engagement of some Arab states in joining major Western powers in military intervention in another Arab country, e.g. Qatar, United Arab Emirates and Jordan. This will cause intra-Arab friction in years to come.

Long-term advantages and disadvantages of a no-fly zone

There are various advantages and disadvantages with imposing a no-fly zone. Beginning with the advantages, two main outcomes can be identified. First, the no-fly zone provides a symbolic message, stigmatising the regime in Tripoli and highlighting the concerns of the international community about the Gaddafi government in Libya. The success of such a no-fly zone will most likely encourage future use of no-fly zones when necessary. Secondly, there are military gains: i) The implementation of a no-fly zone will immediately clear

the air space of regime loyalists; ii) thus providing military advantages for opposition forces advancing on the ground; iii) preventing Gaddafi and his regime loyalists from importing weapons and possibly mercenaries by air. Politically, the enforcement of a no-fly zone may also have the benefit of speeding up the process of ending the overall conflict in Libya. Most notably, a no-fly zone could also help prevent Gaddafi and other regime loyalists from fleeing the country in order to escape being held legally accountable for their political behaviour.

The main disadvantage, as touched upon earlier, is the impact that the no-fly zone will have on future decisions on no-fly zones, as enforcing states will always turn to previous historical records. Thus, the outcome of the no-fly zone in Libya will have implications for the future. It is therefore particularly important to underline that UNSCR 1973 (2011) on Libya was based on circumstances with their own particular dynamics. As previous historical records of no-fly zones suggest, the imposition of a national ban on aviation is most likely to have implications for aerial shipments of humanitarian goods and infrastructure into the region. The use of a no-fly zone as a possible measure in other parts of the region will be judged against negative side-effects and unintended consequences in the case of Libya (casualties, suffering of ordinary Libyans with no access to foreign goods, items, services and commodities such as medicine and food).

The most problematic and long-term aspect of the no-fly zone from a Western perspective is that it partly takes away the spirit of the internally led uprisings sweeping across the region. Having originally been a popular uprising, the Libyan situation has been transformed to a civil war with engagement by international actors. This development will clearly have a strong impact in other Arab countries where popular

uprisings are still spreading. Lastly, from the perspective of people involved in uprisings elsewhere, international involvement is likely to provide a boost to popular efforts. In other words, international engagement in Libya will increase the confidence of other groups taking part in regional revolts. However, without an appropriate response, i.e. international support does not materialise, the immediate confidence in expected foreign support could dissolve. It is clear that because of realpolitik considerations, such foreign support and backing will not always arrive promptly and this could potentially cause deep and long-term distrust. From the perspective of governments in countries across the region where popular uprisings are unfolding, international engagement will cause a sense of insecurity. No government can be entirely sure of the support of Western allies in any given situation. Three Arab leaders have already been 'betrayed' by Western support, despite expectations of such: Tunisia's Ben Ali, Egypt's Mubarak and Libya's Gaddafi. There has already been outrage among other Arab leaders relying on the West for their survival, not least among the rulers in Saudi Arabia. This in turn will affect future policy planning among Arab leaders in the region in the years to come.

Ultimately, the 'success', or rather the impact, of the no-fly zone will be determined by a multitude of different factors. The most important of these is whether it served to save lives on the ground and establish conditions for a political dialogue across Libya and the wider region.

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