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Heavy Nala Estriani

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# Assessing the Decade After: A Critical Analysis of Responsibility to Protect (R2P) in the Libya Intervention

**Heavy Nala Estriani**

Department of International Relations, University of Mataram, Indonesia

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## Abstract

Currently, 12 years post-NATO intervention, Libya falls into the category of a fragile state, with worsening indices in the economic, security, and social aspects since 2011. While not a new topic, the situation in Libya in 2011 can always serve as a lesson and exemplification of the discourse on humanitarian intervention, specifically the principal aspects of Responsibility to Protect (R2P). The current situation in Libya raises questions about whether there were flaws in the military intervention carried out by the NATO alliance in 2011. This paper aims to analyze the just ad bellum features related to the principal aspects within R2P were implemented in the NATO intervention in Libya. Thus, this study argues that the failure of the military intervention in Libya is due to the non-fulfillment of the basic aspects of Responsibility to Protect (R2P), especially in relation to just ad bellum, such as right authority, last resort, just cause, right intention, proportional means, and reasonable prospects in carrying out humanitarian intervention.

## Key Words

Libya, R2P, Intervention, Humanitarian, Just ad bellum

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## 1. Introduction

The resolution of the conflict in Libya during the upheavals of the Arab Spring in 2011 appeared to proceed more expeditiously compared to other countries such as Syria, Egypt, and Yemen. This is evident in the international community's response, particularly from Western states advocating for humanitarian intervention in Libya. These demands were swiftly addressed by the United Nations Security Council, leading to the issuance of Resolution No. 1973 on March 19, 2011 (UN Security Council, 2011). In this mission, NATO and its coalition, notably the United States, were mandated to address the ongoing conflict with three primary objectives: imposing an arms embargo, establishing a No-Fly Zone, and taking actions to protect civilians against attacks by Muammar Gaddafi's forces. After Gaddafi was killed by NATO involvement, the operation known as Operation Odyssey Dawn's mandate ended on October 31, 2011. (Charbonneau, 2011).

In addition, even if the humanitarian intervention is being executed, the main objective of the mission—saving civilians—has generated a number of debates and criticisms. This is due to the increasingly unstable post-intervention situation in Libya as well as the fact that the Western-dominated intervention is notorious for its ambiguity, application of double standards, and seeming selectivity motivated by special interests. This paper will then analyze the principal aspects of the Responsibility to Protect in the case of Libya. It questions why, despite 12 years

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\*CORRESPONDENCE Heavy Nala Estriani | [heavynestriani@unram.ac.id](mailto:heavynestriani@unram.ac.id) | Department of International Relations, University of Mataram, Jl. Majapahit No.62, Gomong, Kec. Selaparang, Mataram City, 83115, West Nusa Tenggara, Indonesia

after 2011 intervention, the security situation in Libya continues to deteriorate. Why hasn't the resolution pertaining to military intervention in Libya succeeded in bringing about the return of normalcy to the nation. In light of just ad bellum, this essay contends that the failure of military intervention in Libya can be attributed to the failure to uphold the fundamental requirements of Responsibility to Protect (R2P), including right authority, last resort, just cause, right intention, proportionate means, and reasonable prospects for carrying out humanitarian intervention.

## **2. Analytical Framework: The Principal Aspects of Responsibility to Protect (R2P)**

The debate between the value of national sovereignty and the international community's responsibility to uphold universal values and norms regarding the protection of Human Rights (HR) is an aspect that gives rise to efforts to carry out humanitarian intervention (Zajadlo, 2005, p. 659). In this context, a state's justification for intervention is related to the norms of human rights that should be advocated by all parties against anything that could threaten those rights. This perspective, in the context of international relations, aligns with the constructivist idea that views intervention as a form of enforcement of international norms that have been violated.

In its development, the debate on humanitarian intervention is closely linked to the aspects of legality and legitimacy. Humanitarian intervention often contradicts the concept of non-intervention as an embodiment of a nation's sovereignty. In response to this debate, the concept of Responsibility to Protect (R2P) began to be developed by the International Commission on Intervention and State Sovereignty (ICISS) in 2001 through a report formed by the ICISS (Evans et al., 2013). The document comprehensively regulates the basic rules, procedures, and criteria for humanitarian intervention, particularly to ensure that intervention is not only assessed from a legitimacy perspective but also from the effectiveness of humanitarian intervention itself.

Under the concept of R2P, states bear a full obligation and responsibility for the protection of the human rights of their citizens. However, when a state is no longer capable of safeguarding human rights, marked by actions such as genocide, war crimes, ethnic cleansing, and crimes against humanity, the international community has a responsibility to intervene, disregarding the sovereignty of that state. Therefore, in R2P, humanitarian intervention using military instruments is not only seen as a moral 'right' but has transformed into a 'duty,' namely the obligation of the international community to be actively involved in such situations (Pattison, 2008, p. 263).

Since its initial introduction, the Responsibility to Protect (R2P) concept has sparked a great deal of discussion. This was particularly true when the R2P idea was applied to humanitarian action during the military intervention in Libya. The Responsibility to Protect (R2P) concept was questioned and debated in connection to Libya since it was perceived as a failure to achieve the primary goals of humanitarian action. The two main tenets of just war<sup>1</sup> theory—just ad bellum and just in bello—are the focus of this debate. The former describes the circumstances that warrant the beginning of a war or other type of intervention, whereas the latter is concerned with the ethical issues surrounding the tactics used in the conflict. The aforementioned principles serve as a framework for analyzing the morality and rationale of armed conflicts. This allows for a thorough evaluation of the motivations behind initiating a war as well as the moral behavior displayed during it (Acharya, 2002; Janse, 2006). Following these talks, a number of academics have proposed rules or specifications regarding the proper time and means of military intervention. This is significant because, occasionally, a humanitarian action has not succeeded because the just ad bellum aspect was not taken into account.

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<sup>1</sup> Warfare that is defended by a moral or legal precedent is known as just war. While establishing moral limits on the use of force, just war theory assumes that there are appropriate uses for war. The just in bello and just ad bellum are two major issues it addresses about the ethics of war and peace (Acharya, 2002; Janse, 2006).

As stated in the R2P ICISS document, there are six considerations that should be made when implementing R2P in military intervention: just cause, right intention, last resort, proportionality, realistic prospect, and proper authority. When it comes to just cause, the intervention's goals have to be very clear. Furthermore, the goal of the intervention must be consistent with humanitarian considerations in order to have a justifiable intention. Therefore, the primary objective of the intervention should be to safeguard civilians from human rights crimes (Kříž & Fridrichová, 2015). Intervention is then employed in this case only after all other avenues for resolving the disagreement have been exhausted, in accordance with the principle of last resort. This suggests that the idea of intervention is that it's the last chance to find a solution. The concept of proportionate means emphasizes how important it is to match the type of force used in an intervention with its goals or processes. The issue with the Alliance's military operations is that they don't specifically target rebel groups who pose a threat to people. Instead, these are unilateral actions designed to weaken the government machinery and lay the groundwork for its ultimate overthrow (Evans et al., 2013).

In addition, a reasonable possibility requires that any action safeguard civilians and not worsen the situation than it might if the conflict continued unchecked by the international community. A reasonable prospect is more concerned with the possibility that the intervention will be successful, as determined by how well it can address the ongoing breaches of human rights. The idea that an intervention is effective only if it succeeds in toppling or replacing a country's governing regime is false; rather, the measure of success depends on how well it addresses violations of human rights (Acharya, 2002, p. 375). Finally, with regard to appropriate authority, any actions taken must adhere to the legality principle and be validated by a UN Security Council authorization.

### **3. Results and Discussions: Examining the Implementation of R2P's Principles**

The use of NATO military force in Libya for humanitarian purposes is a relevant case study for evaluating the implementation of the Responsibility to Protect (R2P) doctrine. The post-Gaddafi situation in Libya has not improved despite the intervention; on the contrary, it has gotten worse. Libya battled to establish a democratic governance structure in addition to failing to regain security and stability. After the intervention, extremism and terrorism emerged, exacerbating power struggles, secession attempts, and numerous rebellions, as well as intensifying disputes amongst tribal groupings. This made peace-building efforts difficult to implement (Kuperman, 2016).

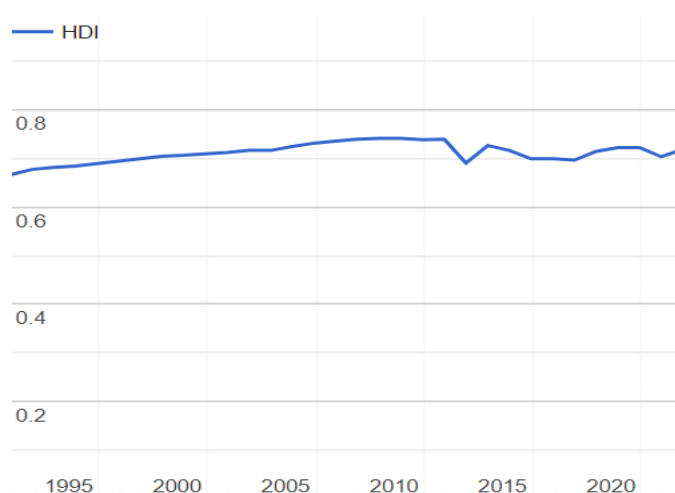
In this instance, the reason the Libyan intervention failed to fulfill its obligations under the Responsibility to Protect (R2P) is because it disregarded some parts of R2P that are commonly linked to the just ad bellum principle—that is, the aspects that need to be carefully examined in order to decide whether or not to intervene. Upon examining the six principles delineated in the R2P ICISS study, the most evident principle concerns the right of power, given that the intervention was legally sanctioned by UN Security Council Resolution No. 1973. The question of "which party" should carry out the intervention is debatable, nevertheless, as it is inextricably linked to the objectives of the ruling party. This circumstance is consistent with Graubart's (2013) pragmatic liberal interventionism introduction, which holds that goals or objectives rather than results are used to evaluate humanitarian intervention. Intervention is therefore seen as humanitarian action that has been validated by the West and is inextricably linked to self-interest. (Graubart, 2013, p. 72).

The precise number of casualties that would meet the requirements of just cause is unclear when analyzing the just cause criterion. The number of people killed under Gaddafi's leadership is not well documented, although research by Kuperman (Kuperman, 2013), indicates that rebels

rather than civilians made up the majority of the dead. The 2013 Libyan administration has made major revisions to its estimate of the number of people killed during the uprising against Muammar Gaddafi's rule. According to the most recent statistics, 2,100 people are listed as missing and 4,700 rebel sympathizers have died. Rebel leaders initially estimated that some 50,000 people had died; in October 2011, that number was lowered to 25,000 dead and 4,000 missing by the new government (Black, 2013). Given that there have been significantly more deaths in Syria than in Libya, military action there seems to be selective in terms of justification. Nevertheless, as of right now, the UN Security Council has not authorized any military engagement in Syria nor Yemen.

Just reason also begs the question of whether the UN's military action in Libya was necessary at the time. According to the R2P 2005 document, war crimes carried out by a government, ethnic cleansing, and genocide are among the circumstances that need involvement. This is consistent with the International Commission on Intervention and State Sovereignty's proposal, which in a different setting offers a criteria that can be justified morally. This criterion calls for either a large-scale, deliberate or inadvertent loss of life on a huge scale, or a thorough ethnic cleansing accomplished by rape, killing, forced migration, terror attacks, or other acts of violence. This is in line with Michael Walzer's principle of self-determination, which holds that intervention can supersede a country's sovereignty in cases where a state violates human rights and causes a sizable number of civilian casualties (Janse, 2006, p. 675).

Moreover, when considering the principle of last resort, intervention is not the sole course of action that ought to be pursued. Before the intervention, the international community's efforts to resolve the dispute had not yet reached their conclusion. One wonders if the fall of Gaddafi's dictatorship will guarantee Libyan stability under a new leader. This was not the case in reality, as internal disputes worsened and made peacekeeping operations more difficult. The Human Development Index (HDI) for Libya reflects this; it has not significantly improved since 2011. Libya's HDI in 2021 was 0.718, which did not differ substantially from the 0.726 HDI in 2012 (Country Economy, 2021).



**Figure 1.** Libya Human Development Index (HDI)

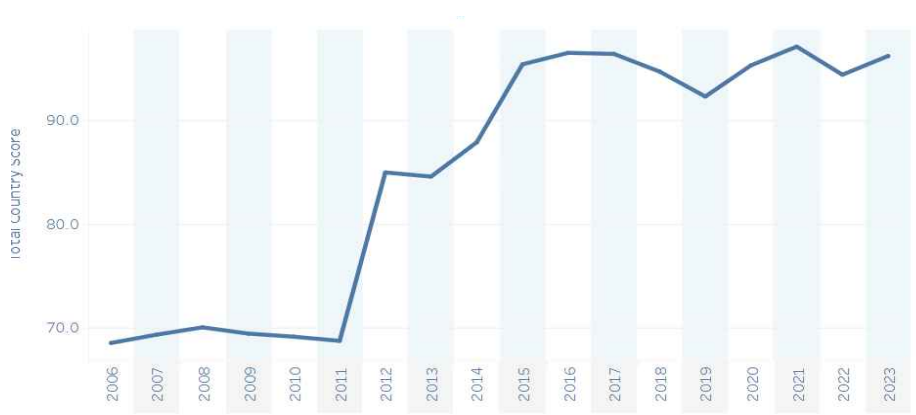
Source: Country Economy, 2021

In terms of proportionality, it doesn't seem like the NATO alliance's action against Gaddafi's soldiers was carried out appropriately. In addition, a lot of propaganda was spread by interested parties and the media, alleging that Gaddafi was trying to carry out a campaign of murder. Others,

like Kuperman, contend that Gaddafi was aiming his weapons not at civilians but at rebels and extremists. Given that there were much more casualties both during and after the military intervention in Libya than there were before, it is unclear if the intervention was proportionate (Kuperman, 2016). In terms of reasonable hope, the Libyan conflict was almost over at the time of the intervention, and attempts were underway to bring the opposing sides together. As such, the UN should not have explicitly authorized the action.

According to Pattison, there are ethical dilemmas with the Libyan intervention as well as reasons why similar military actions were not carried out in Yemen and Syria, despite the fact that situations in those nations were significantly worse than in Libya. This further casts doubt on whether the intervention in Libya was carried out with the proper motive or as its main objective. Examining Libya, it seems that NATO's goals in the intervention were not clear. The coalition's initial goal in intervening was to keep civilians safe. Nonetheless, there is a propensity in its execution that is connected to NATO's objective of toppling the Gaddafi government. In this situation, it is not appropriate to launch a humanitarian-based military intervention if the goal is to topple the current government. The way in which Gaddafi's death brought an end to the intervention mandate shows a glaring absence of evidence of a justification. It raises the question of whether the civilian population's human rights were safeguarded by Gaddafi's overthrow. Actually, there isn't much evidence to support the Responsibility to Protect (R2P) concept, which focuses on improving post-intervention conditions, because the situation in Libya is significantly worse than it was under Gaddafi's leadership.

In the present day, 12 years post-intervention, Libya has transformed into what is defined as a fragile state. The Fragile State Index rankings for Libya offer a vivid depiction of the unstable decade following the overthrow of the Gaddafi regime. From 2011 to 2023, Libya witnessed a significant rise of 27.4 points in its fragility score, escalating from 68.7 to 96.1. The country's ranking underwent a noteworthy shift, ascending from the 111th position in 2011 to becoming the 17th most vulnerable state by 2023. Except for economic inequality, every aspect measuring state fragility exhibited an increase compared to 2011 levels. Notably, this includes a rise of 4.3 points in Economic, 3.7 points in Public Services, and 3.6 points in Security Apparatus indicator scores.



**Figure 2.** Libya Overall Trend 2006-2023

Source: Fragile State Index, 2023

Over the last ten years, Libya's economic trajectory has seen notable ups and downs. The GDP growth rate fell precipitously in 2011, plunging from -50.3, signifying a significant recession in the economy. The following year, 2012, saw an impressive, but short-lived, recovery, with GDP

growth reaching 86.8 percent, indicating a quick recovery or possible efforts at economic reconstruction (World Bank, 2023). However, as the following years show, this upward momentum was fleeting. The GDP growth rate dropped precipitously to -18 in 2013 and subsequently declined to -23 in 2014. These negative numbers point to a contraction and economic difficulties, which may be caused by the nation's continuous instability, conflict, or other unfavorable reasons. Although there was a slight uptick ten years later in 2022, the GDP growth rate was negative at -1.2. (World Bank, 2023).

Even with the modest rebound, Libya appears to be facing ongoing difficulties in its economy and finding it difficult to maintain positive economic development. The vulnerability of the country is having far-reaching social and economic consequences. GDP per capita fell by 50% between 2011 and 2021, although it might have increased by 68% if the economy had continued on its pre-conflict course. In a same vein, clashes were far more intense after the intervention, with over 50 conflicts taking place in 2013 (Wigmore-Shepherd, 2014).

In conclusion, it can be said that the Responsibility to Protect (R2P) was not fully upheld, which is why humanitarian assistance in Libya failed to bring stability and security back to Libyan society. In particular, it is important to understand why and when humanitarian action is justified. The humanitarian intervention in Libya serves as an example of how the six conditions specified in the principles of Responsibility to Protect (R2P) cannot be met, which merely sparks discussions and criticism. It is thought to be biased toward selective intervention, loaded with interests, and inconsistent in upholding moral principles.

#### 4. Conclusion

As a result of the non-compliance with the basic principles of R2P, Libya, after 12 years of intervention, has deteriorated into a vulnerable and fragile state. The Fragile State Index indicates a significant increase in all aspects, except for economic inequality. This paints a clear picture of the destabilizing impact that occurred after the overthrow of the Gaddafi regime. In conclusion, the success of humanitarian intervention heavily relies on adhering to the fundamental principles of R2P, especially right intention. Failure to comply with these principles can lead to detrimental consequences, as witnessed in Libya. Therefore, to achieve positive and sustainable outcomes in humanitarian intervention, consistency, clear objectives, and adherence to R2P principles are crucial.

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