



# Did Operation Unified Protector Strengthen R2P?

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The beginning of the Arab Awakening and its mass-based social and political mobilizations has spurred a dynamic debate about whether and how the international community should support and back the revolutions across the Middle East and North Africa region. An especially thorny and controversial issue has been that of armed intervention: are there circumstances under which external parties should become militarily involved on the ground? If yes; with what goal? Debates over the legitimacy of direct external intervention have been widely discussed in the past few years; often with a specific reference to the emerging ‘responsibility to protect’ (R2P) norm.

The concept itself began to be employed in the [early 2000s](#) as a term of reference to replace the more ambiguous and controversial ‘humanitarian intervention’ framework. The idea of R2P broadly posits that sovereignty, beyond rights, also encompasses duties; and specifically the obligation for each state to guarantee the safety and protection of its citizens. If the state is unable or unwilling to do so, the international community has a responsibility to assist it, and if these efforts also fail, outside intervention—including but by no means limited to military action—can become justifiable. Since the endorsement of the concept within the international community, first by the [United Nations General Assembly](#) and then by the [UN Security Council \(UNSC\)](#), the principle of R2P has been used to both stress individual countries’ [obligations](#) towards their own people, as well as to argue in favor of international intervention to uphold the principle.

In this context, the UNSC’s authorization of the use of force in Libya is often cited as a watershed moment in the development of R2P. But did military

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intervention in Libya assist or hinder in the strengthening of a global 'responsibility to protect' norm?

To some observers, the Libyan intervention gave R2P the boost it needed. They argue that the principle itself was invoked to support external military intervention. Accordingly, this gave R2P 'teeth' whilst showing its growing international legitimacy and acceptance. Yet, a closer reading of the international community's reliance on R2P in the weeks preceding Operation Unified Protector may lead to lesser enthusiastic evaluation. On the one hand, it is true that both [UNSC 1970 \(2011\)](#) and [1973 \(2011\)](#) urged the government of Libya 'to meet its responsibility to protect its population' thus openly referring to R2P. On the other hand, when it came to justifying the use of force, the UN Security Council grounded its authorization on Chapter VII of the UN Charter, after labeling the violence taking place in Libya a threat to international peace and security.

On balance, while the period leading up to NATO's Operation Unified Protector did show a growing role and relevance for the R2P norm in the international arena; still it would be an exaggeration to say that military intervention was grounded solely (or even predominantly) on R2P. This is the case even though it is possible to justify Operation Unified Protector according the 'R2P' criteria: the intervention came in response to the Qaddafi government's manifest brutality and unwillingness to halt targeting of its population and it was encouraged not only by prominent internal defections but also backed by significant regional support. The use of force was also directly authorized by the UNSC, though Resolution 1973 (2011). Finally, the [official mandate](#) of the operation, which included employing all 'necessary means' to protect 'civilians and civilian

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populated areas under threat of attack’ was—despite being quite broad in its scope—was similarly in line with the R2P framework.

But whether it would be correct to state that R2P was revitalized in the discussions leading up to the beginning of Operation Unified Protector, it is important to look at both the conduct and the legacy of the intervention to make a more long term assessment of its impact on R2P.

Here the record is decidedly mixed. Operation Unified Protector’s mandate was about civilian protection, while explicitly excluding a military occupation of Libya and reiterating the international community’s commitment to ‘Libya’s ‘sovereignty, independence, territorial integrity and national unity.’ Yet in its actual military operations it is possible to see how the military mandate was gradually stretched beyond the original (or intended) boundaries, leading to the de facto pursuing of regime change in Libya. By the spring of 2011, military sorties against the regime’s military and communication gradually went beyond merely disabling the government’s capacity to harm the civilian population and directly focused on weakening the regime’s military capabilities, in turn key to shifting the balance of power against Qaddafi. This is especially the case as NATO’s military operations, including air-cover provision for opposition forces, went hand-in-hand with coalition members, like France or the UK, active train and equip programs of rebel groups.

While these actions were not blatantly disregarding UNSC Resolution 1973—they indeed be seen as necessary to prevent and halt targeting of the civilian population—still they certainly stretched the mandate to ‘the absolute limit’—as argued by Gareth Evans. While such ‘mission creep might have been inevitable and dictated by the changing realities on the ground, still in NATO’s gradual expansion of its operations went de facto well beyond the UNSC 1973.

In turn, this fueled criticism from countries like Russia or China, states that were already skeptical about the merits of the R2P framework and championing a much stricter interpretation of state sovereignty and the right to non-interference. Put simply, the 'generous' interpretation of the mandate in Libya contributed to further curb the international enthusiasm for the emerging R2P norm. It allowed countries like China to become even more skeptical and reluctant to authorize future 'R2P' operations, citing the risk that the limited mandate will be then extra-judicially expanded to pursue regime change. Criticism has also come from countries lacking a strong pro-state sovereignty stance. For example, Brazil has argued for the creation of stricter guidelines and monitoring mechanisms to prevent future unauthorized expansion of the norm.

In this context, the Libyan experience has certainly not helped making the case for R2P or strengthening its popularity on the global stage. The general skepticism towards R2P in Libya undermined the level of international consensus for the R2P norm and laid the basis for the reluctance to authorize a similar mission in Syria. At the same time, it is important not to over-emphasize the link between Libya and Syria. Geopolitics explains the lack of R2P intervention and UNSC agreement on Syria better than international law. Here factors like the Syrian regime's better air-defense system and military apparatus, the strong economic and political interests of countries like Russia in supporting the Assad regime, the more fractionalized nature of the anti-Assad opposition, and the far less prominent direct national interests of NATO member countries in Syria all help understanding the lack of agreement and decisive strategy to deal with the protracted and blood conflict.

Still, Operation Unified Protector did not strengthen the overall stance of R2P on the global arena, while underlining some of the pre-existing dilemma related to humanitarian intervention, including how to prevent its politicization (or whether that is possible at all); how to ensure strict adherence to the mandate and how to remain engaged in the ‘day after’—another key shortcoming of the Libyan intervention.

Image of RAF Typhoon pilot climbing into the cockpit before a mission over Libya by Defence Images via [Flickr](#).

**Dr. Benedetta Berti is a foreign policy and security researcher, analyst, consultant, author and lecturer. Her work focuses on human security and internal conflicts, as well as on post-conflict stabilization (specifically integration of armed groups, democracy/governance and crisis management and prevention) and peacebuilding. Dr. Berti is the author of three books, including [Armed Political Organizations. From Conflict to Integration](#) (Johns Hopkins University Press, 2013) and her work and research have appeared, among others, in *Al-Jazeera*, *Foreign Policy*, *Foreign Affairs*, the *Wall Street Journal* and *The New York Times*. She is a fellow at INSS, a TED Senior Fellow, a FPRI Senior fellow, a Young Atlanticist Fellow, a Körber Foundation’s Munich Young Leader and a member of the UN Alliance of Civilizations “Global Experts.” In 2015 the Italian government awarded her the Order of the Star of Italy (order of Knighthood).**

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