

**RSC Policy Brief: The U.N. Security Council Resolution and the
U.S. Military Action in Operation Odyssey Dawn**

March 22, 2011

Background: After Col. Khadafy threatened to “cleanse Libya house by house,” the U.N. Security Council passed a resolution which authorized the implementation of a no-fly zone. For information leading up to these actions, see this [RSC Policy Brief](#) regarding the unrest in the Middle East and North Africa.

Col. Khadafy is currently residing in Bab al-Aziziya (a military compound in Tripoli) and has moved thousands of regime supporters inside, effectively using them as human shields. Regime supporters are also outside, circling the compound in their vehicles 24-hours a day.

U.N. Security Council Resolution: On March 18, 2011, the U.N. Security Council approved a resolution that authorized military operations against Libyan leader Mommar Khadafy. The U.N. council approved the resolution by a vote of 10-0, with Germany, China, Russia, India and Brazil being absent for the vote. The resolution authorizes humanitarian relief, not specifically aid for the rebel forces. This resolution may prevent a panicked exit by civilians that are currently in eastern Libya, which could lead to a humanitarian tragedy. The resolution authorizes “all necessary measures” to “protect civilians and civilian populated areas under threat of attack.” The full text of the resolution, and a U.N. press release, can be [viewed here](#).

The U.N. Security Council is composed of five permanent members and ten non-permanent members (whose membership concludes at the end of the year stated below).

Non-Permanent Members:

Bosnia and Heregovina (2011)
Brazil (2011) – *abstained this vote*
Colombia (2012)
Gabon (2011)
Germany (2012) – *abstained this vote*
India (2012) – *abstained this vote*
Lebanon (2011)
Nigeria (2011)
Portugal (2012)
South Africa (2012)

Permanent Members:

United States
China – *abstained this vote*
France
Russian Federation – *abstained this vote*
United Kingdom

Operation Odyssey Dawn: U.S. intervention in Operation Odyssey Dawn began at approximately 3:00PM EST, March 19, 2011, and, together with British forces, has since fired around 124 Tomahawk cruise missiles at Libya's air defense systems. Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, appeared on NBC's Meet the Press on Sunday, March 20th, and stated that the U.S. and allied forces have effectively established a no-fly zone. The no-fly zone is currently over the city of Benghazi, but is expected to be extended to the oil-refinery city of Brega, to Misrata (east of Tripoli) and then to Tripoli (the capital).

Even though the U.N. Security Council authorized an international coalition of 22 countries, as of March 20th, the U.S. had fired 122 of the 124 missiles. The missiles were directed at more than 20 Libyan targets located along the Mediterranean coastline. Virtually all targets are reported to be in isolated, non-populated areas, this is in order to minimize civilian casualties. The targets ranged from early warning radar and communications facilities around Tripoli, Misratah, and Surt. U.S. Army General Carter Ham is currently the commander of U.S. and coalition operations. President Obama stated on March 21, 2011 that the U.S. will hand over the lead to coalition forces within a matter of days. According to the President, U.S. forces will remain involved in the area, but without troops on the ground.

U.S. F-16s, F-15s and AV-8 Harrier jets have been patrolling the skies, and have bombed pro-Khadafy forces who were still continuing their offensive on rebel strongholds in eastern Libya. Additionally, three U.S. B-2 stealth bombers have dropped 40 bombs on a Libyan airfield, in an attempt to destroy much of the Libyan Air Force.

Libyan television has reported that bombings have killed 48 people, and have injured 150, however that report could not be independently verified. In response to the implementation of the no-fly zone, Khadafy stated: "It is now necessary to open the stores and arm all the masses with all types of weapons to defend the independence, unity and honor of Libya." Khadafy has reportedly opened weapons depots to Libyans, and has stated everyone is armed with "automatic weapons, mortars, bombs."

On March 19, 2011, a fighter jet crashed over Benghazi. Benghazi is in eastern Libya, and is seen as being the de facto capital of the rebel forces. The plane was believed to be a Russian-built MIG-23. This was originally thought to be a victory over Khadafy's forces, however rebels later confirmed it was their plane. The pilot was seen ejecting before the plane crashed. It is unknown if the pilot survived, or if the plane was shot or suffered an equipment malfunction.

On March 22, 2011, a U.S. F-15 Eagle crashed. The pilots both successfully ejected and have been safely recovered. Military officials have stated that the jet crashed after an equipment malfunction, and this was not a result of enemy fire.

What's Next? So far, U.S. and European counterterrorism officials do not believe there is a high chance of Khadafy resorting to terrorism in the near future. He is reportedly focused, for now, on maintaining his grasp on power. However, Col Khadafy has stockpiles of mustard gas and other high explosives. Additionally, Khadafy has a history of orchestrating terrorist attacks against civilians, including the bombing of Pan Am Flight 103, on December 21, 1988, which killed 270 people.

Administration officials have stated multiple on occasions that Khadafy “needs to go,” however the military actions taken by the U.S. and coalition forces are solely to support the humanitarian mission (according to the U.N. Security Council resolution), and they are not aimed at necessarily removing Khadafy from power. Admiral Mullen has indicated that the U.S. mission could be successful with Khadafy remaining in power. The U.N. Security Council resolution only applies to protecting civilians. The prospect of increased military intervention seems possible, especially in a scenario in which Khadafy does remain in power in Tripoli and western Libya. It is a fair estimate that nations who advocated for intervention by the U.N. are most likely not interested in preserving a divided Libya. They are interested in seeing Khadafy removed from power.

Now that a decent amount of Khadafy’s air-defense installations are destroyed, the pace of Operation Odyssey Dawn should slow. The main question that remains is: what’s next? The no-fly zone is in place, and is growing. However, there is no clear next step. Additionally, it remains unclear who will take the lead of coalition forces. President Obama has made it clear that the U.S. will transfer the lead, but has not specified to who. Italy and the U.K. have both expressed the need for NATO control, however France (which just rejoined NATO in 2009 after 30 years) has indicated it does not want NATO in a lead role. French officials have stated their goal is to separate Col. Khadafy from power and President Obama stated on March 21, 2011, that it is still U.S. policy that Khadafy needs to go. However U.S. leaders insist this military mission is to protect civilians, and that Khadafy *could* remain in power and this mission be a success.

War Powers Resolution: Section 3 of the War Powers Resolution requires the President, in every possible instance, to consult with Congress before introducing U.S. armed forces into hostilities unless the Congress declares war or other specific congressional authorization. It should be noted that on March 17, 2011, President Obama held a conference call with the chairman/ranking members of the defense committees. This was prior to the start of Operation Odyssey Dawn.

On March 21, 2011, President Obama [sent this letter](#) to Congress, which states that as Commander in Chief, he has the constitutional authority to authorize the strikes as a matter of conducting “U.S. foreign relations.” This letter also states it is being sent in order to keep Congress informed, which is consistent with the War Powers Resolution.

Possible Conservative Concerns: To date, President Obama has not sought congressional approval for any military actions in Libya. However, it is worth noting that on March 1, 2011, the Senate passed S.Res. 85, which, among other things, urged the U.N. Security Council to take action to protect civilians, and this includes the possibility of a no-fly zone over Libya. However, there has been no such action in the House of Representatives.

Some Members have called on the President to clearly state the U.S. mission and seek congressional approval before taking additional action. Some Members may be concerned that by only seeking U.N. approval before taking action, the President is setting a dangerous precedent that transfers authority that should rest with the legislative branch, to an international organization.

Some critics argue that while the President is Commander in Chief, he does not have the authority to launch strikes without an imminent threat to the U.S. Conservatives might argue that the founders intended to separate the power to decide to initiate a war from the power to carry it out. However, in recent years, Presidents of both parties have ordered military action without

Congressional authorization, such as when President George H.W. Bush intervened in Somalia in 1992, and when President Bill Clinton bombed Kosovo in 1999. “The president does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation,” then Senator Obama [told](#) The Boston Globe in December 2007. Some liberals have expressed concern over President Obama’s actions, such as when Rep. Kucinich (D-OH) stated on March 21, 2011, “It needs to be pointed out that what he is doing is outside the Constitution.” Kucinich continued, “If he is relying on precedent, then he ought to say so. But he’s got to square that with his own understanding of the Constitution prior to becoming president.”

Additionally, some Members of Congress may be concerned that this intervention has no clear end game. The U.N. resolution calls for protecting civilians from Khadafy. This was spurred by Col. Khadafy threatening to “cleanse Libya house by house.” Khadafy’s own words arguably back-fired and are what ultimately caused U.N. intervention. There is no clear strategy for leaders to indicate how Operation Odyssey Dawn could be a success if Khadafy remains in power. If the U.N. sees fit to approve military action to protect civilians from Khadafy, but does not necessarily want to remove Khadafy from power, then what is the long term goal of military intervention in Libya?

Some may also object to the U.N. Security Council not taking similar action against other countries in the region that are experiencing similar political struggles, such as Syria, Bahrain, and Yemen.

Also, some conservatives may be further concerned that the Libyan opposition is not clearly known. The U.S. and coalition forces are now essentially supporting a hostile group of tribes and individuals. They are bound together by opposition to Khadafy, but little else is known about them. It is feasible to consider that over time they could unite and become a stronger fighting force, but experts argue it is difficult to see them overthrowing Khadafy’s military forces anytime in the near future. A [Stratfor analysis](#) points out that because there are so many divisions among them, governing Libya presents even a greater challenge. Khadafy’s ability to stay in power as long as he has can be attributed to these divisions.

[Sen. Richard Lugar](#) (R-IN), the Chairman of the Foreign Relations Committee, expressed concern about a potential quagmire for the United States: “We had better get this straight from the beginning or there is going to be a situation in which war lingers on, country after country, situation after situation, all of them on a humane basis, ‘saving people.’ All maybe with the Arab League in or out of it.” The Arab League has, in fact, [already backpedaled](#) on its support of the mission.

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