Spring 9-5-2018

# The Dilemma of Humanitarian Intervention: Evaluating the Causes and Consequences of the International Intervention in Libya since 2011

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The Dilemma of Humanitarian Intervention:

Evaluating the Causes and Consequences

of the International Intervention in Libya since 2011

A thesis submitted to

Department of Political Science

in partial fulfilment of the requirements for the degree of Master of Arts

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# Abstract

*"At this time of extreme challenges, we must not abandon the responsibility to protect or leave it in a state of suspended animation, finely articulated in words but breached time and again in practice."*

*António Guterres, 2018.[1]*

Since the 1990s, the international community has utilized a growing range of measures to protect populations from mass atrocities, war crimes, genocides and crimes against humanity; however, the numbers of victims, casualties and human losses are increasing daily all over the world. The international community is still unable to protect civilians most in need and those under real threat, even while applying the principle of the humanitarian intervention.

The international response to the crisis in Libya during its popular uprising in 2011 was remarkably quick and decisive; the UNSC endorsed for the first time in history a resolution (1973) to authorize the international intervention in another state, to protect civilians under threat, without the approval of its government; in this regards, the adoption of such resolution was declared a turning point in the history of the principle of the Responsibility to Protect.

The principle of humanitarian intervention has always been a debatable issue; while most studies focus on the dilemma of its legality, ethics, morality, types and intervening actors, this research focuses on evaluating its outcome and analyzing the factors contributed to its success/failure, while using Libya as a case study.

After the intervention in Libya, the country has been characterized by state collapse, anarchy and chaos, and the intervention was considered a failure to the international community and to the principle of the responsibility to protect. In this regards, this research argues that the intervention of the international community in Libya was responsible for the intensification of the sufferings, deterioration and threats facing the civilians in Libya post the

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[1] UN Secretary-General's remarks to the General Assembly debate on the responsibility to protect on 25 June 2018.

intervention stage. While clarifying that the abuse of the international intervention and the fragility of the Libyan state are the main factors behind the collapse of Libya. In addition, this research draws lessons for the future of the principle.

<u>Acknowledgement</u>

I would like to express my sincere gratitude to my advisors Professor Ibrahim ElNur and Professor Riham Bahi for their continuous support of my MA study and related research, for their patience, motivation, and immense knowledge. Their guidance helped me in all the time of research and writing of this dissertation. I could not have imagined having a better advisors and mentor for my MA study.

Besides my advisors, I would like to thank the members of my thesis committee: Professor Nadine Sika and Professor Amal Hamada for their insightful comments, critiques and encouragements.

Last but not least, I would like to thank my family: my parents and my brother for their support throughout writing this thesis and in my life in general.

This accomplishment would not have been possible without them.

Thank You

# I. Introduction

The international response to the crisis in Libya has been remarkably quick and decisive; where in many other cases of mass atrocity crimes, the international community has failed to generate timely and sufficient political will to protect civilians at risk.[2] The reaction in the case of Libya has been more explicitly connected to the principle of the responsibility to protect (R2P) than any other crisis before.[3] To illustrate, as part of the Arab Spring, a popular uprising erupted against the president of Libya in February 2011; after few days from the outbreak of the popular uprising in Tunisia and Egypt. During the early days of the popular uprising, the Libyan regime "launched a brutal crackdown and pro-Qaddafi forces started to push eastward, threatening the rebel stronghold of Benghazi. Fearing a bloodbath, the international community responded swiftly"[4] in order to save the innocent lives in Libya, as just one week after the Libyan security forces had begun to violently suppress protests on 15 February 2011, the United Nations Security Council issued a press statement that called on the Libyan government "to meet its responsibility to protect its population;"[5]

Then, within weeks of the conflict escalating, the United Nations Security Council adopted resolution 1970 followed by the adoption of resolution 1973. Both resolutions were unusually quick and decisive; they referred the situation in Libya to the International Criminal Court, created an arms embargo and targeted sanctions, authorized the use of force, and created a no-fly zone over Libya.[6] In addition, resolution 1973, which was adopted on March 17, required all necessary measures to be taken to protect civilians in Libya.[7] As such

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[2] Dunne, Tim, and Jess Gifkins. "Libya and the State of Intervention." Australian Journal of International Affairs. October 19, 2011. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/10357718.2011.613148?needAccess=true.

[3] Brockmeier, Sarah, Oliver Stuenke, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 5, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.

[4] Dunne, Tim, and Jess Gifkins. "Libya and the State of Intervention." *Australian Journal of International Affairs*. 2011. <http://www.uq.edu.au/isaasiapacific/con tent/GifkinsDunne.pdf>.

[5] Brockmeier, Sarah, Oliver Stuenke, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 5, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.

[6] "Security Council  Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[7] Dunne, Tim, and Jess Gifkins. "Libya and the State of Intervention." *Australian Journal of International Affairs*. 2011. <http://www.uq.edu.au/isaasiapacific/content/GifkinsDunne.pdf>.

within two days from the adoption of the resolution, France led coalition launched air and missile strikes against the Libyan forces, then later on, the responsibility for what was called Operation Unified Protector was quickly transferred to NATO. "In policing the arms embargo and patrolling the no-fly zone over Libya through aerial attacks on pro-Qaddafi forces and military equipment, NATO's intervention helped to tip the balance in the conflict in favour of the Libyan opposition"[8] By early October 2011, the Libyan National Transitional Council (NTC), the anti- Qaddafi group which was established on 27 February 2011, had secured control over the entire country and rebels had captured and killed Al Qaddafi. In turn, the international community put an end to the Operation Unified Protector on 31 October 2011.

Later on, the international community decided to have a role in helping the Libyans building up their country by providing assistance through the United Nations Support Mission in Libya (UNSMIL). To illustrate, after six months from the beginning of the armed conflict in the Libya, the United Nations in September 2011 established a political mission to support the country's new transitional authorities in their post-conflict efforts. The Security Council has settled certain target to the UNSMIL including helping restoring the public security, promoting the rule of law, and assisting the Libyan authorities in strengthening human rights,[9] and since then the United Nations has been keen to renew and extend the mandate of the mission frequently; while aiming to help in ending the ongoing instability and chaos that the Libyans are suffering from since 2011.

In this context, it cannot be denied that the intervention in Libya represents a turning point in the humanitarian intervention debate regarding the responsibility of the international

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[8] Dunne, Tim, and Jess Gifkins. "Libya and the State of Intervention." *Australian Journal of International Affairs*. 2011. <http://www.uq.edu.au/isaasiapacific/content/GifkinsDunne.pdf>.
[9] Dembinski, Matthias, and Theresa Reinold. "Libya and the Future of the Responsibility to Protect – African and European Perspectives." 2011. <http://www.peacepalacelibrary.nl/ebooks/files/369284305.pdf>.

community to intervene in a sovereign state to protect civilians from mass atrocities. [10]The use of coercive measures against a state, such as sanctions and referrals to the International Criminal Court, has been proven to be controversial in the United Nations Security Council; however, the use of force has been the most controversial tool in the debates on R2P and the protection of civilians since the beginning.[11] Significantly, resolution 1973 marked the first time the Security Council authorized the non-consensual use of force for the protection of civilians against a functioning state,[12] since the principle by the UN at the 2005 World Summit was endorsed. Libya raised questions that had already been debated during the intervention in Kosovo and discussed in much details in the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), which first proposed the principle of R2P: what should be the role of force in protecting populations from atrocity crimes? [13]As such, the adoption of the United Nations Security Council (UNSC) resolution 1973, the authorization of the use of coercive measures to protect civilians and "the ensuing of the military intervention in Libya have been widely hailed as events of historic importance."[14]

Furthermore, according to the director of the Global Centre for the Responsibility to Protect, the intervention in Libya represents "a key turning point in the history of R2P",[15] the debates changed from a "battle around ideas to a battle around implementation".[16] To explain, the transitional setting in Libya was a moment of enthusiasm and hopes inside the country. The rebuilding of the state was considered a crucial task with lots of expectations

[1] Gifkins, Jess. "R2P in the UN Security Council : Darfur, Libya and beyond." Cooperation and Conflict. 2015. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0010836715613365.
[1] Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 05, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.
[1] Gifkins, Jess. "R2P in the UN Security Council : Darfur, Libya and beyond." Cooperation and Conflict. 2015. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0010836715613365.
[1] Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 05, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.
[1] Dembinski, Matthias, and Theresa Reinold. "Libya and the Future of the Responsibility to Protect – African and European Perspectives." 2011. <http://www.peacepalacelibrary.nl/ebooks/files/369284305.pdf>.
[1] Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 05, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.
[1] Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 05, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.

attached to it,[17] however, few years later, Libya has been characterized by state collapse, anarchy and chaos, with conflict between ever-changing alliances of armed groups, terrorism with the expansion of the Islamic State and uncontrolled borders with waves of migrants crossing the Libyan desert northward then from Libyan shores toward Europe.[18]

Such deteriorations led to debates regarding the intervention, as a principle, and its outcome and whether it is a real tool of protection to the civilians under threat or its results may increase their harmfulness. The majority of the literature on humanitarian intervention focuses on the dilemma and debates regarding the ethics, legality, types of intervention, intervening actors; however, there is less focus on the dilemma of the *outcome* of the intervention. This research aims to evaluate the consequences of the intervention, while having Libya as a case study, in order to figure out whether the intervention in Libya is considered successful or not; in addition to focusing on determining the factors behind the deteriorating situation in Libya and if it is a result of the intervention itself, or there are other factors that lead to the current situation.

Research Question:

Using Libya as a case study, this thesis is trying to answer to the following questions:

1. To what extent is the international community committed to protect the civilians in the humanitarian crises?

2. Evaluate and analyze the factors contributed to the success/failure of the international intervention, while drawing lessons for the future of intervention.

These two questions will be divided into the following sub questions: What are the factors that compel the international community to intervene in the humanitarian crises? Are these standards applicable to the case of Libya? As compared to many other humanitarian crises,

[1] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true.
[1] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true.

why did the international community decide to intervene in Libya after only two months from the outbreak of the popular uprising? What are the standards of an effective intervention?

Hypothesis:

This thesis is arguing that the abuse of the humanitarian intervention and the fragility of the Libyan state are the main factors behind the collapse of Libya.

There are many factors that can explain the current collapse of Libya; one of which is the abuse of the humanitarian intervention; as the military intervention has exceeded its objectives in many different ways. It took actions that were inconsistent with its main target of protecting the civilians in Libya, by engaging in the process of fostering regime change. In addition, the fragility of the Libyan state is the other factor that has led to the intensification of the current deteriorated situation and the collapse of the state. To explain, before the popular uprising, all the institutions used to be under the control and influence of Al Qaddafi, and his regime, so that when he felt, the state had to be re-built from scratch. Consequently, Libya is now lacking the functioning state structure, and this led the country to face a high level of instability, unable to control the armed militias that are committing human rights violations and hindering the efforts of rebuilding the country.

In spite of the international efforts to protect the civilians in Libya and to help the country in its democratic transition, Libya has been "overrun by militias and is facing an intensified human rights violations, mounting chaos that is infecting other countries, growing internal splits, and even about to reach a failed state."[1] Thus, this study aims to figure out the effect of the intervention on the current situation in Libya while arguing that there are many international and domestic factors that negatively affect the success of the intervention in Libya, and led to the collapse of Libya.

This research is divided into four chapters, in addition to the introduction. The first

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[1] Jones, Owen. "Libya is a disaster we helped create. The west must take responsibility." 2014.
<http://www.theguardian.com/commentisfree/2014/mar/24/libya-disaster-shames-western-interventionists>.

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chapter gives a brief overview of the principle of the humanitarian intervention, and how it has been developed throughout history, the dilemma of its ethical and legal perspectives; in addition to highlighting the different tools of intervention. The international intervention as a principle has been promoted by Liberalism; therefore, this chapter also clarifies how the liberal theorists perceive the principle of the humanitarian intervention and their arguments for it as well as the criticism directed against it. Chapter 3 focuses on Libya as a case study for the international intervention; while starting with giving an overview on the situation in Libya before and during the 2011 popular uprising, then refer to the response of the international community towards the situation in Libya at that time and its intervention to protect the civilians under threat. Then, chapter 4 focuses on the situation in Libya post the 2011 intervention while evaluating the outcome of the international community intervention in 2011 and the reasons behind the deterioration of the situation in Libya since that time. Finally, the conclusion evaluates the role of the international community in protecting civilians under threat while drawing lessons for the future of the humanitarian intervention.

**Chapter II**

**Literature Review**

This chapter gives a brief overview on the principle of the humanitarian intervention, starting by its definition, the emergence of the principle and how it has been developed throughout history, then this section will refer to the dilemma of the principle of the humanitarian intervention while focusing on the debates regarding its morality and legality, as they are considered the main dilemma in all debates regarding this principle. In addition, this section will highlight the different tools used by the international community when intervening in the targeted state, as such intervention can be through the diplomatic channels, economic sanctions or by using the military forces. International intervention as a principle has been promoted by Liberalism, as such the second section of this chapter clarifies how the liberalists perceive the principle of the humanitarian intervention and their arguments for it as well as the criticism directed against it.

**The Conceptual Framework**:

2.1 What is meant by the Humanitarian Intervention?

J.L.Holzgrefe defines humanitarian intervention as the "use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own, without the permission of the state within whose territory force is applied."[20] While clarifying that "they are: non-forcible interventions such as the threat or use of economic, diplomatic, or other sanctions; and forcible interventions aimed at protecting or rescuing the intervening state's own nationals. [21]

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[2]  Holzgrefe, J. L., and Robert O. Keohane. *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*. United Kingdom: Cambridge University Press, 2003.
[2]  Holzgrefe, J. L., and Robert O. Keohane. *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*. United Kingdom: Cambridge University Press, 2003.

Adam Roberts stated that the humanitarian intervention is a "military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants."[22]According to Martha Finnermore, "humanitarian intervention is a military intervention with the goal of protecting the lives and welfare of foreign civilians."[23]Bhikhu Parekh believes that, "humanitarian intervention is an act of intervention in the internal affairs of another country with the view to ending the physical suffering caused by the disintegrations or gross misuse of authority of the state, helping create conditions in which a viable structure of civil authority can emerge."[24]Furthermore, D. J. B. Trim and Brendan Simms stated that "since the nineteenth century, has been termed 'humanitarian intervention,' that is, action by governments (or, more rarely, by organizations) to prevent or to stop governments, organizations, or factions in a foreign state from violently oppressing, persecuting, or otherwise abusing the human rights of people within that state."[25]

Thus, although there is no exact definition for humanitarian intervention, it was agreed that it reflects the use of force with the aim of helping the non-nationals; for the sake of preventing the gross of violations of human rights on behalf of people other than their own nationals, through the use of armed force.[26]In other words it is "the use of military force to protect foreign populations from mass atrocities or gross human rights abuses"[27]

[2] Kardas, Saban. "Humanitarian Intervention: The evolution of the idea and Practice." Journal Of International Affairs. Volume VI. Number 2 (June - July 2001): <http://sam.gov.tr/wp-content/uploads/2012/02/SabanKardas2.pdf>.

[2] Kardas, Saban. "Humanitarian Intervention: The evolution of the idea and Practice." Journal Of International Affairs. Volume VI. Number 2 (June - July 2001): <http://sam.gov.tr/wp-content/uploads/2012/02/SabanKardas2.pdf>.

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[2] Humanitarian Intervention : A History, edited by Brendan Simms, and D. J. B. Trim, Cambridge University Press, 2011. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/aucegypt/detail.action?docID=691897.

[2] Kardas, Saban. "Humanitarian Intervention: The evolution of the idea and Practice." Journal Of International Affairs. Volume VI. Number 2 (June - July 2001): <http://sam.gov.tr/wp-content/uploads/2012/02/SabanKardas2.pdf>.

[2] Waxman, Mathew. "Is humanitarian military intervention against international law, or are there exceptions?." *Council on Foreign Relations*. N.p., 27 Jun 2013. <http://www.cfr.org/international-law/humanitarian-military-intervention-against-international-law-there-exceptions/p31017>.

## 2.2 The Emergence/ development of the principle of Humanitarian Intervention

"The birth of the doctrine of humanitarian intervention is associated with natural law and early international law."[28]The early discussions of the principle of humanitarian intervention can be traced back to the sixteenth and seventeenth century classical writers on international law, particularly in their discussions on just wars. As Philosopher Jurist and scholar Hugo Grotius mooted the principle of right to use force on humanitarian ground in the seventeenth century. Thereafter number of interventions took place till date. [29]

To illustrate, "The father of international law Hugo Grotius (1583-1645) aspired to regulate international relations by introducing new political and moral standards, among other provisions concerning respect for sovereignty and contracted agreements.[30]In order to promote international order; he further refined the "just war" doctrine stressing that wars were only allowed if based on specific legal reason. In his opinion a right to popular uprising existed, in extreme cases of tyranny, for the subjects of a prince. [31]

The states are entitled to exercise the right vested in human society on behalf of oppressed individuals. "The Grotian formulation allows the full-scale use of force to end human suffering. There has been a strong Grotian tradition in international relations and this idea is represented today by writers such as Vincent, Lillich and Lauterpacht. Throughout the eighteenth and nineteenth centuries, philosophers of political liberalism, such as Mill, related the principle of humanitarian intervention to the concept of human rights." [32]

Apart from these intellectual precursors, the modern principle of humanitarian intervention is generally associated with state practices in the nineteenth century, when states

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[2]  The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.

[2]  The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.

[3]  The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.

[3]  The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.

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started to invoke humanitarian reasons to justify their interventions. "The well-cited cases were generally directed against the Ottoman Empire for the protection of Christians, such as the Greek War for Independence, Lebanon-Syria, the Bulgarian Agitation and Armenia."[33]

Since the end of the Second World War, an international effort has been undertaken to protect civilians in armed conflict and prevent genocide, crimes against humanity, and war crimes. In 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations and entered into force three years later. "The Convention was the steppingstone in the international community's attempt to ensure the horrors witnessed during the Holocaust would never occur again. However, the resounding promise of "Never Again" would prove to be hollow".[34]

By the end of the Cold War, discussion on human rights and its promotion at the international level has proliferated. The emerging international system and the global wave of democratization have enabled human rights groups to exert more pressure and persuasion on liberal states and international organizations to take up the promotion of human rights. Moreover, the end of the Cold War and the emerging international system were characterized by the increasing possibilities for international cooperation among major powers.[35]

To illustrate, a singular development of the post-Cold War era is the use of military force to protect human beings. Throughout history, humanitarian intervention has occurred in a number of instances in the post-Cold War. "Some of the more significant interventions, of quite varying natures are: the establishment of no-fly zones in northern and southern Iraq in 1991 to protect, respectively, the Kurdish refugees and the Marsh Arabs; Bosnia-Herzegovina (1992-95); Somalia (1992); Cambodia (1994); Rwanda (1994); Haiti (1994) by a U.S.

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[3] Kardas, Saban. "Humanitarian Intervention: The evolution of the idea and Practice." Journal Of International Affairs. Volume VI. Number 2 (June - July 2001): <http://sam.gov.tr/wp-content/uploads/2012/02/SabanKardas2.pdf>.

[3] "An Introduction to the Responsibility to Protect." *International Coalition for the responsibility to protect* . N.p.. Web. <http://responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop>.

[3] Kardas, Saban. "Humanitarian Intervention as a 'Responsibility to Protect': An International Society Approach." *TOBB University of Economics and Technology Ankara, TURKEY*. The Doshisha International Conference Asian Perspective on Humanitarian Intervention in 21st Century Kyoto 28-29 June 2011. Web. <http://gdoshisha.files.wordpress.com/2011/06/hum-int_doshisha-conference_saban-kardas-1.pdf>.

intervention force; Albania (1997) by an Italian intervention force; Kosovo (1998-99); Sierra Leone (1999); East Timor (1999), etc."[36]

Following the mentioned tragedies of the 1990s, especially those that took place in Rwanda and the Balkans, the international community began to seriously debate on how to react effectively when "citizens' human rights are grossly and systematically violated."[37] These events raise the question of the responsibility of the international community when states are neither able nor willing to protect their own populations. The question at the heart of such matter was whether the states have unconditional sovereignty over their interests and affairs or the international community has the right to intervene in another country for humanitarian purposes.[38] In this regards, according to Christina Gabriela Badescu, despite extensive consideration, "no consensus was reached on the principles governing humanitarian intervention."[39] To its proponents, intervention simply signals the imperative of action in the face of mass violence and is intertwined with a perception of sovereignty as conditional to a state's respect for the human rights of its citizens. To its detractors, humanitarian intervention is an oxymoron that serves as a pretext for selective military intervention without legal sanctions and an exercise that only achieves uncertain results. Badescu clarified that throughout the 1990s controversy resigned- particularly over Rwanda, Somalia, Bosnia and Kosovo, between supporters of a right of humanitarian intervention and those who argued that state sovereignty precluded any intervention in the internal matters of a state where egregious human rights violation took place.[40]

[3] Sebastian, Leonard C., and Anthony L. Smith. "EBSCO HOST." *Southeast Asian Affairs*. Southeast Asian Affairs, n.d. Web. <http://tr6rt9pf7u.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info:ofi/enc:UTF8&rfr_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.atitle=Humanitarian Intervention&rft.jtitle=Southeast Asian Affairs&rft.date=2000&rft.pub=Institute of Southeast Asian Studies&rft.issn=0377-5437&rft.eissn=1793-9135&rft.externalDocID=972541101>.
[3] "Background Information on the Responsibility to Protect." *Outreaching Program on the Rwanda Genocide and the United Nations*. United Nations. <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>.
[3] "Outreach Program on Rwanda Genocide and the United Nations." Department of Public Information. March 2014. http://www.un.org/en/preventgenocide/rwanda/pdf/Backgrounder R2P 2014.pdf.
[3] Badescu, Cristina G. Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights. London: Routledge, 2012.
[4] Badescu, Cristina G. Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights. London: Routledge, 2012.

At the 54th session of the UN General Assembly in 1999, Kofi Annan, the Former UN Secretary General, challenged member states to prevent having another Rwanda and to reach consensus on the issue of humanitarian intervention. This moment was soon dubbed by commentators as the trigger for the search to produce a new perspective framework for the contentious humanitarian intervention debate. The response to this question was the creation of the principle of the responsibility to protect,[4] while mentioning that state sovereignty is not only a privilege but also a responsibility.

The international community declared its responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as according to the outcome of the 2005 UN World Summit outcome, which was adopted by the UN general assembly on 16 September 2005:

> 138. "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability". [42]

> 139. "The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council , in accordance with

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[4] Badescu, Cristina G. Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights. London: Routledge, 2012.
[4] "Resolution Adopted by the General Assembly on 16 September 2005." UN General Assembly. October 24, 2005. http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out." [43]

140. "We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide."[44]

Furthermore, according to the report of the security general, adopted in 2009, on the implementation of the responsibility to protect there are three pillars to the process of R2P. Pillar I: the protection and responsibility of the State; Pillar II: International assistance and capacity building, and Pillar III: Timely and decisive response.[45]To explain, according to Lesley Connolly, Pillar I here refers to a state's responsibility to protect its population and country from genocide, war crimes, crimes against humanity, and ethnic cleansing. Pillar II is the commitment of the international community to assist states in meeting the obligations of protection of its people from genocide, war crimes, and crimes against humanity. It seeks to draw on the cooperation of member states, regional and sub-regional arrangements, civil

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4 "Resolution Adopted by the General Assembly on 16 September 2005." UN General Assembly. October 24, 2005. http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.
4 "Resolution Adopted by the General Assembly on 16 September 2005." UN General Assembly. October 24, 2005. http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.
4 Connolly, Lesley. "Issues of Legality and Legitimacy. The Responsibility to Protect and NATO's Intervention in Libya." JPI. 2015. http://jpinyu.com/wp-content/uploads/2015/12/Submission-5.pdf.

society and the private sector, as well as on the institutional strengths and comparative advantages of the UN system. Prevention, building on pillars one and two, is a key ingredient for a successful strategy for the responsibility to protect. Pillar III refers to a situation where a state has failed to protect its citizens from mass atrocity and peaceful measures are not working. When this happens, the international community has the responsibility to intervene at first through diplomacy, and then through coercive means but only use military force as a last resort. [46]

In this regards, John Holme stated that "the third pillar of R2P is after all often seen as the practical manifestation of an older idea of humanitarian intervention, given much attention after the Rwandan genocide and Srebrenica, the international community must never again standby and watch atrocities take place without acting to stop them."[47]

2.3 The Dilemma of the Humanitarian Intervention:

The principle of the humanitarian intervention raises several questions at several levels; however, the main dilemma in all debates focuses on the ethics and legality of this concept.

2.3.1 Ethics (Human rights Vs. state sovereignty)

In his Millennium Report of 2000, the Former Secretary-General Kofi Annan, recalled the failures of the Security Council  to act in a decisive manner in Rwanda and the former Yugoslavia, and put forward a challenge to Member States: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?"[48]Annan's much cited quotation encompasses the central dilemma of the humanitarian intervention debate, namely the challenge of reconciling norms

[4] Connolly, Lesley. "Issues of Legality and Legitimacy. The Responsibility to Protect and NATO's Intervention in Libya." JPI. 2015. http://jpinyu.com/wp-content/uploads/2015/12/Submission-5.pdf.

[4] Holmes, John. "Responsibility to Protect: A Humanitarian Overview." Brill Nijhoff, 2014, 126-45. http://web.a.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=70702d21-816a-4954-8d1a-b605f838e691@sessionmgr4008.

[4] "Outreach Program on Rwanda Genocide and the United Nations." Department of Public Information. March 2014. http://www.un.org/en/preventgenocide/rwanda/pdf/Backgrounder R2P 2014.pdf.

in international law: sovereignty and human rights.

Humanitarian intervention has been considered a controversial issue, as many debates between different schools of thought on whether or not the states have the right to intervene in the affairs of the other states in cases of massive violation of human rights; many questions have been raised regarding the ethics of intervention in the humanitarian crises. Some scholars believe that humanitarian intervention in cases of extreme human rights abuse is at the very least morally permissible; others believe that some cases of extreme human rights abuse create a moral duty to intervene to stop the abuse.[49] Thus, the principle and practice of humanitarian intervention presents a seemingly insurmountable dilemma in global governance: this dilemma is characterized by the tension between two fundamental principles of international law: on the one hand, the prohibition of the use of force as it penetrate the sovereignty of the states, while other is the obligation to respect and protect human rights.

According to Iain Atack, "Chomsky points out, this conflict is embodied in the two main pillars of international law and international order, the UN Charter and the Universal Declaration of Human Rights (UD): There is at least a tension, if not an outright contradiction, between the rules of world order laid down in the Charter and the rights articulated in the UD..The Charter bans force violating state sovereignty; the UD guarantees the rights of individuals against oppressive states...The issue of humanitarian intervention arises from this tension."[50]

Iain Atack argued that the "Armed humanitarian intervention, or the use of military force to protect the fundamental human rights of the citizens of another state, has become increasingly prominent in debates about the role of ethics in international affairs."[51] "Questions concerning the violation of state sovereignty and the use of armed force, in

[4] Crovelli, Mark R. "Humanitarian Intervention and the State ."*University of Colorado, Boulder.* <http://mises.org/journals/scholar/crovelli2.pdf>.
[5] Atack, Iain. "Ethical Objections to Humanitarian Intervention." Security Dialogue 33, no. 3 (2002): 279-92. http://www.jstor.org/stable/26298080.
[5] Atack, Iain. "Ethical Objections to Humanitarian Intervention." Security Dialogue 33, no. 3 (2002): 279-92. http://www.jstor.org/stable/26298080.

particular, have been central to debates about the morality of humanitarian intervention."[52] Ethical objections to such intervention focus on two issues in particular: the violation of national sovereignty and the use of armed force with the concomitant loss of life and human suffering entailed."[53]

The definition of humanitarian intervention contains two main elements: one purporting to grant a certain number of rights and privileges based on humanitarian principles or human rights; while the other specifying the nature and limits of state sovereignty. In other words, the question of the ethical status of humanitarian intervention arises from the conflict of two traditions of thought, state sovereignty and human rights.

But before going into such dilemma, we have to know first what is meant by Sovereignty. The sovereignty of states is the foundation of interstate relations for the past several centuries. It is also the basis of the modern world order. "But the idea of sovereignty traces back to ancient Rome where was formulated as the power of the Emperor and to XVI century when Jean Bodin defines the sovereign as a ruler subjected only to the natural law, divine law and the law of nations". [54] Sovereignty is "the most high, absolute and perpetual power over the citizens and subjects in a Commonweal...the greatest power to command."[55]

Hugo Grotius defined sovereignty as "power whose acts are not subject to the control of another, so that they may be made void by the act of any other human will."[56] Thomas Hobbes "regarded sovereignty as absolute, unified, inalienable, based upon a voluntary but irrevocable contract" [57] According to the number of international law researchers, the concept

[5] Atack, Iain. "Ethical Objections to Humanitarian Intervention." Security Dialogue 33, no. 3 (2002): 279-92. http://www.jstor.org/stable/26298080.

[5] Atack, Iain. "Ethical Objections to Humanitarian Intervention." Security Dialogue 33, no. 3 (2002): 279-92. http://www.jstor.org/stable/26298080.
[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.
[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.
[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.
[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.

of state sovereignty was established in the Treaties of Westphalia in 1648 which ended almost three decades of war in Europe and indicated new order, based on the national sovereignty. The Peace of Westphalia "did not sanction the right of rulers to do whatever they pleased within their own territories"[58]

As the idea of the final and absolute authority in the state, the concept of sovereignty is recognized in the United Nations Charter as one of the main principles of international law. The principle of the sovereign equality of all states is adopted in art. 2(1) of the UN Charter. The prohibition of interference in the domestic affairs of sovereign states by other sovereign states, especially of the threat of use of force lays down in art. 2(4). In order to promote the sovereignty of states UN Charter in art. 2(7) stipulates that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter."[59]

The proponents of the humanitarian intervention believe that the concept of humanitarian intervention is at its core about protecting people. "It rests on the premise that when gross abuses of human rights are taking place, when innocent people are being maimed and killed, then the international community cannot and should not stand idly by." [60]This is because the major responsibility of states, governments, and the international community is to protect and secure human rights, the rights that all persons have by virtue of personhood alone. In addition, Mark Crovelli argued that the "Governments and others in power who seriously violate those rights undermine the one reason that justifies their political power, and thus should not be protected by international law."[61]Furthermore, "State Sovereignty entails

[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.
[5] Dragana, Boberic. "Humanitarian Intervention Legality and Legitimacy." UNIVERSITETET I OSLO. September 2008. https://www.duo.uio.no/bitstream/handle/10852/22768/thesisDraganaxBoberic.pdf?sequence=1.
[6] Volsky, Alexander. "Reconciling Human Rights and State Sovereignty, Jusice and the Law, in Humanitrian Intervention". University of Oxford, University College JUNE 2007. <http://www.ucl.ac.uk/ippr/journal/downloads/vol3-1/Volsky.pdf>.
[6] Crovelli, Mark R. "Humanitarian Intervention and the State ."*University of Colorado, Boulder*. <http://mises.org/journals/scholar/crovelli2.pdf>.

responsibility, and therefore each State has a responsibility to protect its citizens from mass killings and other gross violations of their rights. If that State is unable or unwilling to carry out that function, the state abrogates its sovereignty and the responsibility to protect falls to the international community."[62]

On the other hand, opponents of the concept of humanitarian intervention believe that the humanitarian intervention erodes the principle of sovereignty, which has been successfully governing the world since the Treaty of Westphalia in 1648. They argue that respecting the sovereignty of the other states is a fundamental principle in international relations; in which the norm of non-intervention is enshrined in Article 2.7 of the UN Charter. According to the report of the International Commission on Intervention and State Sovereignty "A sovereign state is empowered in international law to exercise exclusive and total jurisdiction within its territorial borders. Other states have the corresponding duty not to intervene in the internal affairs of a sovereign state. If that duty is violated, the victim state has the further right to defend its territorial integrity and political independence."[63] In other words, sovereignty gives states the legal right to manage their internal affairs free from outside interference and prevents powerful states intervening in weaker states; even if such intervention is for the protection of the civilians, as it is considered a kind of intervention in the internal affairs of the state; which is against the principle of sovereignty. Boberic Dragana stated that "while P5 states purport to be in favour of territorial integrity and sovereignty of states, the reality is at times starkly different; humanitarian intervention has been cited as a valid reason to suspend the associated rights of state sovereignty, as the example of NATO intervention in Kosovo clearly highlights. Operations Allied Force proceeded on 24 March 1999 without any explicit, or implicit, Security Council authorization, leading to

[6] Bendra, Imane. "The Responsibility to Protect Libya: Legality and Legitimacy of NATO intervention." 2012 . <http://search.proquest.com/docview/1267126530>.
[6] "The Responsibility To Protect." .Report of the International Commission on Intervention and State Sovereignty. December 2001. <http://responsibilitytoprotect.org/ICISS Report.pdf>.

condemnation by the Russian Federation of aggression against a sovereign states, which was undertaken in violation of the United Nations Charter in circumvention of the Security Council."[64]

### 2.3.2 The Legal Status of the Humanitarian Intervention According to the UN charter

The intervention of the international community in the states is a controversial issue, for some politicians argue that it should not be allowed as it penetrate the sovereignty of the states while others are encouraging it in order to save the civilians. But the question now is how the United Nations perceives the concept of humanitarian intervention. The United Nations Charter is widely seen as fundamentally non-interventionist in its approach. Taken as a whole the Charter essentially limits the right of states to use force internationally to cases of, first, individual or collective self-defence, and second, assistance in UN-authorized or controlled military operations. Nowhere does the Charter address directly the question of humanitarian intervention, whether under UN auspices or by states acting independently. However, the Charter does set forth a number of purposes and rules, which are germane to humanitarian intervention.[65]

A.  Unauthorized Intervention

Since the Second World War, the international law has prohibited states from threatening or using force except in self-defence or pursuant to Security Council authorization.[66]In other words, if humanitarian intervention is not authorized by the Security Council, its status under the Charter is considerably more dubious.[67]The strongest and most frequently cited prohibitions on intervention are those in Article 2. To illustrate, article 2(4) states that 'All

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[6]  *Elgebeily, Sherif. The Rule of Law in the United Nations Security Council  Decision-making Process: Turning the Focus Inwards. New York: Routledge, 2017.*

[6] The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.

[6] Goodman, Ryan. "Humanitarian Intervention and Pretexts for War." *The American Journal of International Law*. Volume 100:107. <http://www.law.harvard.edu/faculty/rgoodman/pdfs/RGoodmanHumanitarianInterventionPretextsforWar.pdf>.

[6] Stein, Mark S. "Unauthorized Humanitarian Intervention." *Cambridge Journals: Social Philosophy and Policy*. Volume 21.Issue 1 (2004): 14-38. <http://journals.cambridge.org.library.aucegypt.edu:2048/action/displayFulltext?type=1&fid=192704&jid=SOY&volumeId=21&issueId=01&aid=192703&bodyId=&membershipNumber=&societyETOCSession=>.

Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."[68]

Thus, this article reflect that the use of force in international relations is totally prohibited, with only two exceptions: (1) as authorized by the Security Council , and (2) in exercise of the right of self-defence recognized in Article 51 of the Charter[69] which stated that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security"[70]

Also relevant to the legality of humanitarian intervention is Article 2(3) of the Charter, which states that "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."[71] The requirement that disputes be settled so that justice is not endangered may leave some room for unauthorized humanitarian intervention under Article 2(3). At the very least, however, force could not be the first resort; there would have to be a genuine attempt to achieve a peaceful resolution in order to comply with Article 2(3).[72]

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[6]  The Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*. Copenhagen: Nordisk Bog Center, 2000.
[6] Stein, Mark S. " Unauthorized Humanitarian Intervention.." *Cambridge Journals: Social Philosophy and Policy*. Volume 21.Issue 1 (2004):                                                                                                                                      14-38.
<http://journals.cambridge.org.library.aucegypt.edu:2048/action/displayFulltext?type=1&fid=192704&jid=SOY&volumeId=21&issueId=01&aid=192703&bodyId=&membershipNumber=&societyETOCSession=>.
[7]  "Charter of the United Nations." . United Nations. <http://www.un.org/en/documents/charter/chapter7.shtml>.
[7]  Stein, Mark S. " Unauthorized Humanitarian Intervention.." *Cambridge Journals: Social Philosophy and Policy*. Volume 21.Issue 1 (2004):                                                                                                                                      14-38.
<http://journals.cambridge.org.library.aucegypt.edu:2048/action/displayFulltext?type=1&fid=192704&jid=SOY&volumeId=21&issueId=01&aid=192703&bodyId=&membershipNumber=&societyETOCSession=>.
[7] Stein, Mark S. " Unauthorized Humanitarian Intervention.." *Cambridge Journals: Social Philosophy and Policy*. Volume 21.Issue 1 (2004):                                                                                                                                      14-38.

B. Authorized Intervention

As mentioned before the UN charter oppose the military intervention in the internal affairs of the other countries, even if it is for protecting the civilians; however, it may be allowed in the sever threats, with the permission of the Security Council. To explain, the Security Council has the authority, under Chapter VII of the UN Charter, to conduct or authorize humanitarian intervention. The keystone of the Security Council's authority is Article 39 of the Charter, which states that "The Security Council  shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.[73]Thus, The language of Article 39 expressly gives the Security Council  the authority to determine what is a threat to the peace; and in turn decide whether to authorize military intervention or not.

2.4 Debate over the tools of Intervention:

The form of intervention that could constitute part of the global arsenal in seeking the protection of civilians is always a debatable issue, as there are different forms of intervention:

A. Diplomatic Intervention:

Raphael Soubeyran stated that it is a non-coercive, non-violent and ultimately non-binding form of intervention. "It is a voluntary process where a third party helps antagonists to define and sign a peaceful agreement."[74]Diplomatic interventions normally precede other forms of intervention and aim at either averting violent escalation of a conflict or establishing

conditions conducive to de-escalation.[75] In addition, Patrick Regan argues that diplomatic interventions can shorten the time of conflict, unlike the military or economic interventions, which could increase the expected duration of a conflict.[76] However, Stefan Wolff argued that other scholars believe that the failure of diplomatic efforts to change the behavior of conflict parties on the ground often leads to either more coercive measures applied to both parties or selective coercion and/or support for individual parties[77]

### B. Economic Intervention:

The states can intervene in the internal affairs of another state by imposing economic sanctions. It is considered punitive measures taken by one or more states against another state that have violated international law, or which poses a threat to national or international security.[78] In addition, the economic sanctions seek to lower the aggregate economic welfare of a target state by reducing international trade or imposing any kind of economic pressure in order to coerce the target government to change its political behavior.[79]

### C. Military Intervention:

Is the last solution for the international community; it is the use of force by states or organization against another state with the goal of protecting the lives and welfare of the foreign civilians and to prevent the gross of violations of human rights. But can the military intervention help in promoting democracy and protecting human rights. According to Mohammed Nuruzzaman "foreign military intervention to promote democracy and human rights in the targeted states is a hotly debated issue. There are two camps of scholars who

[7] Wolff, Stefan , and OyaDursunÖžkanca. "Regional and International Conflict Regulation: Diplomatic, Economic, and Military Interventions." . University of Birmingham, Elizabethtown College. <http://www.stefanwolff.com/files/Regional and International Conflict Regulation--Diplomatic, Economic, and Military Interventions.pdf>.

[7] Regan, Patrick M., and Aysegul M. Aydin. "Diplomacy and other Forms of Intervention: Combined Strategies and the Duration of Civil War." . Binghamton University.
  <http://cdp.binghamton.edu/papers/diplomacy.pdf>.

[7] Wolff, Stefan , and OyaDursunÖzkanca. "Regional and International Conflict Regulation: Diplomatic, Economic, and Military Interventions." . University of Birmingham, Elizabethtown College. <http://www.stefanwolff.com/files/Regional and International Conflict Regulation--Diplomatic, Economic, and Military Interventions.pdf>.

[7] "Economic & Financial [8] Sanctions Practice." *PracticeBrief*. The Eren Law Firm., 2005-2006 <http://www.erenlaw.com/pdfs/pb_economic_sanctions-defined.pdf>.

[7] "Economic & Financial [9] Sanctions Practice." *PracticeBrief*. The Eren Law Firm., 2005-2006 <http://www.erenlaw.com/pdfs/pb_economic_sanctions-defined.pdf>.

hold diametrically opposed views on the linkages between military interventions, democracy and human rights promotions."[80]He clarified that "Scholars in the pro-intervention camp vigorously argue that military interventions are necessary to unseat autocratic regimes, save the lives of people who aspire for democracy and promote human rights of the oppressed peoples. Interventions, according to them, are the best and most effective ways to democratize the authoritarian states and societies." [81]According to Nuruzzaman "the anti-intervention camp, in contrast, rules out any positive connections between interventions and human rights and democracy promotions on the ground that third-party interventions are harmful to domestic reconciliation process and peace building in the target states. [82]

**The Theoretical Framework**:

2.5 Liberalism and humanitarian intervention:

Liberal theorists believe that "(1) individual rights hold primacy over national interests and sovereignty; (2) the natural state of man is peaceful; (3) the application of reason can resolve conflicts of interest among individuals and states; (4) human nature is malleable and improvable; (5) human society is progressively improving; (6) norms are more important than power; (7) international institutions are effective means of promoting harmony; and (8) military force should only be used in pursuit of altruistic objectives". [83]

[8] Nuruzzaman, Mohamed. "Rethinking Foreign Military Interventions to Promote Human Rights: Evidence from Libya, Bahrain and Syria." *Canadian Journal of Political Science/Revue Canadienne De Science Politique*. January 20, 2016. https://www.cambridge.org/core/services/aop-cambridge core/content/view/4368F4C3D8CD08C91F1484398598C6D3/S0008423915000803a.pdf/rethinking_foreign_military_interventions_to_promote_human_rights_evidence_from_libya_bahrain_and_syria.pdf.
[8] Nuruzzaman, Mohamed. "Rethinking Foreign Military Interventions to Promote Human Rights: Evidence from Libya, Bahrain and Syria." *Canadian Journal of Political Science/Revue Canadienne De Science Politique*. January 20, 2016. https://www.cambridge.org/core/services/aop-cambridge core/content/view/4368F4C3D8CD08C91F1484398598C6D3/S0008423915000803a.pdf/rethinking_foreign_military_interventions_to_promote_human_rights_evidence_from_libya_bahrain_and_syria.pdf.
[8] Nuruzzaman, Mohamed. "Rethinking Foreign Military Interventions to Promote Human Rights: Evidence from Libya, Bahrain and Syria." *Canadian Journal of Political Science/Revue Canadienne De Science Politique*. January 20, 2016. https://www.cambridge.org/core/services/aop-cambridge core/content/view/4368F4C3D8CD08C91F1484398598C6D3/S0008423915000803a.pdf/rethinking_foreign_military_interventions_to_promote_human_rights_evidence_from_libya_bahrain_and_syria.pdf.
[8] Desch, Michael C. "Humanitarian Intervention: Liberals, Neocons, and Realcons." Orbis 45, no. 4 (2001): 519-33. https://ac-els-cdn-com.libproxy.aucegypt.edu/S0030438701000898/1-s2.0-S0030438701000898-main.pdf?_tid=6fc82c61-a401-49a8-9874-62eb0644db1b&acdnat=1534764322_eb8b656dd5f2f6c111152487fbc182b7.

According to Michael J Smith, traditionally liberalism valued self-determination, community, and shared history.[84] Liberalism also has a "more universalist conception of human rights in which sovereignty is a subsidiary and a conditional value"[85] Under such a framework, humanitarian intervention would clearly reflect moral and legal principles. Indeed, states who commit genocide or other egregious human rights abuses break nearly all known moral codes and forfeit, according to liberalism, their legitimacy and the right to govern their own states free from intervention. Furthermore, Terry Nardin suggests that the non-intervention principle inherently accounts for exceptions made to it: since "a state exists to protect the rights of its citizens, if it violates those rights it loses its moral rationale and therefore its immunity from foreign interference".[86] Thus, liberal theorists appear to agree that the main purpose of humanitarian military interventions is the preservation of human security.[87]

The liberalists believe that the major role of states and governments is to protect and secure human rights.[88] The liberal cosmopolitan support of humanitarian intervention consists of three assumptions: people have equal rights and freedoms which institutions exist to protect, all people equally possess these rights and freedoms regardless of culture, religion, state, etc., and finally, the protection of these rights is a concern for all individuals, states, national and international organization.[89]

In this regards, it is worth to refer to the commitment of the international community to protect the civilians under threat. To explain, protecting civilians under threat is an obligation, not a choice; as the international community is committed to respond to mass

[8] Smith, Michael J. (1998). 'Humanitarian Intervention: An overview of the ethical issues'. Ethics and International Affairs. Vol.12.
[8] Smith, Michael J. (1998). 'Humanitarian Intervention: An overview of the ethical issues'. Ethics and International Affairs. Vol.12.

[8] Nardin, Terry. (2006). Introduction. In Nardin, Terry & Vanessa Williams. Humanitarian Intervention. New York: New York University Press.
[8] Choi, Seung-Whan. "What Determines US Humanitarian Intervention?." *University of Illinois at Chicago, USA, SAGA Journal*.volume 30 .no.2 (April 2013): 121-139. <http://cmp.sagepub.com/content/30/2/121>.
[8] Tenson, Fernando R. "The [8] Liberal Case For Humanitarianintervention."<http://keats.kcl.ac.uk/pluginfile.php/265289/ mod_resource/content/1/Teson - The liberal case for humanitarian intervention_0.7931976.pdf>.
[8] Spalding, Liam James. "A Critical Investigation of the IR Theories that Underpin the Debate on Humanitarian Intervention." *International Public Policy Review*.Volume 7.No. 2 (June 2013).<http://www.ucl.ac.uk/ippr/journal/downloads/vol7no2/irtheory>.

atrocity crimes or serious human rights violations to protect civilians under threat. There is an international norm that civilians in war-affected situations should be protected from violence. This norm has grown particularly strong since the end of the 1990s when there was a clear shift in the global security agenda, putting the issue of protection of civilians at the forefront of the responsibilities of the international community.[90] As such the international community has a humanitarian responsibility to intervene, even military, in order to protect vulnerable individuals from violent threats. [91] In this context, the humanitarian intervention is seen as a justified mechanism to respond to large-scale injustices associated with human rights violations and as a method of law enforcement by the international community.[92] As such, the liberal concept of humanitarian intervention will be employed throughout the thesis to evaluate the intervention in Libya.

It is important to note that the liberal principle of humanitarian intervention was criticized by those who believe that so called humanitarian interventions are always guided by real political interests and can never be purely moral in nature. Those realists are hostile to any intervention said to be motivated by ethical reasons. As Smith puts it, states are "unable to act in other than self-interested ways".[93]

As the case of Libya will reveal, facing the threats of refugee flows, oil, and terrorism, the international intervention decision was driven by perceived threat to intervening states national interest. As applied to the international intervention in Libya, realism suggests that states are "likely to intervene when the potential target of intervention

[9] Hultman, Lisa. "UN Peace Operations and Protection of Civilians: Cheap Talk or Norm Implementation?" *Journal of Peace Research*. 2012. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0022343312461662

[9] Brown, Garrett Wallace, and Alexandra Bohm. "Introducing Jus Ante Bellum as a Cosmopolitan Approach to Humanitarian Intervention." *European Journal of International Relations*: 897-919. 2016. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/1354066115607370.

[9] Brown, Garrett Wallace, and Alexandra Bohm. "Introducing Jus Ante Bellum as a Cosmopolitan Approach to Humanitarian Intervention." *European Journal of International Relations*: 897-919. 2016. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/1354066115607370.

[9] Seay, Misha. "Realism, Liberalism and Humanitarian Intervention: Is there a Middle Ground?" MSc Human Rights London School of Economics and Political Science. April 2007. https://iars.org.uk/sites/default/files/2007_Research Essay_ Humanitarian Intervention.pdf.

poses a direct or potential threat to their national interest (defined as territorial integrity or citizens), their economy or a natural resource of major economic or security significance." [94]

As Lisa Anderson argues on Libya "For a century, international powers have believed that the territories we now know as Libya could be turned to their purposes in the absence of clear norms and standards for statehood and sovereignty.... Today, local politics reflect the obvious conclusion: in the absence of integration into a stable international system, interventionist impulses by outside powers serve not to induce social change or development but only to sustain local political powerbrokers and fuel local political competition."[95]

The realists refer to national self-interests as being the primary motives of intervening states.[96] Hans Morgenthau believes that "interest is the perennial standard by which political action must be judged and directed"[97] and therefore, the "objectives of a foreign policy must be defined in terms of the national interest".[98] In addition, realists agree that there is no reason to believe that when a state decides to get engaged in evolving humanitarian catastrophes abroad, facing significant risks, assuming high costs and compromising national resources; it does so for reasons other than self-interest.[99] Thus, the realists are against the concept of humanitarian intervention, as they do not believe that moral concerns should be allowed to affect international relations, and they fear that intervention will produce further conflict and destabilization.[100]

[9] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

[9] Anderson, Lisa. ""They Defeated Us All": International Interests, Local Politics, and Contested Sovereignty in Libya." *The Middle East Journal*, 2nd ser., 71:229-47. 2017. http://muse.jhu.edu.libproxy.aucegypt.edu:2048/article/657690.

[9] Choi, Seung-Whan. " What Determines US Humanitarian Intervention?." *University of Illinois at Chicago, USA, SAGA Journal*.volume 30 .no.2 (April 2013): 121-139. <http://cmp.sagepub.com/content/30/2/121>.

[9] Pérez, Elizabeth Prado. "Theory and practice of humanitarian intervention. When theory becomes policy." .InstitutoTecnológico y de EstudiosSuperiores de OccidenteDepartamento de EstudiosSociopolíticos y Jurídicos, New Orleans, LA, <http://investigacionpolitica.iteso.mx/wp-content/uploads/2012/05/Elizabeth-ISA-2010.pdf>.

[9] Pérez, Elizabeth Prado. "Theory And Practice Of Humanitarian Intervention. When Theory Becomes Policy." .InstitutoTecnológico y de EstudiosSuperiores de OccidenteDepartamento de EstudiosSociopolíticos y Jurídicos, New Orleans, LA, <http://investigacionpolitica.iteso.mx/wp-content/uploads/2012/05/Elizabeth-ISA-2010.pdf>.

[9] Pérez, Elizabeth Prado. "Theory And Practice Of Humanitarian Intervention. When Theory Becomes Policy." .InstitutoTecnológico y de EstudiosSuperiores de OccidenteDepartamento de EstudiosSociopolíticos y Jurídicos, New Orleans, LA, <http://investigacionpolitica.iteso.mx/wp-content/uploads/2012/05/Elizabeth-ISA-2010.pdf>.

[1] Howorth, Jolyon. "Humanitarian Intervention In The Post-Cold War Era: A Provisional Balance-Sheet In Light Of Libya, Syria And Mali." Yale University,
<http://www.chile21.cl/wp-content/uploads/2013/03/Jolyon_Howorth__Chile_Paper.pdf>.

**Chapter III**

**Libya's 2011 Popular Uprising and Aftermath**

While having Libya as a case study for evaluating the principle of the humanitarian intervention, this chapter is going to firstly give a brief overview on Libya before the popular uprising in 2011, in order to understand the internal situation under the leadership of Al Qaddafi, while giving more attention to the economic situation in the country at that time. Then, this chapter will cover the period of the outbreak of the popular uprising and how the international community responded towards the violence used against the protesters at that time, until the adoption of resolutions 1970 and 1973 by the UNSC. In this regards, the factors behind the adoption of both resolutions, especially resolution 1973 which authorized the international intervene in the country, will be highlighted.

Then, this chapter will discuss the legality and the implementations of resolution 1973 during the international military intervention stage, which ended up by the death of Al Qaddafi in October 2011. Following the end of NATO's mission in Libya, the international community decided to help the Libyans in building up their country by providing assistance through the United Nations Support Mission in Libya (UNSMIL). Such mission is considered a non-military type of international humanitarian intervention.

3.1 Overview of Libya before the 2011 popular uprising:

3.1.1 Al Qaddafi reign to power:

Muammar Al Qaddafi came to power in Libya after leading a bloodless coup against King Idris. On the first of September 1969, the Free Unionist Officers movement, led by Al Qaddafi, executed a successful coup d'etat, overthrew the monarchical regime that had ruled Libya since its independence in 1951. Since then, "Al Qaddafi has articulated a comprehensive, well-thought-out ideology, grounded in the revolutionary trinity of freedom,

socialism and unity".[101] In other words, for much of the first two decades of the revolution, the ideology of Al Qaddafi was defined in the familiar terms of "Arab nationalism, positive neutrality, socialism, and Arab unity".[102] However, the internal and external pressures combined to force Al Qaddafi to introduce small, but noteworthy, reforms in the second half of the 1980s. Following a prolonged period of international isolation, "Al Qaddafi at the end of the 1990s again began to tout significant reforms. In the process, most of the major ideological tenets of the 1st of September revolution were modified, replaced, or discarded."[103]

3.1.2 The Rise of the Jamahiriya and the Origins of the Fragile State:

In the early 1970s, Al Qaddafi introduced his so-called the Third Universal Theory, which advanced the idea that "people should directly run the activities and exercise the powers of government". [104] The result of this system over the years was the virtual absence of any development of a state bureaucracy or any form of institutionalized governmental structure. [105] Al Qaddafi's political ideology was laid down in his famous book, named the Green Book, that mixed Islamism with socialism; in which he considered this book a guide for all humanity. His book emphasized popular rules, stateless society, and direct democracy, and called for populist economic policies. "Playing on the traditional Libyan suspicion of the state, Al Qaddafi claimed not to be part of it and set up a system of informal governing institutions alongside the formal instruments of power."[106] He would "use these institutions to

[1]  St John, Ronald Bruce. "Redefining the Libyan Popular uprising : The Changing Ideology of Muammar Al-Qaddafi." The Journal of North African Studies. January 18, 2008. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13629380701742819?needAccess=true.
[1]  St John, Ronald Bruce. "Redefining the Libyan Popular uprising : The Changing Ideology of Muammar Al-Qaddafi." The Journal of North African Studies. January 18, 2008. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13629380701742819?needAccess=true.
[1]  St John, Ronald Bruce. "Redefining the Libyan Popular uprising : The Changing Ideology of Muammar Al-Qaddafi." The Journal of North African Studies. January 18, 2008. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13629380701742819?needAccess=true.
[1]  Kasaija, Phillip Apuuli. "The African Union (AU), the Libya Crisis and the Notion of 'African Solutions to African Problems'." Journal of Contemporary African Studies. February 19, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/02589001.2012.761463?needAccess=true).
[1]  Kasaija, Phillip Apuuli. "The African Union (AU), the Libya Crisis and the Notion of 'African Solutions to African Problems'." Journal of Contemporary African Studies. February 19, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/02589001.2012.761463?needAccess=true).
[1]  Chivvis, Christopher S. Toppling Qaddafi: Libya and the Future of Liberal Intervention. New York: Cambridge Univ. Press, 2014.

control the political apparatus of the state while undermining and remaining formally detached from it".[107] Furthermore, in 1977 the people of Libya proclaimed the Jamahiriya or "government of the popular masses by themselves and for themselves." [108] The Jamahiriya was a higher form of direct democracy with "the People as President." [109] Traditional institutions of government were abolished and disbanded, and power belonged to the public directly through various congresses and committees.[110]

The decision-making process under Al Qaddafi was restricted to a small team of confidantes and advisors. Under Qaddafi's rule, there was neither a constitution in the modern sense nor political parties; the government used to operate on the basis of a complex web of local structures built around family and tribal ties, business interests and other informal forms of association.[111] Though Qaddafi faced several coup attempts, he managed to hold on to power. The Libyan uprising which started in February 2011 appears to be the most serious challenge faced by Qaddafi in his 42-year-old rule.

3.1.3 Libya's Tribalism

The tribal landscape must be understood along with Libya's recent history, as the country has not had political parties for more than four decades. Instead, Al Qaddafi had encouraged the tribal system in order to use Libya's tribes as a tool to strengthen his power and ensure stability; in addition to filling the void left by the lack of the state effective institutions. To explain, the tribal influence in the political process spread unofficially through institutions, like the People's Committees and People's Congresses, through a system

[1]   Chivvis, Christopher S. Toppling Qaddafi: Libya and the Future of Liberal Intervention. New York: Cambridge Univ. Press, 2014.
[1]   Chengu, Garikai. "Qaddafi 's Libya Was Africa's Most Prosperous Democracy." Foreign Policy Journal. January 12, 2013. https://www.foreignpolicyjournal.com/2013/01/12/Qaddafi s-libya-was-africas-most-prosperous-democracy/.
[1]   Chengu, Garikai. "Qaddafi 's Libya Was Africa's Most Prosperous Democracy." Foreign Policy Journal. January 12, 2013. https://www.foreignpolicyjournal.com/2013/01/12/Qaddafi s-libya-was-africas-most-prosperous-democracy/.
[1]   Chengu, Garikai. "Qaddafi 's Libya Was Africa's Most Prosperous Democracy." Foreign Policy Journal. January 12, 2013. https://www.foreignpolicyjournal.com/2013/01/12/Qaddafi s-libya-was-africas-most-prosperous-democracy/.
[1]   Kasaija, Phillip Apuuli. "The African Union (AU), the Libya Crisis and the Notion of 'African Solutions to African Problems'." Journal of Contemporary African Studies. February 19, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/02589001.2012.761463?needAccess=true).

of promotions and people's selection since 1977. [112] Qaddafi believed that these institutions were the best means to rule his people and represented the official national umbrella for all the forces in Libya, with a practical focus on the tribal leadership in each region. [113] To increase the loyalty of the tribes the Gaddafa tribe and to his regime; "Al Qaddafi took several measures to support these tribes, including the 1990 law, which grants each tribe exclusive ownership of land that was commonly theirs in the past, but has become part of the urban real estate space."[114] In 1997, Al Qaddafi was receiving delegations from different tribes in Libya who pledged faithfulness to him and were made to sign documents "of what was known as the "document of honour" under which they pledged allegiance to the revolutionary system, and to unite against any clan or tribe attempting armed opposition to the regime." [115] This, it is believed, was the turning point in Libya's social history. Qaddafi largely encouraged tribalism so that he could control it and maintain power and "he did that by the age-old tactic to divide and conquer."[116] In different periods of time, Qaddafi would empower some tribes over others. The objective was to extend his power rather than the common misconception that he controlled tribal rivalry by uniting them. [117]

3.1.4 The economic situation in Libya before the 2011 popular uprising:

A: Oil

Since the discovery of the commercially viable oil deposits in the mid-1950s, oil has decisively contributed to shaping the economic, social and political developments in the

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[1]   Tarek Ladjal & Alexios Alecou (2016) Tribe and state in the history of modern Libya: A Khaldunian reading of the development of Libya in the modern era 1711–2011, Cogent Arts & Humanities
https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F23311983.2016.1183278
[1]   Tarek Ladjal & Alexios Alecou (2016) Tribe and state in the history of modern Libya: A Khaldunian reading of the development of Libya in the modern era 1711–2011, Cogent Arts & Humanities
https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F23311983.2016.1183278
[1]   Tarek Ladjal & Alexios Alecou (2016) Tribe and state in the history of modern Libya: A Khaldunian reading of the development of Libya in the modern era 1711–2011, Cogent Arts & Humanities
https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F23311983.2016.1183278
[1]   Tarek Ladjal & Alexios Alecou (2016) Tribe and state in the history of modern Libya: A Khaldunian reading of the development of Libya in the modern era 1711–2011, Cogent Arts & Humanities
https://www.tandfonline.com/action/showCitFormats?doi=10.1080%2F23311983.2016.1183278
[1]   Jawad, Rana. *Tripoli Witness*. London: Gilgamesh Publishing, 2011.        6
[1]   Jawad, Rana. *Tripoli Witness*. London: Gilgamesh Publishing, 2011.        7

country.[118]According to the International Monetary Fund, Libya is overly dependent on hydrocarbons, as they have long dominated the Libyan economy, "accounting for more than 70 percent of GDP, more than 95 percent of exports, and approximately 90 percent of government revenue. With about 3.5 percent of the world's proven crude oil reserves, Libya has a prominent position in the international energy market." [119]Before the popular uprising, its "output was 1.77 million barrels per day of crude oil (equivalent to 2 percent of the global output) and close to 0.2 million barrels-equivalent of natural gas".[120]

B: The Financial Sector:

Furthermore, according to the international monetary fund, Libya's financial sector had been undergoing reforms before the popular uprising in 2011. Prior to 2007, the five largest commercial banks were fully owned by the Central Bank of Libya (CBL). Reforms included partial privatization and the involvement of foreign partners in six out of the 16 banks. Nevertheless, much of the banking system remains under the control of the government, and state-owned specialized credit institutions play a major role in the financial sector. [121]However, "the performance of the banking sector had improved, as the total commercial bank assets increased from Libyan dinar 14.5 billion at end-2003 to Libyan dinar 65.4 billion at end-2010. Financial soundness indicators improved over the period, with nonperforming loans declining to 17.2 percent (from 35.5 percent in 2004), loan provisioning increasing to 85 percent (from 51.8 percent in 2004), and the regulatory capital ratio increasing to 17.3 percent, compared to 10.4 percent in 2004".[122]

[1]  Costantini, Irene. "Conflict Dynamics in Post-2011 Libya: A Political Economy Perspective." Conflict, Security & Development. August 01, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14678802.2016.1212534?needAccess=true.

[1]  Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising: Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[1]  Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising: Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[1]  Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising: Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[1]  Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising: Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

In addition, following the lifting of earlier United Nations sanctions in 2003, the economic activity increased steadily for seven years. During the period 2004-2010, the average real GDP growth was approximately 5 percent, annual consumer price inflation averaged less than 4 percent, and official foreign assets increased from $20 billion at the end of 2003 to $170 billion at the end of 2010.[123]Although non-hydrocarbon economic activity was growing at a rapid pace before the conflict, it still accounts for no more than 30 percent of the GDP and a negligible part of total exports. In other words, while the non-hydrocarbon sectors grew rapidly, supported by an ambitious public investment program, Libya remained one of the most hydrocarbon-dependent countries, with its exports among the least diversified in the world; "its small private sector was handicapped by the ubiquitous dominance of the state and by crippling institutional failures. Consequently, social and governance indicators remained poor, job creation was lacklustre, and dependence on expatriate workers increased".[124]

C: The Unemployment Problem:

As such, the unemployment in Libya, before the popular uprising, appears to be a structural problem, particularly among youth, and the identification of policy measures and structural reforms that would create employment opportunities is critical while considerable potential to expand hydrocarbon production exists, the hydrocarbon industry is capital intensive and therefore can make only a very limited contribution to employment growth. "Hence, over the medium term, the main challenges are to reorient the economy away from hydrocarbon dependence and to promote job creation and inclusive growth".[125]

To explain, the oil abundance in Libya offsets the extreme scarcity of other resources,

[1] Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising : Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[1] Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising : Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[1] Chami, Ralph, Ahmed Al-Darwish, Serhan Cevik, Joshua Charap, Susan George, Borja Gracia, Simon Gray, and Sailendra Pattanayak. "Libya beyond the Popular uprising : Challenges and Opportunities." International Monetary Fund: Middle East and Central Asia Department. 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

particularly, water. In a country in which approximately 90 percent of the territory is desert, scarcity of agricultural lands and little industrial development have led to a growing urban population "whose employability is almost exclusively dependent on the service economy".[126] In economic terms, "Libya is a dualistic economy whereby the oil sector contributes most to the GDP but employs little of the labor force and other sectors of the labor force."[127] Due to the poorly developed non-oil economy, oil revenues have decisively contributed to the historical expansion of the public sector. Consequently, in 2010, just before the uprising, the public sector was estimated to employ around 85 percent of the labor force, but "vertically the controlled system of patronage dominated the economic life of the country".[128] As of the end of 2010, the unemployment rate was officially 13.5 percent, with youth unemployment estimated at 25-30 percent. The lack of employment opportunities for nationals can be traced back to the domination of the economy by the state, a mismatch between the skills of workers and the demands of the private sector, as well as insufficient labor productivity, all of which limit demand for Libyan workers.[129]

D: Libya's War with Chad and its Implications

On the other hand, the financial sector in Libya has been negatively affected by Al Qaddafi's strategies, which in turn resulted in declining the state's capacity to finance rentierism. To explain, the external interventions of Al Qaddafi's regime in Africa can be considered a burden to the Libyan economy, as in January 1973, Libya went into conflict with Chad over the Aouzou strip, with Libya forces occupying the area, establishing a new administration and distributing Libyan identity cards. The strip soon became an advance base for deeper penetration into Chad's territory. A Chadian campaign with substantial French

[1]   Costantini, Irene. "Conflict Dynamics in Post-2011 Libya: A Political Economy Perspective." Conflict, Security & Development. August 01, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14678802.2016.1212534?needAccess=true.
[1]   Costantini, Irene. "Conflict Dynamics in Post-2011 Libya: A Political Economy Perspective." Conflict, Security & Development. August 01, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14678802.2016.1212534?needAccess=true.
[1]   Costantini, Irene. "Conflict Dynamics in Post-2011 Libya: A Political Economy Perspective." Conflict, Security & Development. August 01, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14678802.2016.1212534?needAccess=true.
[1]   "Libya: Report for the 2013 Article IV Consultation." International Monetary Fund: Country Report No. 13/150. May 02, 2013. https://www.imf.org/external/pubs/ft/scr/2013/cr13150.pdf.

military support in August 1987 briefly droves the Libyans out of the Strip and it estimated to have cost Qaddafi "one tenth of his army, 7500 men killed, and as much as $1.5 billion-worth of military equipment."[130] Shortly after the defeat, Libya launched a new campaign to recapture the area among an unusually heavy and intense fighting. The military defeats and losses on both sides eventually promoted Libya and Chad to agree to cease fire in late 1987.[131] Thus, such costly intervention that Qaddafi regime went to has its negative effects on the financial sector in the country.

E: Al Qaddafi's Non-Rewarding Projects (the Great Manmade River Project):

Furthermore, Qaddafi's huge and non-rewarding new projects have also been a burden to the financial sector in Libya, as in 1983 Qaddafi has launched the Great Manmade River Project (GMRP), "aiming at a rational utilization of the transported water for agricultural and urban developments, along with restoration of the affected aquifers." [132] Such project consists of five phases and was planned to be completed before the turn of the century and to cost about $10 billion. [133] Al Qaddafi's regime had expected that the GMRP would be considered the most important economic development project; however, "cost overruns and delays have plagued the GMRP since the initial planning of the project in 1983. On the basis of installation needs and engineering expense, the project costs increased to reach up to $30 billion spread over 10 to 15 years".[134] Such high expenses of the project have negatively affected the financial sector and in turn resulted in declining the state capacity to finance rentierism, bearing in mind that until the outbreak of the popular uprising, "only 70 percent of

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[1]    Koops, Joachim, Norrie MacQueen, Thierry Tardy, and Paul D. Thierry. *The Oxford Handbook of United Nations Peacekeeping Operations*. Oxford: OUP, 2015.

[1]    Koops, Joachim, Norrie MacQueen, Thierry Tardy, and Paul D. Thierry. *The Oxford Handbook of United Nations Peacekeeping Operations*. Oxford: OUP, 2015.

[1]    Omar M. Salem (1992) The great manmade river project: A partial solution to Libya's future water supply, International Journal of Water Resources Development, https://www-tandfonline-com.libproxy.aucegypt.edu/doi/abs/10.1080/07900629208722564

[1]    Omar M. Salem (1992) The great manmade river project: A partial solution to Libya's future water supply, International Journal of Water Resources Development, https://www-tandfonline-com.libproxy.aucegypt.edu/doi/abs/10.1080/07900629208722564

[1]    "Libya's Great Manmade River Project: Plans and Realities." Directorate of Intelligence. December 14, 2011. https://www.cia.gov/library/readingroom/docs/CIA-RDP88T00706R0600520002-0.pdf.

the project has been completed."[135]

3.2 The Popular Uprising in Libya in 2011 and the International Community's Response:

Inspired by the popular uprising in the other Arab countries, especially its neighboring Egypt and Tunisia, on 15 February, just four days after Mubarak's resignation, protests started in Libya against the 42-year rule of Muammar Al Qaddafi. Although the Libyan, 'Day of Rage' was organized for the 17th of February, it started two days earlier in Benghazi, with the arrest of the young human rights lawyer activist Fathi Terbil. Although the supporters gathered peacefully outside the local police station calling for Terbil's release, they were fired upon by the security services;[136] tear gas, batons and hot water were used to disperse the protesters. Then, "as demonstrations intensified, the government began using deadly force against protesters. This move backfired; as the protesters attacked and burned down government buildings".[137] In the following day, general protests against the government spread to other towns and despite the government warning, large demonstrations took place in at least four major cities, including Benghazi and Tripoli, on February 17. The demonstrations then rapidly increased in scale and ferocity until they evolved into a country-wide popular uprising against Al Qaddafi, where deadly clashes break out in several towns.[138]

Later on, the regime committed more desperate acts of violence and issued terrifying threats. On the night of 20 February Al Qaddafi's son Saif Al-Islam appeared on the Libyan television threatening that thousands would die and that rivers of blood would flow if the rebellions did not stop. Soon after, Al Qaddafi called upon loyalists to get out of their houses and attack all the opponents of the regime, he described the protesters as drug-crazed "rats," "cockroaches" and "cowards and traitors," and stated his intentions to "cleanse Libya house

[1]  "Libya's Great Manmade River Project: Plans and Realities." Directorate of Intelligence. December 14, 2011. https://www.cia.gov/library/readingroom/docs/CIA-RDP88T00706R0600520002-0.pdf.
[1]  Brahimi, Alia. "Libya's Popular uprising ." The Journal of North African Studies. December 15, 2011. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13629387.2011.630880?needAccess=true.
[1]  Saba, Arif, and Shahram Akbarzadeh. "The Responsibility to Protect and the Use of Force: An Assessment of the Just Cause and Last Resort Criteria in the Case of Libya." *International Peacekeeping*. November 20, 2017. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13533312.2017.1404908?needAccess=true.
[1]  "Libya's February 17th Revolution." Africa Research Bulletin: National Security. https://onlinelibrary-wiley-com.libproxy.aucegypt.edu/doi/epdf/10.1111/j.1467-825X.2011.03724.x.

by house." [139] The protests continue to turn violent, however the death and injury toll was unclear and as the uprising spread, the Libyan police were forced out of Benghazi and then from Misrata. A number of towns in the east of the country began to slip from Qaddafi's control, as the anti-Libyan government militias took control of Misrata after expelling the forces loyal to Al Qaddafi. [140] The situation shifted inevitably from demonstrations to a popular uprising as volunteer militias were formed across the east of the country.

In this regards, it is worth mentioning that the estimates of the number of civilians killed between 15 and 22 February vary. The UN Human Rights Council's International Commission of Inquiry received medical records regarding rebels shot dead in Tripoli, with doctors testifying that more than 200 persons killed over 20-21 February. The International Criminal Court (ICC) later estimated that 500 to 700 civilians were killed in February prior to the outbreak of the conflict. [141]

On 21 February 2011, Libya's Deputy Permanent Representative at the Libyan mission to the United Nations, Ibrahim Dabbashi, broke with the Al Qaddafi's regime and condemned the use of violence against demonstrators in Benghazi. The following day the Arab League condemned the use of force against civilians by the Al Qaddafi regime and suspended Libya's participation in the League until met its demands to immediately put a stop to the violence. [142] In addition, the former U.N. Secretary-General Ban Ki-moon condemns what he calls "egregious violations" of human rights as Libya tries to crush an ongoing revolt, telling reporters that those who have shed "the blood of innocents" must face punishment. [143] Later on, the Security Council debated the situation in Libya and

[1]  "Timeline: Libya's Uprising against Muammar Qaddafi ." Reuters. August 22, 2011. https://www.reuters.com/article/us-libya-events-idUSTRE77K2QH20110822.

[1]  "Timeline: Libya's Uprising against Muammar Qaddafi ." Reuters. August 22, 2011. https://www.reuters.com/article/us-libya-events-idUSTRE77K2QH20110822.

[1]  Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

[1]  Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

[1]  Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

subsequently adopted resolution 1970 on February 26.[144] Such resolution, which was adopted by an unanimous vote, condemned the violence used against civilians and called upon the Libyan authorities to exercise their responsibility to protect. Acting under Chapter VII it referred the actions of the Libyan government to the ICC and adopted an arms embargo, invoked a travel ban on selected Libyan authorities, froze the assets of these authorities held abroad, and called upon member states to provide humanitarian assistance to Libyans. However, the failure of these measures to change the Libyan government's response to the uprisings, the continued violence on the ground, and most significantly the threats issued by Al Qaddafi to the rebels in Benghazi led to a second Resolution 1973 approved without a dissenting vote and five abstentions.

To explain, on 17 March, the Security Council met for a second time to discuss the continuing violence on Libya and adopted resolution 1973.[145] Once again the resolution condemned the violence, the threat to civilian lives and the Libyan government's responsibility to protect. It also recalled the condemnations of regional organizations specially the League of Arab States, the African Union (AU) and the Secretary General of the Islamic Conference. Acting once again under Chapter VII, the resolution called for a ceasefire and dispatched an envoy of the Secretary General alongside an envoy from the Peace and Security Council of the AU to seek a political settlement. The resolution went on to authorize member states to take all necessary measures excluding a foreign occupation force of any form on any part of Libyan territory to protect civilians and civilian populated areas under threat to attack in cooperation with members of the League of Arab States. The resolution also established a no-fly zone and authorized member states to enforce compliance

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[1] Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013.* Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.
[1] Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013.* Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

in coordination with the Secretary General and the League of Arab States and reinforced the arms embargo.[146]

## 3.3 Intervention Explained: Factors behind the adoption of Resolutions 1970 and 1973 by the UNSC:

The international response to the crisis in Libya, from the beginning of the popular uprising, has been remarkably quick and decisive, in which it ended up, having the UNSC member states adopting resolution 1973; a resolution that authorized the international community, and later on NATO, to military intervene in Libya. But the question now is what are the factors that encouraged the UNSC to adopt such quick decisions on Libya; taking into consideration that "resolution 1973 marked the first time that the United Nations Security Council explicitly mandated the use of force against a functioning state to prevent imminent atrocity crimes".[147]

### 3.3.1 The International and Regional Call for Response:

There are many factors behind the UNSC adoption of the previously mentioned resolutions; one of which is the warnings raised by the UN entities and the regional organizations regarding the critical situation in Libya, which ended up having the League of Arab States requesting the UNSC to impose a no-fly zone over Libya. To illustrate, with the increase of violence used by Al Qaddafi against the civilians; condemnations of the violent suppression by the Qaddafi regime mounted from both the UN entities and the regional organizations, including the African Union, the League of Arab States, the Gulf Cooperation Council and the Organization of the Islamic Conference. On February 22, the UN High Commissioner for Human Rights, Navi Pillay, called for an immediate ending of the human rights violations committed by Libyan authorities and urged an independent investigation into

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[1] Hehir, Aidan, and Robert W. Murray. *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*. New York (NY): Palgrave Macmillan, 2013.
[1] Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 5, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.

the violent suppression of protests.[148] On the same day, the League of Arab States decided to suspend Libya from the organization, the UNSC issued a statement urging the Libyan authorities to meet its responsibility to protect its population and the Organization of the Islamic Conference stated that it considers the ongoing coercion and oppression in Libya as a humanitarian catastrophe.

Later on, the Peace and Security Council of the African Union, of which Libya was a member, condemned "the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law"[149] that was used in response to the "legitimate, aspirations of the people of Libya for democracy, political reform, justice and socio-economic development." [150] Two days later, on 25 February, the UN Human Rights Council established a commission of inquiry to investigate the situation and urged the General Assembly to suspend Libya from the Human Rights Council, which it duly did on the 1st of March. [151]

The situation in Libya combined with the calls for action from various regional organizations led the Security Council to unanimously adopt Resolution 1970 on 26 February. Acting under Chapter VII of the UN Charter the Council demanded "an immediate end to the violence and authorized measures short of armed force, including an arms embargo, freezing of Libyan assets, bans on travel for key Libyan leaders as well as referring the situation in Libya to the International Criminal Court (ICC)".[152]

Despite the implementation of measures pursuant to Resolution 1970 and the international condemnations, the Libyan government continued the brutalities against its own

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[1]  "Libya: Security Council , UN Officials Urge End to Use of Force against Protesters | UN News." United Nations. November 22, 2011. https://news.un.org/en/story/2011/02/367182-libya-security-council-un-officials-urge-end-use-force-against-protesters.

[1]  Williams, Paul D., and Alex J. Bellamy. "Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force." Global Governance. 2012. https://www-jstor-org.libproxy.aucegypt.edu/stable/pdf/23269958.pdf.

[1]  Williams, Paul D., and Alex J. Bellamy. "Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force." Global Governance. 2012. https://www-jstor-org.libproxy.aucegypt.edu/stable/pdf/23269958.pdf.

[1]  Williams, Paul D., and Alex J. Bellamy. "Principles, Politics, and Prudence: Libya, the Responsibility to Protect, and the Use of Military Force." Global Governance. 2012. https://www-jstor-org.libproxy.aucegypt.edu/stable/pdf/23269958.pdf.

[1]  "The Legality of the NATO[5] Bombing in Libya" ICLQ Vol[2] 62, January 2013 Pp 159–171. https://www-cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf

people and called on its supporters to attack the demonstrators. The regional organizations thus saw the need for stronger international pressure and by early March the Gulf Cooperation Council and the Organization of Islamic Conference endorsed a no-fly zone, followed on March by the Arab League's call for a no-fly zone in combination with the establishment of safe areas.[153] To illustrate, On 8 March the Organization of the Islamic Conference released a statement supporting a no-fly zone over Libya but excluded foreign military operations on the ground. On 10 March the foreign ministers of the Gulf Cooperation Council (GCC) said the Qaddafi regime had lost its legitimacy. The GCC also encouraged the Arab League to initiate contact with the Interim Council in Benghazi and call on the UN Security Council to establish a no-fly zone to protect civilians. This followed a 7 March GCC statement supporting a no-fly zone and calling for accountability.[154]

Later, on 12 March the Arab League met at ministerial-level in Cairo on the situation in Libya (it had previously suspended Libya's participation on 22 February until the violence stopped) and issued a statement which noted Libyan authorities use of military aircraft, mortars and heavy weaponry against civilians and called on the Security Council to impose a no-fly zone[155] and announced its recognition to the rebel movement as that country's legitimate government.[156] The Arab League Secretary General Amr Moussa announced at that time that the league's decision, describing the no fly-zone as a "preventive measure" whose chief goal is to "protect Libyan citizens," adding that "The main priority right now is to stop the deadly situation."[157]

[1]    "The Legality of the NATO[5] Bombing in Libya" ICLQ Vol[3] 62, January 2013 Pp 159–171. https://www.cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf

[1]    "Update Report No. 1: Libya : Update Report : Security Council Report." Yemen Chronology of Events : Security Council Report. March 14, 2011. http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6621881.php.

[1]    "Update Report No. 1: Libya : Update Report : Security Council Report." Yemen Chronology of Events : Security Council Report. March 14, 2011. http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-6621881.php.

[1]    Leiby, Richard, and Muhammad Mansour. "Arab League Asks U.N. for No-fly Zone over Libya." The Washington Post. March 12, 2011.https://www.washingtonpost.com/world/arab-league-asks-un-for-no-fly-zone-over libya/2011/03/12/ABoie0R_story.html?utm_term=.eab73bd57a99).

[1]    Leiby, Richard, and Muhammad Mansour. "Arab League Asks U.N. for No-fly Zone over Libya." The Washington Post. March 12, 2011.https://www.washingtonpost.com/world/arab-league-asks-un-for-no-fly-zone-over-libya/2011/03/12/ABoie0R_story.html?utm_term=.eab73bd57a99).

The call of the League of Arab League to the UNSC to impose a no-fly zone over the country to protect the civilians was one of the key turning points in the UNSC negotiations that led to the adoption of resolution 1973; as both Russia and China place rhetorical emphasis on the importance of regional organizations, and to some extent their diplomacy backs their rhetoric; so the Arab League's call for action eased the pathway to abstention, a point made explicit in the Chinese explanation of their vote. [158]

3.3.2 The humanitarian needs:

Furthermore, the demonstrable need to protect the Libyan civilians was another crucial factor behind the adoption of the resolution. To explain, the UN Office of the High Commissioner for Human Rights (OHCHR) reported about ill-treatment, beatings, injuries, rapes, torture, killings, enforced disappearances and arbitrary arrests of protesters including lawyers, human rights defenders and journalists. Reports further said that "Libyan forces fired at random on protesters and bystanders from rooftops and tanks and used warplanes and helicopters to strike at demonstrators."[159]The Libyan authorities also used foreign mercenaries and there was a massive passage of weapons to Libyan territory. The Libyan government moreover attempted to restrict the broadcasting of the situation in the country by cutting off landlines and internet access and by restricting media coverage.[160]In addition, prior to the resolution, on 17 March, speaking on a radio show in Tripoli, Qaddafi raised the levels of urgency of the situation. He threatened civilians living in areas that refused to comply with his rule, declaring 'We will come house by house, room by room…. We will

[1]   Jones, Bruce D. "Libya and the Responsibilities of Power." *Survival: Global Politics and Strategy* 53, no. 3, 51-60. May 27, 2011. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2011.586188?needAccess=true).
[1]   "The Legality of the NATO Bombing in Libya" ICLQ Vol 62, January 2013 Pp 159–171. https://www-cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf
[1]   "The Legality of the NATO Bombing in Libya" ICLQ Vol 62, January 2013 Pp 159–171. https://www-cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf

find you in your closets. We will have no mercy and no pity."[160] As such, later the same day resolution 1973 was endorsed by the Security Council.

### 3.3.3 The decision of the UNSC Member States

Moreover, the most important factor behind the adoption of resolution 1973 is the decision of the five permanent countries. Although the resolution was not completely welcomed and supported by all the permanent member states, none of them decided to veto it, as Russia and China decided to abstain only. As such resolution 1973 was adopted by a vote of 10 in favor to none against, and with 5 abstentions (Brazil, China, Germany, India, Russian Federation).[162]

#### A: The Resolution Supported by Three Permanent UNSC States

Resolution 1973 was completely supported by France, the United States, and the United Kingdom, as before the adoption of the resolution the representative of France stated that the draft resolution provided the council with the means to protect the civilian population in Libya, declaring that his country was prepared to act with Member States, in particular Arab States, that wished to support this initiative.[163] In addition, in the statements that followed the vote, several representatives who had supported the text agreed that strong action was necessary because of the Libyan regime's failure to heed the provisions of the previous resolution and considering the impending threat of further violence against the Libyan civilians. The representative of the United Kingdom welcomed the fact that the Council had acted swiftly and comprehensively in response to the situation in Libya, and the representative of the United States stated that resolution 1973 (2011) represented a powerful

[1]  Bilefsky, Dan, and Mark Landler. "As U.N. Backs Military Action in Libya, U.S. Role Is Unclear." The New York Times. March 17, 2011. https://www.nytimes.com/2011/03/18/world/africa/18nations.html.
[1]  Jones, Bruce D. "Libya and the Responsibilities of Power." *Survival: Global Politics and Strategy* 53, no. 3, 51-60. May 27, 2011. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2011.586188?needAccess=true).
[1]  "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

response to the call of the League of Arab States to protect Libyan civilians.[164] Later on, the British Prime Minister David Cameron stated that the military action against Al Qaddafi was "necessary, it is legal and it is right." [165] Right, "because I do not believe that we should stand aside while this dictator murders his own people." [166] In addition, French President Sarkozy said, "If we intervene on the side of the Arab nations it is because of a universal conscience that cannot tolerate such crimes." [167] "I'm not one of those cynics who assumes that such statements are devoid of content; in any event, they are grounded in language that was already quite condemnatory of Libya in resolution 1973".[168]

B: The Resolution Welcomed by Arab and African UNSC Non-Permanent States

In addition, the decision was also welcomed by both the Arab and African UNSC non-permanent member states by voting, as well, in favor of the resolution, while having their representatives defending their support to the adoption of the resolution at that time. To illustrate, starting with Lebanon, the only Arab non-permanent UNSC member state at that time, its representative in the UNSC stated that "Lebanon, agreeing with the League of Arab States, had then called on the Security Council to establish measures to protect civilians. The Libyan authorities had lost all their legitimacy and the resolution was aimed at protecting Libyan civilians."[169] He stressed that the text would not result in the occupation of one inch of the Libyan territory by the foreign forces and hoped that the resolution would have a preventive role and end the Libyan authorities' use of force. In addition, he reaffirmed full support for the county's sovereignty, the need for full cooperation between the United

[1]  "The Situation in Libya." Repertoire of the Practice of the Security Council , 2010-2011. http://www.un.org/en/sc/repertoire/2010-2011/Part I/2010-2011_Libya.pdf.
[1]  Elliott, Michael. "Viewpoint: How Libya Became a French and British War." Time. March 19, 2011. http://content.time.com/time/world/article/0,8599,2060412,00.html.
[1]  Elliott, Michael. "Viewpoint: How Libya Became a French and British War." Time. March 19, 2011. http://content.time.com/time/world/article/0,8599,2060412,00.html.
[1]  Elliott, Michael. "Viewpoint: How Libya Became a French and British War." Time. March 19, 2011. http://content.time.com/time/world/article/0,8599,2060412,00.html.
[1]  Elliott, Michael. "Viewpoint: How Libya Became a French and British War." Time. March 19, 2011. http://content.time.com/time/world/article/0,8599,2060412,00.html.
[1]  "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

Nations and the League of Arab States, pursuant to Chapter VIII of the United Nations Charter, and the necessity of a peaceful solution to the situation. The resolution was fraught with hope for Libya and its people, he concluded. [170]

Furthermore, the African non-permanent UNSC member states, Nigeria, South Africa and Gabon, had also expressed their support to the resolution, the representative of Nigeria at the UNSC had condemned the situation in Libya, adding that her delegation's persistent calls for peace were rooted in the need to ensure the protection of civilians and the delivery of humanitarian assistance to those most in need, many of whom were Nigerian nationals. [171] She said that while her delegation had supported the current text, it also believed that foreign occupation was not an option to ensure peace. Nigeria supported language in the current text that negated that possibility. Nigeria was also encouraged by the fact that the political path to a solution was endorsed in the text. "Today, we have sent an unequivocal message to the Libyan people that the dignity and safety of every man woman and child is paramount," she said, adding that when the fate of innocent civilians was in question, the international community, undaunted, must be ready to respond." [172]

In this context, in addition to expressing his deep concern regarding the fast becoming civil war in Libya, the representative of South Africa hoped the problem could be resolved in a peaceful manner, according to the will of the Libyan people, while stating that any solution must also preserve the solidarity and integrity of Libya and, as such, South Africa supported the dispatch by the African Union of a special mission to the country. [173] In addition, he clarified that "South Africa regretted that the Council's previous resolution had not been

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

heeded and believed that by adopting the current text, the Council had acted responsibly to answer the call of Libyan people. It would also speed humanitarian assistance to those that needed it most while hoping that the letter and spirit of the present resolution would be implemented in full." [174]

C: The Abstention of Russia and China:

On the other hand, although the representatives of Russia and China were not convinced that the intervention is the best way to put an end to the conflict in Libya and they were not among the supporters of the resolution; they decided only to abstain and not to veto the resolution, while prioritizing peaceful means of resolving the conflict in their explanations. Their representatives clarified their position stating that many questions had not been answered in regard to provisions of the resolution, including, as the Russian representative put it, how and by whom the measures would be enforced and what the limits of the engagement would be. He said the resolution included a sorely needed ceasefire, which he had called for earlier. In addition, China had not blocked the action with a negative vote in consideration of the wishes of the Arab League, its representative said. [175]

To illustrate, during the informal consultations on resolution 1973, the Russian Federation raised many concerns on "how the no-fly zone would be enforced, what the rules of engagement would be and what limits on the use of force there would be" [176] moreover, the introduction of paragraph 4 in the resolution gave rise to concern that it would "potentially open the door to large-scale military intervention" [177] The decision to abstain and refrain from casting a veto was explained partly on the assurances given by the sponsors

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

of the resolution that there was no intention of launching a large-scale armed intervention and by the necessity to protect the civilian population; but it was asserted that an immediate ceasefire in Libya would be "the quickest way to ensure robust security for the civilian population and the long- term stabilization of the situation in Libya".[178]

In the same context, China took the stand that they are 'always against the use of force in international relations.' They emphasized that the Security Council 'should follow the United Nations Charter and the norms governing international law, respect the sovereignty, independence, unity and territorial integrity of Libya and resolve the current crisis in Libya through peaceful means.'[179] China was less explicit on its decision to abstain referring basically to the lack of satisfactory answers to questions on the action envisaged by the resolution.[180] As shortly after Resolution 1973 was passed, disagreement emerged on the scope and limits of the mandate and already on the day the aerial attacks on Libya started, concerns were raised about military overreach. The Chinese government expressed regret at the American and European assault on Libya and Russia condemned the attack. [181]

3.3.3 D: Concerns Raised by the Other UNSC Non-Permanent States:

In addition, aside from the five permanent member states, there were many concerns raised by the other UNSC member states. Germany, one of the five abstaining countries, found that it could not support use of force as they saw great risks. They found that the military option could lead to large-scale loss of life and if the steps taken in the resolution turned out to be ineffective, there was a danger to be drawn in to a protracted military conflict that would affect the wider region. Also they pointed out that the member States should not

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[1] "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.

[1] United Nations Security Council Resolution 1973 and the Authorization of Use of Force in Libya. Did the Coalition Exceed the Mandate? PhD diss., Faculty of Law. University of OSLO, April 25th 2016.https://www.duo.uio.no/bitstream/handle/10852/50779/678.pdf?sequence=7

[1] Antonopoulos, Constantine. ""The Legitimacy to Legitimise": The Security Council Action in Libya under Resolution 1973 (2011)." *International Community Law Review 14*, 2012.

[1] "The Legality of the NATO Bombing in Libya" ICLQ Vol 62, January 2013 Pp 159–171. https://www-cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf

enter in to a "militarily confrontation on the optimistic assumption that quick results with few casualties would be achieved". [182] In the same context, Germany explained its abstention on two grounds: first that the sanctions regime imposed by UNSC resolution 1970 should be strengthened so as to achieve a political transition and, secondly, that the authorization of the use of force would entail large-scale loss of life and might affect the wider region.

India took issue with the lack of information on the situation on the ground and with the absence of clarifying the specific measures to be employed, by whom and the manner they would be implemented. [183] Another point made by India was that the member States did not have clarity about details of enforcement measures, who would participate with what assets and how those measures would be exactly carried out. From the Indian delegations' expressed opinions, it may seem as the member states blindly entered into military confrontation based on little information and in this respect, little objective information to support the heavy military invention it would turn in to after NATO enforced the mandate. [184]

Brazil, for its part, considered that the measures anticipated in paragraph 4 of UNSC resolution 1973 went beyond the imposition of a no-fly zone as requested by the League of Arab States. The representative of Brazil stated that:

> We are not convinced that the use of force … will lead to the realization of our common objective, the immediate end to violence and the protection of civilians. We are also concerned that such measures may have the unintended effect of exacerbating tensions on the ground and causing more harm than good to the very same civilians we are committed to protecting. Many thoughtful commentators have noted that an important

[1]   United Nations Security Council [8] Resolution 1973 and the Authorization of Use of Force in Libya. Did the Coalition Exceed the Mandate? PhD diss., Faculty of Law. University of OSLO, April 25th 2016.https://www.duo.uio.no/bitstream/handle/10852/50779/678.pdf?sequence=7

[1]   "The Legality of the NATO [8] Bombing in Libya" ICLQ Vol [3] 62, January 2013 Pp 159–171. https://www-cambridge-org.libproxy.aucegypt.edu/core/services/aop-cambridge-core/content/view/9D8E7DD8D220E8FFBD819002BF7E1AAF/S0020589312000565a.pdf/legality_of_the_nato_bombing_in_libya.pdf

[1]   United Nations Security Council [8] Resolution 1973 and the Authorization of Use of Force in Libya. Did the Coalition Exceed the Mandate? PhD diss., Faculty of Law. University of OSLO, April 25th 2016.https://www.duo.uio.no/bitstream/handle/10852/50779/678.pdf?sequence=7

aspect of the popular movement in North Africa and the Middle East is their spontaneous, home-grown nature. We are also concerned about the possibility that the use of force, as called for in paragraph 4 ... could change that narrative in ways that may have serious repercussions for the situation and beyond. Protecting civilians, ensuring a lasting settlement and addressing the legitimate demands of the Libyan people require diplomacy and dialogue. [185]

In brief, for the five-member states that decided to abstain the greatest obstacle to the accomplishment of a wider consensus was the divergence of opinion over the need to use force. Germany and Brazil questioned the effectiveness of such a step and expected the possibility that it might actually make matters worse, while India suggested that the mandating of force was a premature move and voiced concerns over the ambiguities of the authorization. China, declaring itself to be always against the use of force, shared India's latter anxiety, as did Russia, which perceived a morphing of the pro-intervention position into something which could "potentially open the door to large-scale military intervention."[186]

In conclusion, Libya's lack of friends, both in the region and beyond, meant that no country was prepared to block the Security Council authorization of a no-fly zone. Even though the African Union formally opposed the no-fly zone, many individual countries within the continent had no regrets about Qaddafi's rule coming to an end. Indeed, Al Qaddafi himself had a long history of getting involved in the domestic affairs of other countries, having backed armed groups in many countries. Among Arab states, Qaddafi had gone out of his way to foment tensions and sever friendships. [187]One illustration of this was Al Qaddafi's outburst at an Arab League Summit in Qatar in 2009, where, after publicly humiliating the former Saudi Arabia's king Abdullah, he went on to declare himself the dean

[1] Antonopoulos, Constantine. "The Legitimacy to Legitimise": The Security Council Action in Libya under Resolution 1973 (2011)." *International Community Law Review 14*, 2012.
[1] Bellamy, Alex J., and Stephen McLoughlin. *Rethinking Humanitarian Intervention*. London: Palgrave, 2018.
[1] Bellamy, Alex J., and Stephen McLoughlin. *Rethinking Humanitarian Intervention*. London: Palgrave, 2018.

of the Arab leaders, the king of kings of Africa and the leader of the faithful. This among many other public insults, ensured that Al Qaddafi was alienated from other states in the Middle East. [188]Further afield, Al Qaddafi had not fostered ties with either China or Russia." [189]Compared to Syria, Assad's ties with Russia has to some extent protected the Assad regime from a more robust Security Council response to atrocities there, Libya had no such connection to fall back on. Indeed, the Kremlin had long been wary of Al Qaddafi due to his support for terrorist organizations, including some with links to those in Chechnya and Dagestan."[190]

3.4 The International Intervention in Libya in 2011:

Through resolution 1973, the UN Security Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians under threat of attack in the country, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory and requesting them to immediately inform the Secretary-General of such measures.[191]

The international response to the crisis in Libya has been remarkably quick and decisive. As immediately following the adoption of Resolution 1973, NATO countries began assembling forces to carry out strikes against Libya's military installations. The United States, UK and French officials took the lead, meeting in Paris from 17-19 March to plan the implementation of the no-fly zone and discuss plan for airstrike operations,[192]with the aim to protect Libyan civilians and degrade the regime's capability to resist the no-fly zone. At that time, the situation in Benghazi was deteriorating, with civilians at risk of massacre by pro-Qaddafi's forces. French forces were the first to engage, sending plans to attack tanks and

[1]   Bellamy, Alex J., and Stephen McLoughlin. *Rethinking Humanitarian Intervention*. London: Palgrave, 2018.
[1]   Bellamy, Alex J., and Stephen McLoughlin. *Rethinking Humanitarian Intervention*. London: Palgrave, 2018.
[1]   Bellamy, Alex J., and Stephen McLoughlin. *Rethinking Humanitarian Intervention*. London: Palgrave, 2018.
[1]   "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions | Meetings Coverage and Press Releases." United Nations. March 17, 2011. https://www.un.org/press/en/2011/sc10200.doc.htm.
[1]   Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

armed forces, thereby deterring the regime's military advance on Benghazi. On 19 March, fighter planes from France, the United Kingdom and the United States launched attacks in Libya. Then the NATO officially began to enforce the arms embargo against Libya on March 23, and the member countries dispatched warships to the region to intercept sea transports carrying equipment to Libya. The next day, on 24 March, NATO formally enforced the no-fly zone. Later, on 31 March, NATO assumed sole command and control of the international military effort to assumed sole command and control of the international military effort to enforce all aspects of Security Council resolutions 1970 and 1973, as part of Operation Unified Protector (OUP) thereby replacing the individual efforts and operation names. The OUP had three distinct components which are the enforcement of an arms embargo on the high seas of the Mediterranean to prevent the transfer of arms, related material and mercenaries to Libya; in addition to the enforcement of a no-fly-zone in order to prevent any aircraft from bombing civilian targets; and air and naval strikes against those military forces involved in attacks or threats to attack Libyan civilians and civilian-populated areas.[193]

Later, on 14 April, the representatives of the countries participating in OUP agreed to commit all necessary resources for as long as necessary until "all attacks on civilians and civilian-populated areas have ended," the "Qaddafi's regime withdraws all military and para-military forces to bases" and "the Qaddafi's regime permits immediate, full, safe and unhindered access to humanitarian aid for the Libyan people."

Then the goal of the intervention expanded quickly as NATO and the international community committed to seeing Al Qaddafi step down. As in April, the former U.S. President Barak Obama, the former French President Nicolas Sarkozy and the former British Prime Minister David Cameron published a joint pledge asserting that regime change must take place in order to achieve the stated humanitarian goal of protecting Libyan civilians. The

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[1] NATO. "Operations [9] and Missions: Past and Present." NATO. January 26, 2018. https://www.nato.int/cps/ic/natohq/topics_52060.htm?selectedLocale=en.

issue came to head when, in May, Al Qaddafi offered a ceasefire with the rebels, thereby ending attacks against civilians, but which would allow him to stay in power. NATO rejected the Libyan offer, determined that regime change was the only solution.[194]

By mid-August, however, the opposition had gained enough strength to attack Qaddafi's strongholds, first in Tripoli and then in Sirte. Within two months, the Libyan National Transitional Council had secured control over the entire country and rebels had captured and killed Qaddafi.[195] Then a day after the death of Al Qaddafi on 20 October 2011, the North Atlantic Council took the preliminary decision to end OUP at the end of the month. During that transition period, NATO continued to monitor the situation and retained the capacity to respond to threats to civilians, if needed.[196] A week later, the North Atlantic Council confirmed the decision to end OUP. On 31 October 2011 at midnight Libyan time, a NATO concluded the last sortie; 222 days after the operation began. The next day, NATO maritime assets left Libyan waters for their home ports.[197]

To Sum-up, the NATO has succeeded in coordinating the actions of 18 countries, 14 member states and four partners, under a unified command. "The United States certainly played a critical role, providing intelligence, fueling, and targeting capabilities." [198] But other states made similarly indispensable contributions. "France and the United Kingdom flew over 40 percent of the sorties, together destroying more than a third of the overall targets. Italy provided aircraft for reconnaissance missions and, along with Greece, access to a large number of air bases. Belgium, Canada, Denmark, Norway, and the United Arab Emirates deployed fighters for combat operations, and Jordan, the Netherlands, Spain, Sweden,

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[1]  Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

[1]  Daalder, Ivo H., and James G. Stavridis. "NATO's Victory in Libya: The Right Way to Run an Intervention." Foreign Affairs. 2012. https://www.foreignaffairs.com/articles/libya/2012-02-02/natos-victory-libya.

[1]  "NATO and Libya (Archived)." NATO. November 09, 2015. https://www.nato.int/cps/ic/natohq/topics_71652.htm?selectedLocale=en.

[1]  "NATO and Libya (Archived)." NATO. November 09, 2015. https://www.nato.int/cps/ic/natohq/topics_71652.htm?selectedLocale=en.

[1]  Daalder, Ivo H., and James G. Stavridis. "NATO's Victory in Libya: The Right Way to Run an Intervention." Foreign Affairs. 2012. https://www.foreignaffairs.com/articles/libya/2012-02-02/natos-victory-libya.

Turkey, and Qatar helped enforce the no-fly zone. Many of these states, as well as Bulgaria and Romania, also deployed naval assets to enforce the arms embargo."[199]

3.5 The Legality of the 2011 International Intervention

The UN Security Council issued three key statements which show the evolution of its stance on Libya in the lead-up to NATO's intervention. With increasing escalation, these were a non-binding press statement on 22 February, followed by two resolutions adopted under Chapter VII of the UN Charter on 26 February and 17 March. Taken together, these actions show a response from the Security Council that is noteworthy for its speed, expansive no-fly zone mandate and changed politics toward the International Criminal Court (ICC). Ambassador Condoleezza Rice, the former US secretary of state, stated on Libya: "I can't remember a time in recent memory when the Council has acted so swiftly, so decisively, and in unanimity on an urgent matter of international human rights".[200]Although the Security Council had mandated the use of force by peacekeepers many times, and although there had been several cases in which the council delegated the use of force to a third party, the Libya intervention was the first time that the council mandated a military intervention to be conducted by a third party with the explicit purpose of protecting civilians.[201]Supporters of the resolution maintained that the intervention was humanitarian in nature, motivated solely by the objective of protecting human rights and the lives of the Libyan population. But what about the legality of such intervention; should the intervention of the international community/ the NATO be considered legal?

The enabling provisions of UNSC resolution 1973 (2011) authorizing the use of force by applying the standard phrase "all necessary measures" are operative paragraphs 4 and 8 which read:

[1]  Daalder, Ivo H., and James G. Stavridis. "NATO's Victory in Libya: The Right Way to Run an Intervention." Foreign Affairs. 2012. https://www.foreignaffairs.com/articles/libya/2012-02-02/natos-victory-libya.
[2]  Dunne, Tim, and Jess Gifkins. "Libya and the State of Intervention." Australian Journal of International Affairs. October 19, 2011. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/10357718.2011.613148?needAccess=true.
[2]  Brockmeier, Sarah, Oliver Stuenkel, and Marcos Tourinho. "The Impact of the Libya Intervention Debates on Norms of Protection." Global Society. November 5, 2015. https://www.tandfonline.com/doi/pdf/10.1080/13600826.2015.1094029.

4. "*Authorizes* Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and *requests* the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall immediately reported to the Security Council ;" [202]

8. "*Authorizes* Member States that have notified the Secretary-General and the Secretary of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary."[203]

In other words, resolution 1973 has two important objectives. The first is to protect civilians, by authorizing all UN members to "take all necessary measures … to protect civilians … under threat of attack … while excluding a foreign occupation force of any form on any part of Libyan territory" [204] While the second is to imposes an effective no fly zone in the form of a ban on all flights in Libya's airspace, except for those with an exclusively humanitarian purpose, to help protect civilians.[205]

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[2] Antonopoulos, Constantine. "The Legitimacy to Legitimise": The Security Council  Action in Libya under Resolution 1973 (2011)." *International Community Law Review* 14, 2012. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341237

[2] Antonopoulos, Constantine. "The Legitimacy to Legitimise: The Security Council Action in Libya under Resolution 1973 (2011)." *International Community Law Review* 14, 2012. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341237
[2]   Sands, Philippe. "UN's Libya Resolution 1973 Is Better Late than Never | Philippe Sands." The Guardian. March 18, 2011. https://www.theguardian.com/law/2011/mar/18/libya-un-resolution-1973.
[2]   Sands, Philippe. "UN's Libya Resolution 1973 Is Better Late than Never | Philippe Sands." The Guardian. March 18, 2011. https://www.theguardian.com/law/2011/mar/18/libya-un-resolution-1973.

Here according to the UN charter; Article 2(4) of the UN Charter states that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other inconsistent with the purposes of the United Nations." Furthermore, article 2(7) of the charter states that nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII.

There are two recognized exceptions to Articles 2(4) and 2(7) in the UN charter, namely self-defence under Article 51, or when acting with authorization from the Security Council under its chapter VII that addresses "threats to the peace, breaches of peace, and acts of aggression." Formally the UN charter only recognize the legitimacy of armed conflict in these very limited situations. Armed conflicts outside these exceptions are not legitimate and are accordingly a breach of international law. [206]

Thus, when resolution 1973 was adopted in March 2011, it facilitated the legal framework for the subsequent NATO led operation in Libya. The authorization to use force, points back to the stated objective, namely to ensure protection of civilians. Every limitation posed in the mandate is also conditioned to the protection of civilians. The aim of the mandate was to protect civilians and civilian populated areas, while the mission was to use all necessary measures to protect the civilian population against threats of attack. It is clear from the language in the resolution that the R2P was endorsed as a principle by the UN. In resolution 1973 the council found it necessary to reiterate the Libyan authorities' responsibility to protect the civilian population. Secondly, the council expressed "its

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[2]   Bassiouni, M. Cherif. *Libya, from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013.* Leiden, The Netherlands: Martinus Nijhoff Publishers, 2013.

determination to ensure the protection of civilians and civilian populated areas". [207]

3.6 The other type of intervention: the UNSMIL

After the NATO ended its mission in Libya, the international community decided to help the Libyans in building up their country by providing assistance from the United Nations Support Mission in Libya (UNSMIL). To illustrate, after six months of the armed conflict in Libya, on 16 September 2011, by resolution 2009 (2011), adopted unanimously, the Council established the United Nations Support Mission in Libya (UNSMIL).[208] The mission was established at the request of the Libyan authorities at that time to support the country's new transitional authorities in their post-conflict efforts.[209] The mission at that time was authorized for an initial period of three months, to assist and support Libyan national efforts to restore public security and promote the rule of law, undertake inclusive political dialogue, promote national reconciliation and embark upon the constitution-making and electoral process. It would also support national efforts to extend State authority, including by strengthening institutions and the restoration of public services, promote and protect human rights and support transitional justice, and take steps to initiate economic recovery. In support of those objectives, the Council authorized exemptions to the arms embargo solely for security or disarmament assistance to the Libyan authorities and for the use of United Nations and humanitarian personnel. It also authorized modification of the asset freeze targeting entities connected to the regime, for humanitarian and other purposes. The Council emphasized its intention to keep under review the measures concerning a no-fly zone imposed by resolution 1973 (2011) and, when circumstances permitted and in consultation

[2]   United Nations Security Council [0] Resolution 1973 and the Authorization of Use of Force in Libya. Did the Coalition Exceed the Mandate?   PhD   diss.,   Faculty   of   Law.   University   of   OSLO,   April   25th 2016.https://www.duo.uio.no/bitstream/handle/10852/50779/678.pdf?sequence=7
[2]   "The Situation in Libya." Repert[8]ire of the Practice of the Security [C]ouncil , 2010-2011. http://www.un.org/en/sc/repertoire/2010-2011/Part I/2010-2011_Libya.pdf.
[2]   "Mandate."   UNSMIL:   U[N]ITED   NATIONS   SUPPORT [9] MISSION   IN   LIBYA.   November   13,   2017. https://unsmil.unmissions.org/mandate.

with the Libyan authorities, to lift those measures and terminate the authorization given to Member States.[210]

The United Nations Supporting Mission for Libya (UNSMIL) has substantive staff in political affairs, human rights, transitional justice, mine action, demobilization, development, women's empowerment, public information and communication, as well as support staff. Its mandate was modified and extended by the Security Council  in resolutions 2022 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2238 (2015) and 2323 (2016). Its current mandate is stipulated by the latest UN Security Council Resolution 2376 (2017), which extended UNSMIL's mission until 15 September 2018.[211]

To conclude, this chapter gave a brief overview of both the political and economic situations in Libya under the rule of Al Qaddafi, which contributed to the fragility of the state. Such fragility, as the next chapter will show, is considered one of the factors explaining the collapse of the state after the international intervention in 2011. The chapter went through the outbreak of the popular uprising in 2011, while reflecting on how the international community responded to the escalating violence that took place during the popular uprising; which ended up having the UNSC adopting resolution 1973 that allow the international community to intervene to protect the civilians under threat. In addition, this chapter referred to the guidelines for the intervention, as it explained in depth the factors that encourage the UNSC to adopt resolutions 1970 and 1973 after days from the beginning of the popular uprising, such factors involved the international and regional calls for the protection of civilians under threat, and the existence of the demonstrable need to protect the civilians in Libya under threat, while the third factor covers the decision of the UNSC permanent members that did not veto the resolution.

2   "The Situation in Libya." Repertoire of the Practice of the Security Council , 2010-2011. http://www.un.org/en/sc/repertoire/2010-2011/Part I/2010-2011_Libya.pdf.
2   "Mandate." UNSMIL: United Nations Support Mission in Libya. November 13, 2017. https://unsmil.unmissions.org/mandate.

Furthermore, this chapter covers the international intervention stage, starting with the military intervention which began directly after the adoption of Resolution 1973 by the UNSC, as NATO countries began assembling forces to carry out strikes against Libya's military installations; such response to the crisis in Libya has been seen as remarkably quick and decisive. In this regards, this chapter reflected how the international community has expanded its mandate from just protecting the civilians under threat to engaging in the regime change process, then continued supporting the rebellions until Al Qaddafi was killed on 20 October 2011. Then this chapter highlighted the other type of international intervention. After the NATO ended its mission in Libya, the international community decided to help the Libyans in building up their country by providing assistance through the United Nations Support Mission in Libya (UNSMIL).

Chapter IV

Libya Post the International Intervention in 2011

This chapter focuses on evaluating the outcome/consequences of the international intervention in Libya in order to figure out whether it should be considered a successful intervention, or it leads to an increase in the threats facing the civilians in Libya. As such it started with giving an overview on the situation in Libya after the international intervention in 2011 while reflecting on the deterioration in the internal situation there. Then, the second section of this chapter will focus on the reasons behind such deterioration, while arguing that the abuse of the humanitarian intervention and the fragility of the Libyan state are responsible for the instability that Libya has been suffering since 2011 and are the main factors behind its collapse.

4.1 The Situation in Libya post the International Intervention in 2011:

Following the intervention of the international community and the death of Al Qaddafi, there were high optimistic expectations regarding the future of Libya post Al Qaddafi; in this regards, some politicians and analysts started highlighting the success of the intervention and the R2P principle. The Libyan intervention has sometimes "been hailed as a victory for the emerging norm of the responsibility to protect vulnerable population."[2] To illustrate, many commentators have praised NATO's 2011 intervention in Libya as a humanitarian success for averting a bloodbath in the country's second largest city, Benghazi, and helping eliminate the dictatorial regime of Al Qaddafi. Accordingly, these proponents claimed that the intervention demonstrates how to successfully implement a humanitarian principle known as the responsibility to protect. Indeed, the top U.S. representatives to the transatlantic alliance declared that "NATO's operation in Libya has rightly been hailed as a

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[2]   Wallace, Geoffrey PR. "Supplying Protection: The United Nations and Public Support for Humanitarian Intervention." *Conflict Management and Peace Science*, 2017, 1-22. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0738894217697458.

model intervention."[213]

For Ramesh Thakur, one of the co-authors of the ICISS Report, the military action by the international forces in Libya marked the intervention as "the first instance of the implementation of the sharp edge of the new norm of the responsibility to protect". Indeed, it was "the first time the Security Council authorized an international R2P operation".[214] Similarly, Gareth Evans, the former Australian Foreign Minister and ICISS co-chair, regarded the Libyan intervention as "a textbook case of the R2P norm working exactly as it was supposed to, with nothing else in issue but stopping continuing and imminent mass atrocity crimes."[215] Peter Hilpold, too, saw the authorization by the Security Council to use force against Libya "as a pivotal step for the further affirmation of this principle."[216] And the former UN Secretary General, Ban Ki-moon, was certain that "by now it was clear to all that R2P had arrived".[217]

Yet both the particular circumstances surrounding the intervention and its aftermath have raised questions about the depth of the government's sincere commitment to such humanitarian norms;[218] as in spite of such optimistic views, the situation in Libya has been deteriorated day after another, till Libya has been suffering from civil war and then becoming a failed state. To illustrate, Libya has been in crisis since the end of the country's Arab Spring in October 2011.[219] With the fall of the Qaddafi's regime on 20 October 2011, Libya has entered into a new insecurity phase. While some commentators called this the post-conflict

[2] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.

[2] Berman, David, and Christopher Michaelsen. "Intervention in Libya: Another Nail in the Coffin for the Responsibility-to-Protect?" *International Community Law Review* 14, no. 4 (2012): 337-58. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341235.

[2] Berman, David, and Christopher Michaelsen. "Intervention in Libya: Another Nail in the Coffin for the Responsibility-to-Protect?" *International Community Law Review* 14, no. 4 (2012): 337-58. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341235.

[2] Berman, David, and Christopher Michaelsen. "Intervention in Libya: Another Nail in the Coffin for the Responsibility-to-Protect?" *International Community Law Review* 14, no. 4 (2012): 337-58. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341235.

[2] Berman, David, and Christopher Michaelsen. "Intervention in Libya: Another Nail in the Coffin for the Responsibility-to-Protect?" *International Community Law Review* 14, no. 4 (2012): 337-58. http://booksandjournals.brillonline.com.libproxy.aucegypt.edu:2048/content/journals/10.1163/18719732-12341235.

[2] Wallace, Geoffrey PR. "Supplying Protection: The United Nations and Public Support for Humanitarian Intervention." *Conflict Management and Peace Science*, 2017, 1-22. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0738894217697458.

[2] "The UN's Election Gamble in Libya." July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.

phase, or the peace-building phase, a more accurate analytical description would call it the fragmentation phase. To explain, after the popular uprising, Libya has descended into another type of security disorder. The National Transitional Council (NTC), which is considered the institutional platform for the rebel movement, aimed at "providing political and military leadership, basic security and municipal services, and support for Libyans living abroad."[220] However, the transitional authorities have faced enormous challenges. "Chief among these have been controlling and managing the armed groups that emerged to fight Al Qaddafi and his security services."[221]The political roadmap for the transition, the constitutional declaration chartered by the NTC on 3 August 2011, set strict deadlines for elections to a new interim body, the General National Congress (GNC), as well as a timetable for the committee to draft a constitution. However, "the political coalition that drew up the declaration presented no vision for security sector reform, neither with respect to the remainder of Qaddafi's armed forces, nor with respect to the field commanders who had done the bulk of the fighting."[222]

To explain, the security sector presented the first large difficulty[223] for both the NTC and the Libyans after the end of the popular uprising; as the post-conflict transition has been disrupted by armed militia groups and threatened by the conflict of interim leaders,[224] in which those who fought in the civil war did not all wish to demobilize,[225] and the interim

[2] Fukutom, Mitsuhisa. "Humanitarina Intervention in Libya: Is It causing Internal War?" Hitotsubashi Journal of Law and Politics: 23-32. February 2017. https://hermes-ir.lib.hit-u.ac.jp/rs/bitstream/10086/28303/1/HJlaw0450000230.pdf.

[2] Lacher, Wolfram, and Peter Cole. "Politics by Other Means Conflicting Interests in Libya's Security Sector." Graduate Institute of International and Development Studies, Geneva. October 2014. http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-SANA-WP20-Libya-Security-Sector.pdf.

[2] Lacher, Wolfram, and Peter Cole. "Politics by Other Means Conflicting Interests in Libya's Security Sector." Graduate Institute of International and Development Studies, Geneva. October 2014. http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-SANA-WP20-Libya-Security-Sector.pdf.

[2] Toaldo, Mattia. "Decentralising Authoritarianism? The International Intervention, the New 'popular uprising aries' and the Involution of Post-Qadhafi Libya." *Small Wars & Insurgencies*. February 05, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2016.1122905?needAccess=true.

[2] Fukutom, Mitsuhisa. "Humanitarina Intervention in Libya: Is It causing Internal War?" Hitotsubashi Journal of Law and Politics: 23-32. February 2017. https://hermes-ir.lib.hit-u.ac.jp/rs/bitstream/10086/28303/1/HJlaw0450000230.pdf.

[2] Toaldo, Mattia. "Decentralising Authoritarianism? The International Intervention, the New 'popular uprising aries' and the Involution of Post-Qadhafi Libya." *Small Wars & Insurgencies*. February 05, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2016.1122905?needAccess=true.

government was unable to maintain law and order. [226] The war against Al Qaddafi was conducted by individual militias rather than by a unified rebel army. Although these militias were united in their efforts to remove the regime, after the war, many have thus far chosen to hold onto their weapons and pursue their own agendas. "Those agendas vary from acting as a surrogate state or simply keeping the peace in the territory they occupy to attacking other militias and building links with criminal organizations". [227] As such, The NTC had at various times tried to dissolve the militias. At the same time, "bereft of the ability to project its authority, it began subsidizing militias, placing them under the nominal control of the ministries of interior and defense".[228] But these ministries were themselves captured by competing political factions. "The result was a swelling of militias, beyond the number that had fought in the popular uprising, and the formation of a localized, highly divided and hybrid-security sector that existed in parallel to the decrepit army and police."[229] To explain, factions that had a military presence in Tripoli and were able to wield direct influence on government officials enjoyed a privileged position in these distributive struggles. Elsewhere, local elites and militia leaders who felt sidelined in these rivalries began exerting pressure on the government by shutting down parts of the energy infrastructure. Cities and tribes that were branded as regime loyalists by the competing revolutionary factions were largely excluded from these struggles. They further suffered under the "former revolutionary strongholds' military supremacy, which was manifest in numerous local conflicts."[230]

Thus, the NTC, whose representatives sought to convince the Western governments of the necessity to intervene, rapidly lost control over the armed groups. The revolutionaries

[2] Eriksson, Mikael. "Libya in Retrospect: Security Implications [6] and Evolving Norms." FOI MEMO. July 04, 2014. https://www.foi.se/download/18.7920f8c915921957088a29e/1484059772423/foi _5007.pdf.

[2] Chivvis, Christopher S., Keith Crane, Peter Mandaville, and Jeffrey Martini. "Libya's Post-Qaddafi Transition The Nation-Building Challenge." National Security Research Division. https://www.rand.org/content/dam/rand/pubs/research_reports/RR100/RR129/RAND_RR129.pdf.

[2] Wehrey, Frederic. "Why Libya's Transition to Democracy [8] Failed." The Washington Post. February 17, 2016. https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/17/why-libyas-transition-failed/?utm_term=.530ffeb78eba.

[2] Wehrey, Frederic. "Why Libya's Transition to Democracy [9] Failed." The Washington Post. February 17, 2016. https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/17/why-libyas-transition-failed/?utm_term=.530ffeb78eba.

[2] Lacher, Wolfram. "Was Libya's Collapse Predictable?" *Survival Global Politics and Strategy*. March 20, 2017. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2017.1302194?needAccess=true.

organized almost exclusively at the local level, on the basis of individual cities or neighborhoods, and were infused with local identities. In Misrata and the Nafusa Mountains, deserting military officers joined with armed civilians. But in the east, where entire army units had defected to the rebellion, "revolutionary fighters often eyed the officers of Gadhafi's former army with distrust."[231]Within the NTC itself, tensions soon surfaced between defecting government officials and members of the exiled opposition, some of them Islamists.[232]In such context, the situation continued to have a negative impact on the living conditions and security of the local population and was aggravated by the high rate of gun ownership among the population in the absence of any disarmament and effective weapons control efforts.[233]

To explain, immediately after being in power, the rebels perpetrated scores of reprisal killings, in addition to torturing, beating, and randomly detaining thousands of suspected Qaddafi's supporters. The rebels also expelled 30,000 mostly black residents from the town of Tawergha and burned or looted their homes and shops, on the grounds that some of them supposedly had been mercenaries. in the government's attacks on nearby Misrata.[234]The ramification of this racial violence has been nationwide: "For the more than one million African guest workers who came to oil-rich Libya seeking their fortunes, it has meant terror .. These innocent migrant laborers now and themselves singled out by ordinary Libyans and rebels who believe they are the enemy."[235]

In spite of the violence of the militias in the first half of 2012, the NTC was able to hold the elections on the agreed dates, 7 July 2012, which ended up having the General

[2]  Lacher, Wolfram. "Was Libya's Collapse Predictable?" *Survival Global Politics and Strategy*. March 20, 2017. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2017.1302194?needAccess=true.

[2]  Lacher, Wolfram. "Was Libya's Collapse Predictable?" *Survival Global Politics and Strategy*. March 20, 2017. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2017.1302194?needAccess=true.

[2]  Fukutom, Mitsuhisa. "Humanitarian Intervention in Libya: Is It causing Internal War?" Hitotsubashi Journal of Law and Politics: 23-32. February 2017. https://hermes-ir.lib.hit-u.ac.jp/rs/bitstream/10086/28303/1/HJlaw0450000230.pdf.

[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

National congress being elected with a mandate to create a constitution. Through such elections the Islamists, principally the Muslim Brotherhood's Justice and Construction Party, won a narrow governing majority through alliances, mainly with tribal leaders and parties from Misrata. [236] The GNC assembled on 8 August 2012 and appointed a Government in December 2012. However, the GNC Government was unable to project state authority and security across the whole of Libya. [237] The strength of rebel militias has increased, [238] the Radical Islamist groups, suppressed under Al Qaddafi, emerged as the fiercest rebels during the war and refused to disarm or submit to government authority afterward.  Their persistent threat was highlighted by the September 2012 attack on U.S. facilities in Benghazi that killed Ambassador Christopher Stevens and three of his colleagues. Such crime has concentrated the world's attention on the problems of post-Qaddafi Libya. The riots showcased both the power of radical Islamist militias and the inability of the government in Tripoli to provide security and maintain order across the country. Lawlessness and corruption are pervasive, and fundamental questions about the structure and operation of Libyan political and economic institutions remain unanswered. [239]

Despite subsequent Libyan government pledges to address threat at that time, the Washington Post reported in October 2012 that, the "armed Islamist extremists are terrorizing the eastern Libyan city of Darna." [240] In Benghazi itself, as of February 2013, Islamist militias had resumed control of the city's entrance and two main hospitals. In Tripoli, in April 2013, a bomb-laden vehicle destroyed half of the French embassy. [241] In addition, the armed Libyan groups, including former Libyan military forces, Islamist, tribal and other militias, engaged in

[2] "The UN's Election [3] Gamble in Libya." [6] July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.

[2] "Libya: Examination of Intervention and Collapse and the UK's Future [7] Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.

[2] "Civil War in Libya." Council on Foreign Relations. https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/civil-war-in-libya.

[2] Vandewall, Dirk. "After Qaddafi: The Surprising Success of the [9] New Libya." Law Journal Title. 2012. https://heinonline-org.libproxy.aucegypt.edu/HOL/Page?handle=hein.journals/fora91&div=110&start_page=8&collection=journals&set_as_cursor=1&men_tab=srchresults.

[2] Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

[2] Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

increasingly violent clashes, which resulted in significant civilian casualties in Benghazi in June 2013 and in Tripoli in November 2013.[242] Consequently, the GNC delegated the job of creating a constitution to a new body, the Constitutional Assembly, elected after many delays in February 2014.[243]

To sum-up, during the period 2011-2014, the government and the GNC of Libya were subjected to repeated armed challenges by a number of militias from across Libya. "While some of these groups are remnants of the civil war, other groups and alliances are new".[244] By early 2014, the GNC had almost ceased to function. Opponents of the ruling coalition accused it of exploiting a law designed to purge Gadhafi-era officials from office to install Islamists in their place. Similarly, "the GNC's decision to create the militia alliance Libya Shield, allegedly at a cost of 900 million Libyan dinars, was interpreted by opponents as an attempt to form a parallel army". [245]

By May 2014, Libya had come to the brink of a new civil war, between liberals and Islamists. That month, General Khalifa Hafter seized control of the air force to attack Islamist militias in Benghazi, later expanding his targets to include the Islamist-dominated legislature in Tripoli. [246] To explain, Fighting broke out in May when retired general Khalifa Haftar marshalled an anti-Islamist alliance, Operation Dignity, composed of the Libyan National Army (LNA) and allied militias and attacked Islamist Libya Shield militias in Benghazi. [247] while calling for a snap elections for 25 June.[248] Such elections were held to the House of

2   "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.

2   "The UN's Election Gamble in Libya." July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.

2   Eriksson, Mikael. "Libya in Retrospect: Security Implications and Evolving Norms." FOI MEMO. July 04, 2014. https://www.foi.se/download/18.7920f8c915921957088a29e/1484059772423/foi _5007.pdf.

2   "The UN's Election Gamble in Libya." July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.

2   Kuperman, Alan J. "Obama's Libya Debacle." Foreign Affairs. March/April 2015. https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle.

2   "The UN's Election Gamble in Libya." July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.

2   "Libya's Civil War No Closer to Resolution." Strategic Comments. November 04, 2014. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2014.983344?needAccess=true.

Representatives (HOR), the successor assembly to the GNC whose mandate had expired. [249] (The original constitutional road map called for Congress to dissolve itself in February 2014, but its Islamist majority voted itself a further year in office in December 2013.)[250] The Elections did nothing to resolve the chaos. Most Libyans had already given up on democracy, as voter turnout dropped from 1.7 million in the previous poll to just 630,000. Secular parties declared victory and formed a new legislature, the House of Representatives, but the Islamists, who got just 30 of 188 seat,[251] refused to accept that outcome.

In July, an Islamist militia from the city of Misurata responded to Hifter's actions by attacking Tripoli, prompting Western embassies to evacuate. After a six-week battle, the Islamists captured the capital in August on behalf of the so-called Libya Dawn coalition, which, together with the defunct legislature, formed what they labelled a "national salvation government." [252] In October, the newly elected parliament, led by the secular Operation Dignity coalition, fled to the eastern city of Tobruk, where it established a competing interim government, which Libya's Supreme Court later declared unconstitutional. Libya thus finds itself with two warring governments, each controlling only a fraction of the country's territory and militias. [253] In other words, following the election, fighting escalated in Tripoli and Benghazi, which forced the newly elected HOR to meet in the eastern city of Tobruk rather than in Tripoli. Some GNC Members refused to accept the legitimacy of the HOR and re-established the GNC as a rival legislative authority in Tripoli. In 2014, two rival Prime Ministers and Governments emerged, with the HOR Government based in Tobruk and the GNC Government based in Tripoli. Key state institutions remained in Tripoli, which led the

[249] "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.
[250] "Libya's Civil War No Closer to Resolution." Strategic Comments. November 04, 2014. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2014.983344?needAccess=true.
[251] Kuperman, Alan J. "Obama's Libya Debacle." Foreign Affairs. March/April 2015. https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle.
[252] Kuperman, Alan J. "Obama's Libya Debacle." Foreign Affairs. March/April 2015. https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle.
[253] Kuperman, Alan J. "Obama's Libya Debacle." Foreign Affairs. March/April 2015. https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle.

HOR Government to create its own parallel institutions in Tobruk. Fighting between militias linked to the HOR and the GNC continued throughout late 2014 and early 2015.[254]

On 26 July, US embassy staff were evacuated from Tripoli, followed by those of most other embassies. Thousands of foreigners left by road, as well as on Italian air force transport aircraft, and British, French and Greek warships. "On 24 August, Zintani units withdrew from the airport, which was captured and burned by Misratan units commanded by politician Salah Badhi. Islamists secured the rest of the capital."[255]

According to the abovementioned developments, Libya has not only failed to evolve into democracy; it has devolved into a failed state. Violent deaths and other human rights abuses have increased several fold.[256] The Islamic State (also known as ISIS) has taken advantage of the chaos to build series of bases in the country, "expanding its territory and attracting growing numbers of recruits."[257] The civil war between west and east has waxed and waned with sporadic outbreaks of violence since 2014". [258] By spring 2016, the US intelligence community estimated that there were "more than 6,000 ISIS fighters in Libya, with the group's ranks growing at an alarming rate." [259] In April 2016, the former United States President Barack Obama "described post-intervention Libya as a shit show". [260]

4.2 Intervention Abused: Reasons behind the deterioration of the situation in Libya post international intervention

The question now is who should be blamed for the abovementioned deteriorations that the Libyans have been suffering from since 2011, who is responsible for such chaos and

[254] "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.
[255] "Libya's Civil War No Closer to Resolution." Strategic Comments. November 04, 2014. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2014.983344?needAccess=true.
[256] Kuperman, Alan J. "Obama's Libya Debacle." Foreign Affairs. March/April 2015. https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle.
[257] "Confronting Failed Government and the Islamic State in Libya." Strategic Comments. March 02, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2016.1159823?needAccess=true.
[258] "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.
[259] Chivvis, Christopher S. "Countering the Islamic State in Libya." Survival Global Politics and Strategy. July 19, 2016. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/00396338.2016.1207954?needAccess=true.
[260] "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.

instability. Starting with evaluating the international intervention in Libya in 2011, the intervention exceeded its main mandate, which was to protect the civilians under threat, by engaging in the process of the regime change.

To explain, as mentioned before, the UNSC resolution 1973 gave the international community limited mandates in Libya, covering protecting "civilians and civilian populated areas under threat of attack" [261]enforcing sanctions, including a no-fly zone and a comprehensive arms embargo, and obtaining the "rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel."[262]In addition, the military objectives allowed are clearly defined in scope through permitting to resort to "all necessary means" and allowing the intervening parties to protect both civilians and civilian populated areas, both during actual attacks and under threat of attack. [263]

Here, the main problem is that although the international intervention in Libya may have been borne mainly from a desire to protect civilians, consistent with the UN Security Council authorization, [264]within few weeks of the operation's launch, the evidence showed that the international community's primary aim had evolved to overthrowing Qaddafi's regime, even at the expense of increasing harm to Libya's civilians.[265]To explain, rather than pursuing a ceasefire, the NATO and its allies aided the rebels; as on 4 March 2011, the United Kingdom declared its willingness to deploy military experts to advise the rebels in eastern Libya, a step characterized as "a clear intervention on the ground to bolster

[2]   Berti, Benedetta. "Forcible Intervention in Libya: Revamping the 'politics of Human Protection'?" *Global Change, Peace & Security Formerly Pacifica Review: Peace, Security & Global Change*. December 18, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14781158.2014.859131?needAccess=true.
[2]   Berti, Benedetta. "Forcible Intervention in Libya: Revamping the 'politics of Human Protection'?" *Global Change, Peace & Security Formerly Pacifica Review: Peace, Security & Global Change*. December 18, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14781158.2014.859131?needAccess=true.
[2]   Berti, Benedetta. "Forcible Intervention in Libya: Revamping the 'politics of Human Protection'?" *Global Change, Peace & Security Formerly Pacifica Review: Peace, Security & Global Change*. December 18, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/14781158.2014.859131?needAccess=true.
[2]   Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.
[2]   Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

the anti-Qaddafi uprising." [266] In the mid of the same month, the former U.S. President Barack Obama approved covert aid to the rebels. By April 6, the British military and intelligence officials in Benghazi were helping the rebels establish a command structure and defense ministry. Furthermore, by mid-April, Qatar was shipping French antitank missiles to rebels in eastern Libya, and "the Obama administration secretly gave its blessing" [267] to such arms transfers. Then, by the next month, France started air-dropping weapons to opposition forces in western Libya, who were being trained by operatives from France, Italy, and the United Kingdom, as these countries later acknowledged to a UN panel. [268]

The abovementioned assistance to the rebels significantly extended the war and increased the harm to civilians, contrary to the intent of the UN authorization. [269] To illustrate, in view of the real development of the operations, it appears that the notion of civilian protection was extended beyond its initial conception as expressed in the resolution, applying military and political objectives that had only an indirect link to threats to the civilian population. Indeed, it appeared that the military operations, at least in part, were aimed at supporting the forces assembled by the NTC, in its efforts to overthrow the elements loyal to the regime. [270] Furthermore, after the threat of a massacre in Benghazi had been ruled out, but with actions by Qaddafi's troops against other cities continuing, the operations entrusted to the NATO continued, "with an increasingly blurred line between the prevention of massacres on the one hand and, on the other, a systematic air campaign that aimed to dismantle the military apparatus and whose ultimate goal was regime change." [271]

[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.
[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.
[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.
[2]  Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.
[2]  Pommier, Bruno. "The Use of Force to Protect Civilians and Humanitarian Action: The Case of Libya and beyond." *International Review of the Red Cross* 93, no. 884 (2011): 1063-083.
http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=7830ef76-add9-43ab-9801-8412fed0c824@sessionmgr101.
[2]  Pommier, Bruno. "The Use of Force to Protect Civilians and Humanitarian Action: The Case of Libya and beyond." *International Review of the Red Cross* 93, no. 884 (2011): 1063-083.

In addition to arming the rebels, other actions were initiated, such as "sending military advisors to rebels; financial support through the creation of a fund supplied, in part, by the regime's frozen assets; repeated and solemn calls for Qaddafi's departure; growing recognition of the legitimacy of the rebel movement represented by the NTC."[273] It became clear over the months that the coalition's objective was the collapse of the Qaddafi regime, finally considering this objective as one of the necessary measures to protect civilians and civilian populated areas under threat of attack. The increasing pressure from NATO and its air raids not only weakened the offensive capacity of loyalist forces but also gradually undermined their ability to respond to the actions of the armed opposition.[273]

As such, the rebels took Tripoli, with the support of NATO in August, signaling the end of the Qaddafi's regime, who was captured and killed by rebels in the end of October. Following the death of Al Qaddafi, the US former Secretary of State Hillary Clinton stated "we came, we saw, he died";[274] reflected the enthusiasm of the international community to see the end of the Qaddafi's regime. The abovementioned actions capture the manner in which an intervention meant to stop an immanent humanitarian crisis transformed into an act of regime change, which was more expansive and consequential.[275] The Libyan case showed that the protection of civilians was open to a very broad interpretation, going far beyond its originally declared objectives and provoking a strong, though expected, reaction from those governments, Russia and China, that felt they had been forced into not opposing the adoption

http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=7830ef76-add9-43ab-9801-8412fed0c824@sessionmgr101.

[2] Pommier, Bruno. "The Use of Force to Protect Civilians and Humanitarian Action: The Case of Libya and beyond." *International Review of the Red Cross* 93, no. 884 (2011): 1063-083. http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=7830ef76-add9-43ab-9801-8412fed0c824@sessionmgr101.

[2] Pommier, Bruno. "The Use of Force to Protect Civilians and Humanitarian Action: The Case of Libya and beyond." *International Review of the Red Cross* 93, no. 884 (2011): 1063-083. http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=7830ef76-add9-43ab-9801-8412fed0c824@sessionmgr101.

[2] "We Came, We Saw, He Died: What Hillary Clinton Told News Reporter Moments after Hearing of Gaddafi's Death." Daily Mail Online. October 21, 2011. http://www.dailymail.co.uk/news/article-2051826/We-came-saw-died-What-Hillary-Clinton-told-news-reporter-moments-hearing-Gaddafis-death.html.

[2] Hobson, Christopher. "Responding to Failure: The Responsibility to Protect after Libya." Waseda University, Japan. Millennium Journal of International Studies. 2016. http://journals.sagepub.com.libproxy.aucegypt.edu:2048/doi/pdf/10.1177/0305829816640607.

of Resolution 1973.[276] NATO took actions that were unnecessary or inconsistent with protecting civilians, but which fostered regime change. [277] If NATO had prioritized the protection of civilians, in accordance with its authorization, the transatlantic alliance would have enforced the no fly zone, bombed forces that were threatening civilians, and attempted to forge a cease-fire.[278] However its assistance to the rebels significantly extended the war and intensified the harm to civilians, contrary to the intent of the UN authorization.[279]

4.2.1 <u>International Intervention in Libya and States' Self-interests: Oil, Prestige, and Refugees</u>

Furthermore, in spite of the concerns raised by the five abstaining UNSC member states on resolution 1973, regarding the way of implementation, limitations, outcome, post intervention stage, etc., France, the United Kingdom and the United States decided to swiftly intervene in Libya, directly after the adoption of the resolution, while neglecting all the raised concerns.

As such, questions regarding the incentives behind such quick response of the intervening countries in the case of Libya have to be highlighted; as was the intervention for the sake of protecting civilians under threat, or there were other factors that encouraged the three leading countries, France, UK and US, to take such decision. In this context, the following section will reflect that the political considerations and the state's self/national interests; such oil, prestige, and countering refugees flow, were the main motives behind the intervention of the three countries.

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[2] Pommier, Bruno. "The Use of Force to Protect Civilians and Humanitarian Action: The Case of Libya and beyond." *International Review of the Red Cross* 93, no. 884 (2011): 1063-083. http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/pdfviewer/pdfviewer?vid=1&sid=7830ef76-add9-43ab-9801-8412fed0c824@sessionmgr101.

[2] Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

[2] Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

[2] Kuperman, Alan J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign." *Columbia Institutional Affairs Online, International Security*, 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29145?search=1.

A. <u>France:</u>

France and the United Kingdom have led the charge on the intervention in Libya. For a month, both pushed the international community toward an intervention, ultimately penning U.N. Security Council resolution 1973 authorizing the no-fly zone on March 17. Paris and London's interests in waging war on Libya are not the same, and Libya carries different weight with each.

To explain, starting with France, its initial response to the 15 February outbreak of violence in Libya was caution. When asked about reports of more than 200 deaths in a week of fighting, Laurent Wauqiez of the French Foreign Ministry said that "our true preoccupation is to assure the security of French citizens in Libya and that, though the Libyan government's violence was unacceptable, France would 'not engage in any interference". [280] On 23 February, Sarkozy said the Qaddafi government's brutal and bloody repression of civilians was revolting. Three days later France's Ambassador to the UN, Gerard Araud, labelled the Al Qaddafi government's repression brutal and bloody and noted that 'crimes against humanity may have been committed. On 8 March France's former ambassador to Libya reminded the National Assembly of the Qaddafi regime's 1996 massacre of over 1200 inmates in a Tripoli prison. The ambassador went on to note that the opposition's momentum had slowed, suggesting the need for a rapid response.[28]By 19 March the Sarkozy government had taken "a radically different path: it was the first country to engage in military intervention against the Qaddafi's regime. France deployed roughly 60 aircraft and engaged in approximately 5600 sorties".[282]

Aside from the announced goal of protecting the civilians under threat, there were other national interest behind France's enthusiasm to intervene in Libya, as "France motives

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[2]  Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]  Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]  Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

were linked to reviving "the French grandeur" through Sarkosy's wish to promote the image of France on a domestic and international level; in addition to his political self-interest" [283]. Starting with the president's self-interest, Sarkozy wanted to improve his image domestically and gain the public's support. According to public opinion polls, Nicolas Sarkozy's popularity was low in February-march and continued to fall steadily. polls show that Sarkozy's domestic policy evokes the greatest discontent among the population. Experts identify two main groups of causes of the president's rapidly falling rating: first of all, the reaction to reforms aimed at adapting French society to the challenges of globalism (raising the retirement age, cutting spending on education, and optimizing military expenditures) and, secondly, the consequences of the international financial and economic crisis that has had a painful impact on the French economy[284].

In addition, the ruling government and the French President Nicholas Sarkozy were under huge political pressure in early 2011. The failure in handling the emerging 'Arab Spring,' the dismissal of the French Foreign Minister because she was suspected of corruption, and controversial links to the Tunisian Ben Ali regime before the popular uprising and general discontent with the government politics led to a large decrease in the popularity of Nicholas Sarkozy. [285]An interim peak of this development was reached when an opinion poll predicted on 5 March 2011 that Sarkozy had fallen back to position three for the 2012 Presidential election, beaten by the far-right candidate and the socialist candidate. Especially, the popularity of the right-wing candidate was politically dangerous for Sarkozy, because Sarkozy's own party constantly lost its supporters to them.[286]

[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

Sarkozy's government had fumbled its initial response to the uprisings in Tunisia, and was eager for an opportunity to show it stood with traditional French liberal values of liberty and human rights, as well as to demonstrate France's continued relevance on the global stage in an election year.[287] As such Sarkozy saw the intervention in Libya a good opportunity to try to regain the public's support. He believed that being part of the intervention and taking the lead for it would be a great opportunity that can help decrease the criticism surrounding him due to his inadequate response to the uprising in both Tunisia and Egypt. [288]

France also wanted to reassert its role as a great European power especially due to the financial crisis and the growing image that Germany is taking over the decisions in the European Union. As such, prestige seems to have played an initial causal role in the Sarkozy government's decision. Sarkozy's government, like those before it, worked to maintain their country's prestige. French diplomats explain their country's leadership role in the Libyan crisis as driven by their historical position of influence on the African continent. That historical position led to an expectation that France would act, which seems to have played a critical role in Sarkozy's decision to agree to Bernard-Henri Levy's proposal to meet with and recognize the TNC. Analysts also note that as of March 2011 France's position of influence in Africa had been weakened by its failure to take the side of protestors in Egypt and Tunisia. A New York Times editorial concluded that Sarkozy "saw Libya as a chance to recoup French prestige in North Africa, a region France has long considered important to its economy and security."[289]

Furthermore, the threat to France's borders posed by refugees fleeing violence in Libya was another important initial factor. As violence in Libya spread, French officials

[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   "Libya: Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.
[2]   "The UN's Election Gamble in Libya." July 02, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/13567888.2018.1495419?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

concerns about the migratory threat grew. In a 25 February press conference Sarkozy expressed his concern about the destabilizing effects of the massive flight of foreigners in Libya towards the Tunisian and Egyptian borders. On 2 March, the former French Foreign Minister, Alain Juppé told the National Assembly that "helping Libya, Tunisia and Egypt towards the right path was in our interest wherein the goal is a level of political and economic development that permits the citizens of the South to live at home, on their land, in their country." [290] On 11 March, Sarkozy noted that 200,000 people had fled violence in Libya and asked, if conditions did not improve, "what would be the temptation of these displaced persons? They would not have a choice: it would be to cross the Mediterranean."[291]

French officials believed that because of its location instability in Libya and at its borders would have negative consequences for France. Sarkozy explained that the EU reacted robustly to the Libyan crisis "because we are geographical neighbors and we are, therefore, among the first impacted and affected".[292] When a journalist pointed out to Laurent Wauquiez that Italy faced a flood of refugees from Libya he replied "France is in the exact same position ... Libya is the funnel of Africa: countries like Liberia, Somalia, and Eritrea have flows of illegal immigration that pass through Libya, it is a true risk for Europe".[293] France's former ambassador to Libya noted with regard to migratory flows from Libya that 'the sooner things stabilize; the better things will be."[294]

France is the home for many Libyan exiles, many of whom had connections within the French establishment and were keen for a change in Libya, they pressured the French decision makers to intervene in the conflict. As the conflict escalated the French will to

[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[2]   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

intervene in the conflict became higher. However, for the French the conflict in Libya was not just a situation where they cared about the civilians, it was also a situation where France could enhance their national interest and Sarkozy could enhance his own political interests.[295]

Furthermore, maintaining access to Libyan oil was an important contributing factor in the Sarkozy government's decision. France's special interest in Libya has stemmed from the fact that the country has the largest proven reserves of oil and gas in North Africa. Although oil imports by France from Libya have been limited in recent years, their share in the total French oil imports has steadily grown. French oil imports from Norway have fallen, while imports from Libya have increased. In 2008, Libya rose from sixth to fifth place among France's oil suppliers. Whereas Libya supplied almost ten times less oil than Norway, France's leading oil supplier, in 2000, the difference fell to a factor of two in 2008. "70% of the exported oil was produced in the east of the country, where the uprising broke out. Until the beginning of unrest in Libya, France got not only oil but also gas through the Libyan-Italian gas pipeline green stream. The French energy giant gaz de France Suez was involved in developing the Libyan gas fields".[296] Zaki Laidi wrote in mid-March that France and others faced the risk that if they did nothing Qaddafi would "re-emerge with more violence against his people and probably also against governments that opposed him."[297]

B: The United Kingdom

The United Kingdom was the second country after France to call the United Nations to impose a no-fly zone over Libya to protect the civilians. Sarkozy has gained the support of British Prime Minister David Cameron, who, after initial hesitation, also spoke out clearly against the Libyan regime's repression.[298] As the violence in Libya grew, the Cameron

[295] (http://www.diva-portal.se/smash/get/diva2:1113867/FULLTEXT01.pdf)

[296] Zvereva, T. "Sarkozy vs. Qaddafi." *International Affairs: A Russian Journal of World Politics, Diplomacy and International Relations*, October 2011. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/24364?search=1.

[297] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

[298] Mueller, Karl P.. Precision and Purpose : Airpower in the Libyan Civil War, RAND Corporation, The, 2015. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/aucegypt/detail.action?docID=2120780.

government was initially reluctant to act, refusing to support EU sanctions against the Qaddafi's regime. Within less than a month, however, the Cameron government had joined its French ally in playing a leading role in what would be termed Operation Unified Protector. "The United Kingdom deployed 37 aircraft, which, starting on 19 March, engaged in more than 3000 sorties in the course of the air campaign. Why did the Cameron government take such initial action as condemning the Qaddafi's regime and calling for a no-fly zone? Why did it ultimately choose to use force against the Libyan regime?"[299]

London had set three conditions which had to be met before an intervention: there had to be (1) a demonstrable need; (2) legal basis, and; (3) regional support.[300] Most frequently referred to in the government's official statements is the responsibility to protect the Libyan people. Prime Minister Cameron and many of his fellow party members had vivid memories from past failures to act in genocides such as Srebrenica and Rwanda. There was now a sense that Britain could not sit idle on the sidelines, especially given its role as a major European power. [301] In making the humanitarian case for intervention Cameron was asked about why Britain was not intervening in other cases where rights were abused. Cameron responded by stressing that he favored intervention where both moral concerns and national interest called for it: "just because we cannot do the right thing everywhere does not mean we should not do it when we have clear permission for and a national interest in doing so". [302]

Furthermore, the refugee threat was a critical initial factor and economic interests and terrorism became important contributing factors as soon as the Cameron government took initial action. Analysts and policy-makers made the case for British intervention by combining the migration, economic interests, and terrorism logics. All the statements that

[2] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[3] Lindström, Madelene, and Kristina Zetterlund. "Setting the Stage for the Military Intervention in Libya - Decisions Made and Their Implications for the EU and NATO." FOI. October 2012.
[3] Lindström, Madelene, and Kristina Zetterlund. "Setting the Stage for the Military Intervention in Libya - Decisions Made and Their Implications for the EU and NATO." FOI. October 2012.
[3] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

follow were made after the Cameron government's 28 February support for a no-fly zone and call for Qaddafi to leave power. On 4 March an Foreign and Commonwealth Office (FCO) press release estimated that almost 200,000 refugees had fled Libya since the uprising began.[303] The Financial Times' Philip Stephens argued that "Economics, energy security and immigration controls all point in the same direction".[304] James Blitz reported that Cameron's hardening stance on Libya was rooted in a fear that if Qaddafi remained in power "the fear is he will go back to being the recruiting sergeant for terror he was in the 1980s."[305]

On 14 March, David Cameron stated that the "inaction would lead Libya to become a failed pariah state threatening to flood Britain with refugees and menace it with terror." [306] The next day William Hague, the former UK Secretary of States for Foreign Affairs, "concluded a Commons speech with a similar statement: if Libya was to be left as a pariah state, particularly after these recent events with Al Qaddafi running amok exacting reprisals on his own people, estranged from the rest of the world, as a potential source for terrorism in the future, that would be a danger to the national interest of this country." [307] The terror and migration logics were also central to the government's major statements on Libya just before and just after the air campaign began. Cameron concluded his 18 March speech by noting that allowing Qaddafi 's violent crackdown to continue would not:[308]

> "be in Britain's interests. Let us be clear where our interests lie. In this country we know what Colonel Qaddafi is capable of. We should not forget his support for the biggest terrorist atrocity on British soil. We simply cannot have a situation where a failed pariah state festers on Europe's southern border. This would

3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
3   Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.

potentially threaten our security, push people across the Mediterranean and create a more dangerous and uncertain world for Britain and for all our allies as well as for the people of Libya." [309]

Furthermore, British prestige was not implicated in the Libya crisis until it chose to take a leadership role on 28 February. In taking initial action, however, the Cameron government implicated British prestige such that it had to intervene, or its prestige would have suffered. On 28 February, Hague attended the UN Human Rights Council and was successful in the effort to have Libya removed from the Council. The same day the former Prime Minister told the Commons, "Britain is taking a lead. Over the weekend, we secured agreement for a UN Security Council resolution which we had drafted, and which is unusually strong, unanimous and includes all of our proposals". [310]

On 9 March, Cameron stated that "we have led the way in getting a tough UN resolution on Libya, getting Libya thrown out of the Human Rights Council and making sure that the world is preparing for every eventuality, including a no-fly zone" [311] Getting UNSCR 1973 passed required that the British and French put their prestige on the line. The Cameron government clearly felt that its leadership was worth drawing attention to. "It is likely that the government recognized that its international prestige would have suffered had it not continued with an aggressive stance". [312]

The United Kingdom motives were also linked to energy interests. Libya seems a profitable market to exploit especially after the loss incurred due to "the mismanagement of BP, resulting in the Macando well disaster in the Gulf of Mexico". [313] Britain energy sector

[3] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[3] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[3] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[3] Davidson, Jason W. "France, Britain and the Intervention in Libya: An Integrated Analysis." Cambridge Review of International Affairs. May 30, 2013. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09557571.2013.784573?needAccess=true.
[3] http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/detail/detail?vid=0&sid=46bfee7d-403f-4605-97d5-1908b4b135a7%40sessionmgr120&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#AN=67680569&db=bsu

would benefit from new deals with the rebels in Libya. For the United Kingdom, Libya offers a promise of energy exploitation. It was not a country with which London had a strong client-patron relationship at that moment, but it hoped it could be developed if Al Gadhafi were removed from power.[314]

In addition, the British motivation has to a large extent been driven by the same prestige logic as the French, but even more importantly by the ambition of preserving the close strategic relationship[315] with its allies by actively supporting their strategic line. Washington's call for someone else to take lead in Libya likely played a role. It is possible that the UK was eager to step up to those demands in order to preserve its 'Special Relationship' with the US. It has been suggested that independent judgement and action on the part of the UK was a way for London to prove that it remained relevant in its relationship with Washington. [316] Moreover, Cameron, for his part, was equally eager to demonstrate his leadership on security issues in the wake of domestic criticism of his planned defence cuts that had been announced the previous fall. In addition, both countries saw an opportunity to test the defence cooperation treaties they had signed only a few months earlier.[317]

Furthermore, in contrast to France, the position of the UK was initially more hesitant, though it evolved quickly thereafter. Initially, the UK referred to the NTC as an "important and legitimate political interlocutor."[318] By May 2011, however, the UK referred to it as 'a legitimate representative of the Libyan people' and, at the end of June of that same year, it viewed the NTC as "the legitimate representative of the Libyan people". [319] The development

[3] http://web.b.ebscohost.com.libproxy.aucegypt.edu:2048/ehost/detail/detail?vid=0&sid=46bfee7d-403f-4605-97d5-1908b4b135a7%40sessionmgr120&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#AN=67680569&db=bsu

[3] Larsen, Henrik. "Libya: Beyond Regime Change." *Danish Institute for International Studies*. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/23426?search=1.

[3] Lindström, Madelene, and Kristina Zetterlund. "Setting the Stage for the Military Intervention in Libya - Decisions Made and Their Implications for the EU and NATO." FOI. October 2012.

[3] Mueller, Karl P.. Precision and Purpose : Airpower in the Libyan Civil War, RAND Corporation, The, 2015. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/aucegypt/detail.action?docID=2120780.

[3] Edtmayer, Matthias (2018) The Re-Emergence of the Legitimate Representative of a People: Libya, Syria, and Beyond. LSE Law Review, 3. pp. 1-28. http://eprints.lse.ac.uk/88093/1/Edtmayer_2018.pdf

[3] Edtmayer, Matthias (2018) The Re-Emergence of the Legitimate Representative of a People: Libya, Syria, and Beyond. LSE Law Review, 3. pp. 1-28. http://eprints.lse.ac.uk/88093/1/Edtmayer_2018.pdf

of the terms in which the UK referred to the NTC expresses different levels of support.[320]

C. The United States:

Although the interest of the United States in Libya was not as France and the United Kingdom; the United States decided to support its allies in their intervention; in which there were many factors behind such decision; aside from the protection of the civilians under threat. To explain, the impetus for the intervention in Libya came in large part from France and Britain. Although President Obama supported the operation, he emphasized to his French and British counterparts that they would be expected to take the lead and bear as much of the cost as they could. "The United States would support the effort, but provide only those capabilities it uniquely possessed. This arrangement also set the stage for a much-reduced U.S. role after the war."[321]

In addition, in the text of a letter from the president to the speaker of the House of Representatives and the president prop-tempore of the senate on March 21, 2011 declared that "The United States has not deployed ground forces into Libya. United States forces are conducting a limited and well-defined mission in support of international efforts to protect civilians and prevent a humanitarian disaster. Accordingly, U.S. forces have targeted the Qaddafi regime's air defense systems, command and control structures, and other capabilities of Qaddafi's armed forces used to attack civilians and civilian populated areas. We will seek a rapid, but responsible, transition of operations to coalition, regional, or international organizations that are postured to continue activities as may be necessary to realize the objectives of U.N. Security Council resolutions 1970 and 1973".[322]

In this context, some analysts view the US engagement in Libya as a sort of payback to its European allies for their contribution in Afghanistan, something which also Secretary of

[3] Edtmayer, Matthias (2018) The Re-Emergence of the Legitimate Representative of a People: Libya, Syria, and Beyond. LSE Law Review, 3. pp. 1-28. http://eprints.lse.ac.uk/88093/1/Edtmayer_2018.pdf
[3] Chivvis, Christopher S., and Jeffrey Martini. Libya after Qaddafi : Lessons and Implications for the Future, RAND Corporation, The, 2014. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/aucegypt/detail.action?docID=1690837.
[3] "Letter from the President regarding the Commencement of Operations in Libya." National Archives and Records Administration. March 21, 2011. https://obamawhitehouse.archives.gov/the-press-office/2011/03/21/letter-president-regarding-commencement-operations-libya.

State Clinton implied in the quote below.[323] "We asked our NATO allies to go into Afghanistan with us 10 years ago […] They have been there, and a lot of them have been there despite the fact that they were not attacked. The attack came on us…they stuck with us. When it comes to Libya, we started hearing from the UK, France, Italy, other of our NATO allies…this was in their vital national interest."[324]

Another possible motive for why Washington decided to act was that Libya was seen as threatening to destabilize the region. Libya was in 2006 removed from the US blacklist of states supporting terrorism after having abandoned its weapons of mass destruction (WMD) program and renounced terrorism. The US upgraded its Liaison Office in Tripoli to an Embassy and, in 2008, Rice was the first US Secretary of State to visit Libya since 1953. The fighting in Libya ignited fears that the country once again would become a base for terrorists or that Qaddafi would resume the development of weapons of mass destruction. Qaddafi's role in the Lockerbie bombing may also have been in policy makers' minds. [325]

## 4.2.2 State Fragility during and post Qaddafi Era

The international community should be blamed for not taking into consideration the personalist ruling regime of Al Qaddafi, and the internal situation in Libya, before taking the decision of the intervention, or when deciding to be involved in fostering the regime change or even before ending the intervention after the death of Al Qaddafi.

To explain, the ouster of Al Qaddafi liberated Libya from four decades of authoritarian rule, but left a legacy of weak institutional capacity, based on the personality nature of his regime. Barbara Geddes describes the personalist regime as a system that "depends much more on the discretion of an individual leader. The leader may be an officer and may have created a party to support himself, but neither the military nor the party

[3]    Lindström, Madelene, and Kristina Zetterlund. "Setting the Stage for the Military Intervention in Libya - Decisions Made and Their Implications for the EU and NATO." FOI. October 2012.
[3]    Lindström, Madelene, and Kristina Zetterlund. "Setting the Stage for the Military Intervention in Libya - Decisions Made and Their Implications for the EU and NATO." FOI. October 2012.
[3]    Setting the Stage for the Military Intervention in Libya - Decisions made and their implications for the EU

exercises independent decision-making power insulated from the whims of the ruler."[3]

Indeed when studying the ruling system in Libya under Al Qaddafi, Libya was ruled by a personalist regime, as all the decisions were taken only by its leader. Al Qaddafi's strategy relies on weakening the institutional system, strengthening the tribal system, in order to maintain power and control over the country. As such when the NATO ended its mission in the country, Libya was left with no institutions capable to manage the post intervention stage. The specific feature of Libya at that time was "the complete absence of an institutional national framework: state institutions were ignored, neglected, or destroyed by Al Qaddafi for four decades."[3]Consequently, the lack of the efficient institutional system in Libya resulted in serious problems to the transitional and interim government.

To explain, Libya's inability to control its own territory following the death of Al Qaddafi was a direct result of the system of governance Al Qaddafi implemented while in power, known as Jamahiriya. Due to the substantial income from oil, the Qaddafi's regime was able to use funds to implement a strong patronage network, ensure that bureaucratic institutions remained weak, and empower tribal and local leaders to typical governmental services such as rule of law. [328]In addition, the socialist institutions that were meant to provide goods and services to the population were intentionally suppressed or mismanaged to ensure no one sector of government became too powerful.[329]The promotion under the Qaddafi's regime was based on allegiance to the "Brother Leader" himself and favored the loyal over the capable; as the result, Libya lacked the trained civil service to manage and

[3]  Geddes, Barbara. "What Do We Know About Democratization After Twenty Years?" 1999, 115-44. https://www-annualreviews-org.libproxy.aucegypt.edu/doi/pdf/10.1146/annurev.polisci.2.1.115

[3]  Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

[3]  Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

[3]  Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

administer governance.[330] Fundamentally, Jamahiriya strengthened the centralized power of Al Qaddafi and diffused remaining authority at the lowest levels of society, which resulted in the marginalization of political elites who might otherwise have challenged Qaddafi's rule.[331]

Furthermore, the Key security/military and economic positions, "the only centralized and skeletal institutions that existed in Libya, were filled by Qaddafi's close aides by systematically using political familialism or tribalism, i.e. key individuals recruited according to familial, tribal, ethnic belongings or alliances, in the first place the Qadhadhfa, the Magarha and (at least until a coup attempt in 1993) one of the greatest tribe of central Libya, the Warfalla." [332] And this small elite, what Libyans called Rijal al-Khayma (the men of the tent), controlled a web of families, tribes or allied ethnic groups with army colonels, petroleum engineers, police officers, and high bureaucrats recruited according to familial/ tribal equilibriums at the local level." [333] Orchestrated chaos, de-institutionalization and the plethora of local institutions were a way to keep exclusive power at the top in the hands of Al Qaddafi and his network/clique who managed the system from above".[334]

In the same context, the actual military suffered from poor professionalization, outdated or ill-maintained equipment, and overall lack of leadership. Positions within the military were not only shuffled around to the extent that service members did not know their bosses and supervisors did not know their subordinates, but were assigned based on tribal and personal affiliations with Brother Leader. Following the 1993 coup attempt by a combination of Islamists and military members, Al Qaddafi ensured that no promotions would be made

[3] Chivvis, Christopher S., Keith Crane, Peter Mandaville, and Jeffrey Martini. "Libya's Post-Qaddafi Transition The Nation-Building Challenge." National Security Research Division. https://www.rand.org/content/dam/rand/pubs/research_reports/RR100/RR129/RAND_RR129.pdf.

[3] Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

beyond his own "rank" of colonel. The problems surrounding the police forces were similar to those of the armed forces: lack of discipline, equipment, and training. [33]Aside from Qaddafi 's personal revolutionary-guard force, the police and armed forces were primarily used to achieve political goals, not to secure the territory and the citizens.[336]

Under Qaddafi, the military structures of the Libyan state were almost wholly subordinated to the political structures of his regime. That subordination of state to politics allowed the self-declared "Brother Leader" to pursue a range of coup-proofing strategies in the 1970s and 1980s, which were based around a logic of patronage (to control key military units) and neglect (to enfeeble the National Army as a whole). These two tactics of control gave rise to state security apparatus in which the most potential elements of the National army were led by Qaddafi's son or his close allies.

To sum-up, Qaddafi 's vision of institutional development employed two opposing forces. On one hand, he wanted to transform "Libya into a bastion for his regional ambitions" of Pan-Arabism, and on the other, "Al Qaddafi's concerns for security and dominance" prevented the establishment of any institutions with true power, authority, or influence. This weakened political/military, economic, and social institutions.[337]

In this context, Libya's weak institutions led to two destructive situations: first, the co-opting of tribal militias by the interim government to provide security for population centers and major resources; and second, the rise of opportunistic tribal militias and spread of internal violence. Islamist organizations are an amalgamation of these two scenarios. They tend to be tribally heterogeneous; they were at times co-opted by the government; and they are opportunistic. Furthermore, "the inability of Islamist organizations to align with a major

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

[3] Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

tribe for logistical or operational support and their nature has led some Islamist organizations, such as the Abu Mahjen Battalion, to acquire resources through criminal means, such as kidnapping for ransom and armed robbery of money transports"[338]

In 2011, the Qaddafi's regime collapsed gradually, leaving a void, namely an institutional tabula rasa meaning that new authorities were not confronted with the problem of remaining parts of the former regime and a large officer corps acting as stakeholders as in Egypt or Yemen. What came out was a proliferation of actors organized along familial, tribal, ethnic, regional lines, a surge of localism, far from the revival of a tradition of organized civil society that did not exist in Libya.[339] In addition to weak institutional capacity and a lack of experience with democratic processes, Libya is also saddled with the internal rivalries and distrust purposefully instigated by the Qaddafi's regime as a means of maintaining control. In his effort to maintain control, Qaddafi pursued a "divide and rule" policy, pitting community against community, tribe against tribe, and region against region. As in other post-conflict situations, even when these internal divisions were cultivated by rulers or external powers, they often cast a long shadow.[340]

Moreover, Libya suffered from the lack of democracy during Qaddafi's era. While Qaddafi claimed his regime was based on popular will, it systematically suppressed civil society and independent media, prohibited the establishment of political parties, and created a web of unelected bodies and informal power structures.[341] As such the fall of Al Gadhafi "as Libya's strongman and purveyor of the patronage network left a power vacuum,"[342] in which

[3] Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

[3] Droz-Vincent, Philippe. "Competitive Statehood in Libya: Governing Differently a Specific Setting or Deconstructing Its Weak Sovereign State with a Fateful Drift Toward Chaos?" Small Wars & Insurgencies. May 11, 2018. https://www-tandfonline-com.libproxy.aucegypt.edu/doi/pdf/10.1080/09592318.2018.1455322?needAccess=true

[3] Chivvis, Christopher S., Keith Crane, Peter Mandaville, and Jeffrey Martini. "Libya's Post-Qaddafi Transition The Nation-Building Challenge." National Security Research Division. https://www.rand.org/content/dam/rand/pubs/research_reports/RR100/RR129/RAND_RR129.pdf.

[3] Chivvis, Christopher S., Keith Crane, Peter Mandaville, and Jeffrey Martini. "Libya's Post-Qaddafi Transition The Nation-Building Challenge." National Security Research Division. https://www.rand.org/content/dam/rand/pubs/research_reports/RR100/RR129/RAND_RR129.pdf.

[3] Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

government institutions were too weak to provide security to the population, and from a more pragmatic standpoint, unable to provide security for Libya's natural resources.[343]

To sum-up, this chapter was divided into two sections, the first one gave an overview to the deteriorating situation in Libya post the international intervention in 2011, while arguing that the intervention intensified the sufferings and harmfulness to the civilians in the country. As such the second section of the chapter focused on explaining the reasons behind such deteriorations, while clarifying that the abuse of the humanitarian intervention and the fragility of the Libyan state are the main reasons behind the collapse of Libya.

[3] Alija, Basic. "Libya: A Contemporary Conflict in a failing State." Master's thesis, Monterey, California: Naval Postgraduate School, 2015. https://calhoun.nps.edu/bitstream/handle/10945/45160/15Mar_Basic_Alija.pdf?sequence=1&isAllowed=y.

## VI. Conclusion

### 5.1 The Findings of the Research:

The main aim of this research was to study the dilemma of the humanitarian intervention through focusing on evaluating the outcome of the international intervention and analyzing the factors contributed to its success/failure, in the case of Libya, rather focusing on its legality, ethics, morality, types and intervening actors; in order to figure out whether the international intervention helps in protecting civilians under threat or it leads to an increase in the sufferings, deterioration and threats facing them. Libya was the only country of the Arab Spring 2011, where the UNSC permitted the international military intervention. The international intervention in Libya is considered a test case for the principle of the responsibility to protect and a turning point in its history, as the international intervention was permitted in the state, by the UNSC, for the first time without the consent of its government. In addition, the intervention's aftermath changed the debates on the principle from focusing on the implementation of the international intervention into focusing on its outcome.

Indeed, the findings of this research reflected how the international community was committed, in the case of Libya, to react when there was a demonstrable need and international calls for a reaction; as the international community was keen from the beginning of the popular uprising in Libya in 2011, to respond to the Libyan regime's use of violence against the domestic unrest and anti-governmental demonstrations. To explain, the international community's response went quickly from the political condemnation, to diplomatic pressure, to a UNSC-authorization to, NATO-led, military intervention under Chapter VII of the UN Charter.

But was the quick military intervention in the case of Libya a right decision? The use of military intervention for the sake of protecting civilians under threat, is always a controversial issue among the international community; various concerns and debates raised

regarding this type of intervention and its implications throughout history; as such it always has to be the last choice of the international community. In the case of Libya, the military intervention was initially portrayed as a humanitarian success to the international community for preventing a bloodbath in that country's second largest city, Benghazi. Accordingly, the proponents of the intervention in Libya claimed that the intervention was a triumph to the successful implementation of the principle of the responsibility to protect. In this regards, the top U.S. representatives to the transatlantic alliance declared that "NATO's operation in Libya has rightly been hailed as a model intervention." [3] However, later on, Libya started suffering from severe insecurity and internal deterioration that not only have increased the threats to the civilians in Libya, but to the international community as well. To explain, in spite of the international abovementioned efforts to protect civilians under threat, the situation in Libya has rapidly been deteriorated, after the end of the international intervention. In the post intervention phase, as abovementioned, Libya has been characterized by state collapse, chaos and anarchy, with conflict between ever-changing alliances of armed groups, terrorism with the expansion of the Islamic State and uncontrolled borders with waves of migrants crossing the boarders of the country.

In this context, after studying the case of the intervention in Libya, this research concluded that the international intervention has to be considered a failure of the international community, as it led to the spread of instability in the country and to an increase in the threat to the civilians. This research argues that there are two main factors behind such findings; one of which is the abuse to the principle of the humanitarian intervention in Libya. To explain, the international community exceeded the permitted mandate by taking actions that were inconsistent with its main target, of protecting the civilians under threat in Libya, by engaging in the process of fostering regime change; while allowing the political considerations and the

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[3] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.

states' national interests of the intervening countries, such as oil and counter migration, to be the main driver and incentive behind their decisions of intervening in Libya as explained before in the previous chapter. Furthermore, this research argues that the fragility of the Libyan state was the other factor behind the collapse of the state, as it led to the intensification of the deteriorated situation in Libya post the international intervention in 2011. To explain, as all the institutions used to be under the control of Al Qaddafi and his regime before the popular uprising; by the removal of the regime, Al Qaddafi left Libya with a legacy of weak institutional capacity, based on the personal nature of his regime. In the post intervention phase, Libya was lacking the functioning state structure; consequently, this led the country to face a high level of instability, and inability to control the armed militias that spread in the country after the intervention. The lack of the efficient institutional system in Libya was not taken into consideration by the international community, either when deciding to engaging in fostering the regime change process or when deciding to end their role after the death of Al Qaddafi; subsequently, resulting in increasing the harmfulness to the civilians in Libya and being considered as one of the main factor behind the collapse of the state, beside the factor that was already mentioned above, which is the abuse of the humanitarian intervention.

5.2 <u>The Instability Continues Despite the International Efforts and Political Agreements:</u>

Since then, although the international community has been trying to exert much effort to return the stability to Libya and end the chaos, all its attempts are ending up with no good, and nobody can predict when this will be achieved. To clarify, since the fall of Colonel Muammar Qaddafi in 2011, Libya has suffered from years of ineffective and dysfunctional rule. Moreover, a series of weak governments passed through Tripoli in the aftermath of the popular uprising as powerful militias struggled for control on the ground. The country further disintegrated in 2014, "when a contested election saw Islamist-backed politicians and allied

militias seize power in the western capital of Tripoli and force the newly elected House of Representatives to flee to the east, where it allied with eastern anti-Islamist forces. Despite the UN-led agreement that installed a Government of National Accord (GNA) in 2016, rival factions across the country continue to fight one another." [345] Unsurprisingly, the Islamic State (or ISIS) and other resurgent jihadist groups have taken advantage of the country's political instability, effectively "turning Libya into a safe haven and breeding ground for extremists".[346]

Furthermore, the Libyan Political Agreement (LPA), which the United Nations relied on and described as a "first step" towards ending the country's crisis,[347] has failed to put an end to the instability in Libya. To explain, on December 17th 2015, Rival Libyan politicians signed a deal in Skhirat, Morocco to form a unity government despite opposition on both sides.[348] That agreement, aimed at "ending the fighting between Libya's so-called Dawn and Dignity factions, produced the Government of National Accord in Tripoli but was unable to unify Libya's fragmented political, economic, and military bodies." [349] The conception and execution of dialogue in the lead-up to the deal was rushed at the behest of outside powers and, more important, it was artificially structured as a deal between two parties when in fact the conflict's actors were more numerous and diverse." By relying on signatories from the two parliaments, one in the east and one in the west of the country, "who did not speak for the actual forces on the ground, it set the stage for continued gridlock. A crucial sticking point was the authority of the commander in chief of the armed forces, which the agreement gave to the GNA's Presidency Council, a stipulation rejected by Haftar and his

[3]    Miller, Elissa, and Kevin Truitte. "Filling the Vacuum in Libya." Foreign Affairs. July 18, 2017. https://www.foreignaffairs.com/articles/libya/2017-07-18/filling-vacuum-libya?cid=int-rec&pgtype=art.
[3]    Miller, Elissa, and Kevin Truitte. "Filling the Vacuum in Libya." Foreign Affairs. July 18, 2017. https://www.foreignaffairs.com/articles/libya/2017-07-18/filling-vacuum-libya?cid=int-rec&pgtype=art.
[3]    "Libya: Skhirat Deal: The Political Agreement Is a Tiny Step towards Reconciliation." Africa Research Bulletin. 2016. https://onlinelibrary-wiley-com.libproxy.aucegypt.edu/doi/epdf/10.1111/j.1467-825X.2016.06767.x.
[3]    "Libya: Skhirat Deal: The Political Agreement Is a Tiny Step towards Reconciliation." Africa Research Bulletin. 2016. https://onlinelibrary-wiley-com.libproxy.aucegypt.edu/doi/epdf/10.1111/j.1467-825X.2016.06767.x.
[3]    Wehrey, Frederic, and Wolfram Lacher. "The Wrong Way to Fix Libya." Foreign Affairs. June 19, 2018. https://www.foreignaffairs.com/articles/libya/2018-06-19/wrong-way-fix-libya.

supporters." [350]

To surmount this gridlock, the new UN envoy in Libya, Ghassan Salamé, proposed an "action plan consisting of amendments to the LPA (to include a reconstituted Presidency Council), a national conference, a popular referendum on the constitution, and the preparation of presidential and parliamentary elections with appropriate voting laws." However, such plan has been stuck on nearly every stage, as there "is no movement on revising the makeup of the council; progress on the national conference, which the UN outsourced to a nongovernmental organization, has been slow and fitful; and the eastern House of Representatives won't put the constitutional referendum law to a vote. That leaves elections as the last remaining pillar." [351] "Salamé long argued that elections could take place only once the conditions were ripe. Now, although no headway has been made, elections are to be held regardless, in December 2018, according to France's initiative." [352]

In brief, after a comprehensive examining of the international intervention in the case of Libya 2011, and the followed current deteriorating situation, no one can predict how and when it will end; also, many questions have been raised regarding the principle of the humanitarian intervention, and the future of the responsibility to protect civilians. Regarding the case of Libya intervention, it is a great proof that the principle might be good as an idea, while its implementation has many negative consequences, as it was not purely used for humanitarian purposes and as such can backfire, like what happened in Libya where the outcome showed that the intervention brought even worse humanitarian disasters.

5.3 Lessons Learnt for the Future of Humanitarian Intervention:

In this context, it is worth to highlight that the NATO's experience in Libya offers important lessons for the future of humanitarian intervention and the responsibility to protect.

[3] Wehrey, Frederic, and Wolfram Lacher. "The Wrong Way to Fix Libya." Foreign Affairs. June 19, 2018. https://www.foreignaffairs.com/articles/libya/2018-06-19/wrong-way-fix-libya.
[3] Wehrey, Frederic, and Wolfram Lacher. "The Wrong Way to Fix Libya." Foreign Affairs. June 19, 2018. https://www.foreignaffairs.com/articles/libya/2018-06-19/wrong-way-fix-libya.
[3] Wehrey, Frederic, and Wolfram Lacher. "The Wrong Way to Fix Libya." Foreign Affairs. June 19, 2018. https://www.foreignaffairs.com/articles/libya/2018-06-19/wrong-way-fix-libya.

Each of its stages provide different lesson that should be taken into consideration in the future when implementing the concept. Starting with the pre-intervention stage, as mentioned above, resolution 1973 was adopted within days from the eruption of the popular uprising. The resolution requested the international community to impose a no fly zone over Libya and allowed to take all necessary measures; although the phrase opened the doors for the military intervention to take place, the international community should have according to the third pillar of the R2P imposed the no-fly zone first, before deciding to intervene militarily; especially as there was a lack of a coherent vision regarding the implementation process. Moreover, the rush to intervene to protect civilians meant that NATO became inadvertently engaged in an intervention without a coherent vision and with limited understanding of the political, public relations, and reconstruction activities that would be required in order to achieve a desirable outcome.[353]The NATO and the international community were plunged into action prior to answering the primary question highlighted by the UNSC members; specially Russia and China regarding the way of implementing the resolution and protecting civilians under threat. As such, during the implementation process the international community was reluctant to decide when to end its mission and it got involved in fostering regime change; as the result, the intervention ended up with a spread of instability in the country. Libya's most crucial lesson therefore is that the intervention requires a full agreed coherent plan that covers all the stages of the intervention: the entrance, way of implementation and exit strategy; as even the most limited engagements can quickly creep toward something much bigger. This alone is not a reason against intervention, but rather a caveat to take full responsibility for the action.[354]

Additionally, during the intervention stage, the intervening countries went beyond the

[3]  Mezran, Karim, Jason Pack,[5] and Haley Cook. "Libya's Lessons on Syria." Foreign Policy. September 04, 2013. https://foreignpolicy.com/2013/09/04/libyas-lessons-on-syria/.
[3]  Mezran, Karim, Jason Pack,[5] and Haley Cook. "Libya's Lessons on Syria." Foreign Policy. September 04, 2013. https://foreignpolicy.com/2013/09/04/libyas-lessons-on-syria/.

permitted mandate. Although the intervention should have been limited to what the UNSC member states have agreed on and allowed in the endorsed resolutions; the international community went beyond their main mandate by engaging in fostering regime change, which results in increasing the harmfulness of the civilians. To explain, the intervention initially motivated by the desire to protect civilians is prone to expanding its objective to include regime change, even if doing so magnifies the danger to civilians, contrary to the interveners' original intent. That is partly because intervening states, when justifying their use of force to domestic and international audiences, demonize the regime of the country they are targeting. This demonization later inhibits the interveners from considering a negotiated settlement that would permit the regime or its leaders to retain some power, which typically would be the quickest way to end the violence and protect noncombatants. [355]By demanding regime change, the interveners perversely encourage the regime to fight to the bitter end, which actually escalates and prolongs the war, maximizing the harm to civilians. [356]Such lessons from NATO's use of force in Libya suggest the need for considerable caution and a comprehensive exploration of alternatives when contemplating if and how to conduct humanitarian military intervention.[357]

Moreover, the other learnt lesson from the intervention in Libya is that the intervention can backfire. To explain, any action, whether limited or extensive, carries some undesirable, yet fairly predictable consequences on the ground. Intervention will empower certain groups over others even when the stated intentions are different. A simple no-fly zone engineered to help the rebels and their political institutions can actually end up strengthening actors other than the ones policymakers intended to support. For example, in Libya the no-fly

[3] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.
[3] Hehir, Aidan, and Robert W. Murray. *Libya, the Responsibility to Protect and the Future of Humanitarian Intervention*. New York (NY): Palgrave Macmillan, 2013.
[3] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.

zone was supposed to strengthen the rebel leadership of the National Transitional Council (NTC) and the other Benghazi-based political actors. In reality, the no-fly zone strengthened the spontaneously formed militias that arose in other places, such as Zintan and Misrata, because they were able to turn the tables on Qaddafi by using the no-fly zone as if it were the rebel's air force. These cities militias developed the requisite fighting skills, command structures, and strategy to use NATO air power to their advantage while the forces of the NTC did not. And because they put themselves at the frontlines, NATO needed to protect and coordinate with them, thereby building up the political credentials of these militias.[358] Consequently, the radical Islamist groups, suppressed under Qaddafi, emerged as the fiercest rebels during the war and refused to disarm or submit to government authority afterward[359] and Libya's post-conflict security apparatus was comprised of a patchwork of rebellions forces a and a mixture of militias that held power and control over particular areas.[360] As such, humanitarian intervention can backfire by escalating rebellion[361] in a country and elsewhere. It encourages sub state groups to believe that by provoking state retaliation they can attract intervention to help achieve their political objectives, up to and include regime change. Typically, however, the escalation of rebellion magnifies the harm to civilians before intervention can protect them, if it ever does. As a result, the prospect of humanitarian intervention to protect civilians may perversely imperial them- a dynamic akin to moral hazard.[362]

Furthermore, Former US President Obama and his British and French counterparts asserted that the NATO-led operation had prevented a bloodbath and that tens of thousands of

[3] Mezran, Karim, Jason Pack,[5] and Haley Cook. "Libya's Lessons on Syria." Foreign Policy. September 04, 2013. https://foreignpolicy.com/2013/09/04/libyas-lessons-on-syria/.

[3] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.

[3] "Libya: Examination of Intervention and Collapse and the UK's Future[0] Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.

[3] "The UN's Election Gamble in Libya." July 02, 2018. https://www.tandfonline.com/doi/abs/10.1080/13567888.2018.1495419

[3] Kuperman, Alan J. "Lessons from Libya: How Not to Intervene." Belfer Center for Science and International Affairs, Harvard University. September 2013. http://www.ciaonet.org.libproxy.aucegypt.edu:2048/record/29207?search=1.

[3] "Libya: Examination of Intervention and Collapse and the UK's Future[2] Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.

[3] "The UN's Election Gamble in Libya." July 02, 2018. https://www.tandfonline.com/doi/abs/10.1080/13567888.2018.1495419

lives had been protected. Gareth Evans and Ramesh Thakur similarly wrote that tens of thousands of lives, in Benghazi and elsewhere, were almost certainly saved by the intervention. The US Permanent Representative of NATO and the Supreme Allied Commander Europe also claimed that the operation saved tens of thousands of lives from almost certain destruction. All of these assertions, however, have rested on counterfactual assumptions that are easily called into question. For example, based on a different set of assumptions, Alan Kuperman estimates that the Libyan conflict would have lasted six weeks and inflicted 1,100 deaths had NATO not intervened, considerably fewer than the numbers cited above. There is no way to resolve this debate. Nobody can know what would have happened if NATO had not intervened; there is no proof that the bloodbath would occur. The intervention might have prevented a bloodbath during that time; however, the misuse of the intervention and the lack of a coherent vision led to a chaos that not only Libya has been suffering from, but the international community as well.

In addition, the internal politics of the country should have been deeply studied before taking the decision of the intervention. To explain NATO decided to end its mission with the death of al Qaddafi, without taking into consideration the fragility of the institutional system in Libya, which should have been taken into consideration even before the decision of the intervention was adopted. While fostering the regime change, the international community did not think about the period after the elimination of Qaddafi, who would step into the vacuum; by what means, and how should the West facilitate the evolution of the political and security landscape of the country? Without a clearly thought-out long-term goal, limited targeted strikes intended to protect civilians flowed seamlessly into regime overthrow.[36] The lack of any planning for Libya's post-conflict development was a dramatic strategic failure on the part of NATO and its allies. The policy makers in Washington, London and Paris in

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[3]    Mezran, Karim, Jason Pack,[6] and Haley Cook. "Libya's Lessons on Syria." Foreign Policy. September 04, 2013. https://foreignpolicy.com/2013/09/04/libyas-lessons-on-syria/.

particular, planned to overthrow Al Qaddafi apparently without any policy in place for how to unify a dysfunctional post-war state.[364] There should be a coherent vision for the post intervention stage, without affecting the sovereignty of the state, based on well-studied inner politics of the country. In other words, any intervention has to have a clear political strategy defining the mission's objectives as well as plans to counteract the undesirable but foreseeable consequences that are natural by-products of any intervention.[365]

Finally, aside from all of the above, the inconsistency problem makes the application of R2P seems fickle and hypocritical, as the international community decide to intervene in some crisis while neglecting the others; such action reflects that the humanitarian concerns are not the main driver for intervention and that the humanitarian intervention is to great extend politicized, controlled and related to the countries self-interest rather than its main target, which is the protection of civilians under threat. As such, the most important aspect for the future of the intervention and the concept of the responsibility to protect is to follow a valid, agreed and settled criteria that are not driven by political considerations and states self-interest; while having the humanitarian concerns as the main priority and only target.

5.4 Research Limitation:

The inability to conduct interviews in Libya is considered a main problem in this research. To explain, Libya has been suffering from the lack of security since the outbreak of the popular uprising in 2011, as such it was extremely difficult to travel there to conduct interviews with the officials, academics, public, etc.

[3] "Libya: Examination of Intervention and Collapse and the UK's Future [4] Policy Options. Third Report of Session 2016–17." House of Commons Foreign Affairs Committee. September 06, 2016. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf.
[3] "The UN's Election Gamble in Libya." July 02, 2018. https://www.tandfonline.com/doi/abs/10.1080/13567888.2018.1495419
[3] Mezran, Karim, Jason Pack, [6] and Haley Cook. "Libya's Lessons on Syria." Foreign Policy. September 04, 2013. https://foreignpolicy.com/2013/09/04/libyas-lessons-on-syria/.

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