The conflict in Libya is by far the bloodiest in a sequence of recent uprisings against regimes in the Middle East and North Africa. Beginning in the port city of Benghazi on 17 February, fighting has escalated across the country, with some areas changing hands numerous times during fierce battles between forces loyal to Muammar Gaddafi and rebels opposed to his regime. There have been consistent reports of widespread and systematic violations of international humanitarian and human rights law, primarily by pro-Gaddafi forces, paramilitaries and mercenaries. The UN estimates that up to 3.6 million Libyans may require humanitarian assistance. Access continues to be problematic despite an agreement reached on 17 April, between the Emergency Relief Coordinator (ERC) Valerie Amos and the government to expand the humanitarian presence.

The international community's response to the conflict is premised on two UN Security Council resolutions authorising a range of political, legal, humanitarian and military measures. Resolution 1970, passed on 27 February, imposed an arms embargo, froze the overseas assets of Libyan leaders, imposed a travel ban on senior figures and referred the situation to the Prosecutor of the International Criminal Court. Resolution 1973, passed on 17 March, authorised 'all necessary measures' to implement a no-fly zone aimed at protecting civilians from imminent attack and facilitating delivery of humanitarian assistance. Ten days later, NATO took control of the international military action under Operation Unified Protector.

Protecting civilians

The intervention in Libya is founded on a growing principle in international law that, where a state is failing to protect its own citizens from systematic violations of international humanitarian and human rights law, other states have a legal right, even an obligation, to intervene. Military action in Libya was sanctioned by the Security Council under Chapter VII of the UN Charter, which allows for such intervention in the case of a threat to international peace and security which they have interpreted as including grave threats to civilians.

International humanitarian agencies have remained largely silent on the merits of NATO's action, but many have privately expressed limited confidence that the military strategy will succeed in protecting the Libyan people. Given the asymmetric nature of the conflict, it is reasonable to question how effective the NATO operation can actually be in protecting civilians; as the commander of the NATO operation, Lieutenant-General Charles Bouchard, has vividly put it, 'It's a knife fight in a phone booth and it's very difficult to get in the middle of...
Facilitating assistance

There are also tensions around the role of the international military in ‘facilitating’ humanitarian assistance. While NATO has insisted that it will not play a ‘leading role’ in the delivery of aid, the European Union (EU) has drawn up plans to deploy a military force (EUFOR Libya) to support the humanitarian effort, including securing ports and aid corridors. Although at the time of writing offers of military support were being declined by the UN, agencies have felt under pressure, as they did in the Pakistan flood response last year, to accept the use of military assets from key NATO member states to support the delivery of assistance. Agencies have asserted that such support is unnecessary and some are concerned that this may be an attempt to co-opt humanitarians into the wider political strategy of the international community.

Exactly when and how the military can enable the delivery of humanitarian assistance, how they coordinate with humanitarian actors, is clarified in the Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA). The fundamental concept underpinning these guidelines is that of ‘last resort’ – military assets can be used in the delivery of assistance only when there are no other comparable civilian assets available, when all alternative delivery options have been explored, and where they are used for a very specific purpose and for a limited period.

Adherence to these guidelines by both humanitarian and military actors is essential, and not just for policy or conceptual reasons. There are operational risks inherent in military engagement in humanitarian response for both affected populations and humanitarian agencies. Affected populations may not receive the assistance they require because military actors do not have the technical skills necessary to assess needs or ensure aid is delivered safely. They may even be placed at risk of attacks by belligerents in ‘retaliation’ for accepting assistance. Since international militaries intervening in a conflict are frequently perceived as neither neutral nor impartial, any association with them may mean that belligerents or even affected communities no longer see humanitarian agencies as neutral third parties either, and will not cooperate with them or allow them access to deliver assistance. Belligerents may even attack aid workers as a result; the attack on UN offices in Tripoli on 1 May, in ‘retaliation’ for a NATO airstrike, demonstrates how real these risks are in this context.

Is civil-military coordination the answer?

The stated objectives of NATO’s mission, as outlined by the Security Council, are shared by the international humanitarian community – to protect civilians and ensure they access life-saving assistance. Tensions arise in relation to the different strategies and tactics military and humanitarian actors consider appropriate to achieve these objectives. How the military mission to protect civilians is implemented, the likely chance of success and how this is perceived in Libya and the wider region will shape the degree of civil-military coordination that is possible. Dialogue is essential to enhance respective efforts to mitigate the risks to civilians, whether through sharing analysis or promoting adherence to international humanitarian law.

Coordination will also help facilitate adherence to the guidance issued by OCHA on the use of military assets in Libya, ensuring that assets are only used when necessary, not when they are politically expedient. Robust civil-military coordination efforts are required to manage the relationship between the military and humanitarian agencies, to facilitate an understanding of what their respective comparative advantages may be, where these may be complementary, and when it is necessary for tactical and conceptual reasons that the two strategies are, and are seen as being, separate. In Libya, as in Afghanistan, Iraq and Pakistan, any blurring of lines between humanitarian, military and political objectives may have a profound impact on the civilian population, ultimately jeopardising efforts to achieve the shared objectives of saving lives and delivering assistance.

Written by the Humanitarian Policy Group at ODI. For more information, please contact Victoria Metcalfe, ODI Research Fellow (v.metcalfe@odi.org.uk).