

ADDIS ABABA UNIVERISTY

SCHOOL OF GRADUATE STUDIES

**THE 2011 HUMANITARIAN INTERVENTION IN LIBYA: REBUILDING LIBYA AND
THE REASONS FOR THE CONTINUATION OF CRISES AFTER INTERVENTION**

BY:

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APRIL, 2017

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Declaration

Acronyms

AFRICOM	African Command of the United State
AI	Amnesty International
AL	Arab League
AU	African Union
BRSC	Benghazi Revolutionaries Shura Council
CBL	Central Bank of Libya
CIA	Central Intelligence Agency
CSDP	Common Security and Defense Policy
DDR	Disarmament Demobilization Reintegration
DRC	Democratic Republic of Congo
EU	European Union
EUBAM	European Union Integrated Border Management Assistance Mission in Libya
GDP	Gross Domestic Product
GNA	Government of National Accord
GNC	General National Congress
HOR	House of Representative
HRW	Human Rights Watch
i	
ICC	International Criminal Court

ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
ISIS	Islamic State in Iraq and Libya
JCP	Justice and Cooperation Party
LAS	League of Arab States
LPA	Libyan Political Agreement
LNA	Libyan National Army
LROR	Libya Revolutionaries Operations Room
LSF	Libyan Salvation Force
NATO	North Atlantic Treaty Organization
NOC	National Oil Company
OIC	Organization of Islamic Conference
OOD	Operation Odyssey Dawn
PIL	Political Isolation Law
PSC	Peace and Security Council
R2P	Responsibility to Protect
TNC	Transitional National Council
ii	
UAE	United Arab Emirates

UK	United Kingdom
UN	United Nation
UNESCO	United Nations Educational Scientific and Cultural Organization
UNHCR	United Nation High Commissioner for Refugees
UNICEF	United Nation International Children’s and Education Fund
UNSC	United Nation Security Council
UNSCR	United Nation Security Council Resolution
US	United State
USAID	United State Agency for International Development
USD	United State Dollar
UNSMIL	United Nation Support Mission in Libya
VNSAs	Violent Non-State Actors
WASH	Water Sanitation and Hygiene
WB	World Bank
WFP	World Food Program

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Dedication

To those who lost their life while fighting for their rights, freedom and equality.

Abstract

The purpose of this study is to investigate the roles of international community to rebuild Libya and the major rationales behind the continuation of crises in the aftermath of the 2011 humanitarian intervention. Libya, after the intervention is a country experiencing human rights violations, instability, economic breakdown and deterioration in both quality and quantity of social services like health care and education. So, the study addresses the international roles in the period of crises and the question why the crises continue after Gaddafi. As a research intends to explain the international roles in rebuilding Libya and the chief reasons for the persistence of crises after intervention, it has employed qualitative research methodology which is appropriate for research based on explanations, analysis and conceptualizations of issues and to this end document analysis and key informant interviews were conducted. The study use realistic approach to humanitarian cases to evaluate the behavior of states and the concept of R2P as a tool of analysis. The 2011 Libyan revolt was started because of different root and immediate causes. Chief among the root causes are violation of human rights, regionalism, tribalism and corruption. While the arrest of FathiTerbil, human rights activist and the attorney for the families of those who were killed at Abu Salim prison camp and the inspiration of Libyans by regime changes in some of their neighboring countries such as Tunisia and Egypt were the immediate causes of the revolt. The international community responded to the Libyan crises using the norm of the responsibility to protect as a base, the concept which implies that state has the primary responsibility to protect its own people from genocide, war crimes, crimes against humanity and ethnic cleansing but the responsibility transferred to international community if the state is unable and/ or unwilling to halt and/or perpetuate these crimes by itself. The international community has been play roles in rebuilding Libya in areas of building institutions, mediating political dialogue among Libyan political parties, providing economic and social assistances. Despite this however, the evaluation of the international presence in Libya was limited. The process of rebuilding Libya is politicized and the approaches of the international community to rebuild it are found to be realistic approach. This was manifested in the increased presence of western actors following the strong establishment of Islamic states after 2014. There are both internal and external factors for the persistence of the crisis in Libya after the 2011 humanitarian intervention. Internally, factors such as weak transitional governments, competitions for political power, political legitimacy and economic resources among Libyan factions, the presence of terrorist groups, Revenge attacks, the Passage of Isolation Law on Perceived Pro- Gaddafi Regime and tribalism have been identified. While externally, limited international roles in rebuilding Libya, the realistic approach of major powers, biased intervention that is supports for rebels, the unmanaged security sector during the transitional period and the immediate end of the mission without establishing an able government after Gaddafi have been identified as a major reasons for the continuation of the crises. The major regional powers support Libya's major factions, Libya dawn and Libyan dignity, separately for their political, economic and ideological interests. States like Egypt, Saudi Arabia and UAE support operation dignity while Qatar, Turkey and Sudan support operation dawn which in turn makes the crises to persist by creating division between actors and providing them with availability of war weapons.

Keyword: Rebuild Libya, humanitarian intervention, international community

CHAPTER ONE

1. Introduction

1.1 Background of the Study

Humanitarian intervention is a highly debatable issue. The debates around the issue are by large about how, why and when it conducted and similarly how, why and when it is not conducted. That is the question of legality, legitimacy and method of its application. The complexity of world politics, international relations and the behavior of states while dealing with humanitarian affairs are also factors added fuel to the debates. Humanitarian intervention has been a subject of intense academic discussion in international law, ethics, political theory and international relations (Francis, 1997).

External military intervention for human protection purposes has been controversial both when it has happened as in Somalia, Bosnia and Kosovo and when it has failed to happen, as in Rwanda. For some the new activism has been a long overdue internationalization of the human conscience; for others it has been an alarming breach of an international state order dependent on the sovereignty of states and the inviolability of their territory. For some, again, the only real issue is ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger (ICISS, 2001). If international community stays disengaged, there is the risk of becoming complicit bystanders in massacre, ethnic cleansing, and even genocide. If it intervenes, it may or may not be able to mitigate such abuses. But even when it does, intervention sometimes means taking sides in intra-state conflicts. Once it does so, the international community may only be aiding in the further fragmentation of the state system (Ibid, 2001).

Humanitarian intervention, by definition, means that the main purpose of intervention is to relieve human suffering and save lives at risk rather than to seek self-interest. But regardless of this fact, there are controversies about the definition of the term humanitarian intervention. Some scholars define it in a way that it includes all forms of interference involves economic, political and social in its nature. Humanitarian intervention can mean many things to many people which

range from a simple interference in the form of economic influence to military intervention. Fernando Teson, (1997), identified three different categories of humanitarian intervention namely, “soft”, “hard”, and “forcible”. For him, soft intervention implies simply discussion, examination and recommendatory actions and hard intervention refers to measures that are coercive but do not imply use of force such as economic, political and military sanctions while forcible intervention comprises acts involving the use of force.

V. D. Verwey, (1985) on the other hand defines it as the threat or use of force by a state or states abroad, for the sole purpose of preventing or putting a halt to serious violation of fundamental human rights, in particular the right to life of persons, regardless of nationality, such protection taking place neither upon authorization by relevant organs of the United Nations nor with the permission of the legitimate government of the target state.

UN Office for the Coordination of Humanitarian Affairs (OCHA), 2007, while recognizing the absence of internationally agreed upon definition of “humanitarian intervention”, define it as coercive action by States involving the use of armed force in another State without the consent of its government, with or without authorization from the UN Security Council, for the purpose of preventing or putting to a halt gross and massive violations of human rights or international humanitarian law. Scholars like Abuodha, (2013), Sean Murphy, (1996) and Chesterman, (2001), define humanitarian intervention as a forcible military action by an external agent in the relevant political community with the predominant purpose of preventing, reducing, or halting an ongoing or impending grievous suffering or loss of life. Despite lack of consensus on the definitions of humanitarian intervention, the definition upon which most scholars agreed upon has three conceptual strands appear to run uninterrupted across the controversy. Scholars appear to agree that first, humanitarian intervention involves some considerable measure of violation of the sovereignty of the state intervened upon, second, it inherently entails use of armed force as one of its tools, third, the term “humanitarian” implies that there is a violation of human rights on a large scale such as acts of genocide and crimes against humanitarian.

The ICISS report however envisions a much more broad-based definition which includes but is not limited to the use of armed force. The report thus, defines humanitarian intervention as action

taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective. The ICISS report thus, while accepting military intervention as one of the modes of intervention admits of other modes including preventive measures and coercive intervention measures such as sanctions and criminal prosecution.

Due to the above debates and controversies, humanitarian intervention developed from time to time both legally and politically. Humanitarian intervention insofar as it imports negation and or intrusion into the sovereign right of states requires a strong justification and a clear legal basis. Prior to the nineteenth century, humanitarian intervention was based on Christian beliefs and the religious concept of the dignity of man. It was based on religious solidarity that a sovereign has the right to intervene in the internal affairs of another when the latter greatly mistreats its subjects (Abiew, 1999). But it was only later that reference to humanitarian intervention began to appear in the international legal literature in the 19th century, based on the two interventions which were took place in Greece where England, France, and Russia intervened in 1827 to stop Turkish massacres and the suppression of populations associated with the insurgents, and in Syria, where France intervened in 1860 to protect Maronite Christians (Weiss, 2007).

However, Humanitarian intervention in the twentieth century has overwhelmingly changed and no longer matches its traditional norms. According to Cheikh, 2013, there are two major factors accountable for these changes. The First factor is, who can successfully claim humanitarian protection from strong states, has changed. In the nineteenth century, only white Christians received protection, mistreatment of other groups did not evoke the same concern. By the end of the twentieth century, however, most of the protected populations were non-whites, non-Christian groups. Secondly, how to intervene has changed as it is established that humanitarian intervention must be multilateral in order to be legitimate. By the early twentieth century, the cluster norms governing humanitarian intervention had changed in orientation. At this level states were either individually or collectively unwilling to intervene for the sake of humanity. The unwillingness was partly due to the competition for economic resources and political power in the First World War and creation of power blocs.

In addition to those competitions matters of national sovereignty is also another obstacle for human rights protections particularly in intra-state crises. Because it is the fundamental principle

on which the international order was founded since the Treaty of Westphalia. Territorial integrity of states and non-interference in their domestic affairs, remain the foundation of international law, codified by the UN Charter, and one of the international community's decisive factors in choosing between action and non-intervention (Mashudu, 2010).

Therefore, Down to the end of the Second World War, it was a matter of universally accepted doctrine in international affairs that how a state treated its own citizens was a matter entirely for its own sovereign determination, and not the legitimate concern of anyone outside its own frontiers (Clapham, 2007). Armed humanitarian intervention was not a legitimate practice during the Cold War because states placed more value on sovereignty and order than on the enforcement of human rights (Bellamy and Wheeler, 2006).

Later on, however, humanitarian intervention poses a hard test for an international society built on principles of sovereignty, non-intervention, and the non-use of force (Bellamy and Wheeler, 2006). The idea that governments can legitimately concern themselves with the way in which another state treats its own nationals is a relatively recent innovation in international relations (Clapham, 2007). In the post-Cold War era international politics has witnessed an escalation in the tension between respect for state sovereignty and the growing recognition of the inviolability of inalienable human rights. Intra-state conflicts have become a greater source of violence and instability than interstate wars and have challenged the international community's ability to maintain peace and protect human rights within sovereign states. Thus, humanitarian intervention has become an increasingly important issue in international political discourse (Hehir, 2008). The lack of action in Rwanda (or, more accurately, lack of effective action) and the subsequent genocide has had a massive impact on the theory and practice of intervention (Pattison, 2010).

During the 1990s, there were a number of serious violations of human rights because of large number of intra-state conflicts. Bellamy, 2013, put these conflicts as follow:

Genocide in Rwanda and Srebrenica; mass killing and ethnic cleansing in Angola, Bosnia, Burundi, Croatia, East Timor, Kosovo, Liberia, Sierra Leone, Zaire/DRC; state repression in northern and southern Iraq; and acute state fragility and civil war leading to mass human

suffering in Somalia exposed the hollowness of legal responsibilities in the face of governments and armed groups willing and able to use mass civilian suffering to achieve their objectives.

Despite the above fact most literature states the crimes in Rwanda, Kosovo, Bosnia and Somalia as they have had a profound effect on how the problem of intervention is viewed, analyzed and characterized. These four cases occurred at a time when there were heightened expectations for effective collective action following the end of the Cold War (ICISS, 2001). The experience and aftermath of Somalia, Rwanda, Srebrenica and Kosovo, as well as interventions and non-interventions in a number of other places, have provided a clear indication that the tools, devices and thinking of international relations need now to be comprehensively reassessed, in order to meet the foreseeable needs of the 21st century (ICISS, 2001).

Thus, intra-state conflicts came to be seen as the greatest threat to international stability (Hehir, 2008). On the other hand, to deal with the controversies and challenges of sovereignty on humanitarian intervention and to provide the techniques of handling the increasing number of intra-state conflicts, the International Commission on Intervention and State Sovereignty sponsored by government of Canada came with the concept of the Responsibility to Protect (R2P) in 2001. It has a primary goal to establish clear rules, procedures and criteria for humanitarian intervention, especially those related to the decision to intervene, its timing and its modalities. The Report thus, aims to make humanitarian intervention not only legitimate, but also more efficient (Acharya, 2002).

It briefs three pillars in its system of addressing intra-state conflicts. First, each sovereign state carries the primary responsibility for protecting their own population from genocide, war crimes, crimes against humanity and ethnic cleansing. Second, the international society has a responsibility to encourage and assist states in fulfilling their responsibility of protecting their citizens which in turn implies the responsibility to prevent atrocities from occurring. Third, if a state is unable to protect, unwilling to protect its populations or agent of the violation, the responsibility transfers to the international society where they prepared to take collective action, in a timely and decisive manner.

Thus, the 2011 Libyan humanitarian intervention took place using this concept as a pretext. The uprising in Libya was started on 15 February 2011 in the east-Libyan town of Benghazi after Libyan authorities arrested a human rights activist, Fathi Terbil, on the same day (Hasler, 2012). In addition to demanding the release of him from prison, thousands of people took to the streets in Benghazi, demanding democracy, Rule of Law, and the end to Gaddafi's regime. Gaddafi's forces responded with brutality to these demonstrators who were at least initially peaceful demonstrations, resulting in dozens of deaths and injuries. On 20 February, 2011 for instance, Human Rights Watch (HRW) declared that at least 233 people had been killed over four days. Similarly, International Criminal Courts (ICC), 2015 gave an estimate of the 500-700 civilians killed in February alone by government forces. According to Human Rights Commission, from 20-21 February 2011 over 200 bodies were brought into morgues. It concluded that international crimes, specifically crimes against humanity and war crimes, were committed by Gaddafi forces in Libya (Human Rights Council, 2012).

It was to respond such violation that UNSC passed two resolutions which are 1970 and 1973. These resolutions passed by using the concept of responsibility to protect as its base due to Gaddafi's regime failure to protect its citizens and the regime was also the perpetrator of the human rights violations. Especially, the 1973 UNSCR empowered member states to take all necessary measures against Gaddafi's forces. Major Powers in NATO intervened militarily in Libya as it provided in the second resolution. They gave supports for the rebel groups loosely supposed to organized under the transitional national council (TNC), formed early during the beginning of the uprising in Benghazi.

The combinations of external and internal agents overthrown Gaddafi from his power, on October 20, 2011, Qaddafi was captured and executed by the rebel militia of Misrata, a city on the Gulf of Sirte (Ronen, 2016). In total, foreign military intervention in the conflict lasted 7 and half months. After the killing of up to 30,000 people, the conflict ended (Evans, 2012). Despite the overthrow of Gaddafi from power, the crises in Libya are continuing in all political, economic and social sectors. Thus, focusing on post Gaddafi era it is to evaluate the international roles in rebuilding Libya and the major factors behind the persistence of the crises in Libya after the 2011 humanitarian intervention.

1.2 Statement of the problem

Regardless of the end of the external intervention when regime changed in Libya, the international society left with another business. This is as per the principles of R2P the responsibility to rebuild. On the other side, the continuation of Libyan crisis after intervention makes Libya a focal point. These continuations of crises in Libya manifested in security, economic and social sectors.

In the areas of human rights, the crises involves killing, displacement from their village and prevention from returning back to their home. There are persistent human rights violations since October 2011 with varied degrees. The most significant documented case came in October, when militias from Misrata appeared to have executed 53 Gaddafi supporters in Sirte. In areas of eastern Libya under NTC control since late February and early March, volunteer security groups arbitrarily arrested dozens of suspected Gaddafi loyalists. At least 10 former Gaddafi security officials were killed in Benghazi and Derna in what appear to be revenge killings immediately after the end of the regime (Human Rights Watch, 2012). In particular, militias from Misrata prevented about 30,000 people from returning to their homes in Tawergha, a town near Misrata, because they accused them of having committed atrocities in Misrata together with Gaddafi forces. Displaced Tawerghans were subject to arbitrary arrests and torture in detention, in some cases leading to death. Members of the Mesheshiya tribe in the western mountain also faced harassment and revenge attacks (ibid, 2012).

Similarly, according to HRW, on June 22, 2013 of the 138 detainees interviewed, 100 reported torture and other abuses, including massive overcrowding, dire sanitation conditions, and lack of access to adequate medical care in eight of the nine detention centers visited. In the same way, the Office of the UN High Commissioner for Refugees (UNHCR) estimated authorities incarcerated 8,000 conflict-related detainees as of September 2013.

In 2014 total deaths exceeded 2,800 (Libya country situation, 2014). While in 2015 a total of at least 1,539 violent deaths were recorded (Country Information and Guidance, 2016). There are no exact data on the number of civilian casualties across the country but one source, Libya Body

Count, estimated that there were over 1,300 deaths (of both combatants and civilians) up to 9 October in 2016 (Country Policy and Information, 2017). The website, 'Libya Body Count' reported that the total number of violent deaths during 2016 (up to 9 October 2016) was 1,390. This contrasts with 2,825 in 2014, and 1,523 in 2015 (Country Policy and Information, 2017). Over 20,000 civilians have been injured as a result of the conflict between July 2014 and May 2015, with the actual number likely to be higher due to under-reporting and given recent fighting in Benghazi, Sirte, Derna, Sabha and Al Kufra (Ibid, 2017).

From mid-February 2015 to mid-February 2016, ISIS killed at least 77 people in the city of Sirte (Human Rights Watch, Life under ISIS in Sirte, 2016). Warring factions have caused multiple civilian deaths and injuries, and civilians have comprised up to 79% of casualties from the use of explosive weapons in some populated areas (Security and humanitarian situation, 2016). From March 2016 to August, 141 civilian were killed in the violence, including 30 children, and 146 injured, including 28 children (HRW, 2017).

According to UNHCR, 2016, the number of internally displaced persons increased sharply from 80,000 in May 2014 to 435,000 in May 2015. UNHCR estimate that between January to mid-October 2015, more than 140,000 individuals arrived in Italy by sea, the majority of whom departed from Libya. Numbers remain high in 2016 (46,000 in the first five months), similar to the number of arrivals during the same period in 2015 (47,500) (IOM, 2016). Of the nearly 170,000 migrants rescued in the Mediterranean in 2014, 85% had set off from the Libyan coast (country situation report, 2014). According to the International Organization for Migration (IOM), 3,770 individuals died in 2015 attempting to cross the Mediterranean. During the first six months of 2016, according to UNHCR, at least 4,518 died or went missing while crossing the Mediterranean from Libya to Europe.

According to Bellamy and Wheeler, (2012):

Following the lifting of earlier United Nations (UN) sanctions in 2003, economic activity increased steadily for seven years. During 2004–10, 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 end-2003 to \$170 billion at end-2010.

But the break down in economic sectors persist in aftermath of the 2011 humanitarian intervention. According to World Bank, fights at the oil terminals in mid-2013 have sharply reduced oil production causing a decline in the GDP by close to 10% in 2013. Inflation accelerated to 9.2 % in 2015, mainly driven by a 13.7 % rise in food prices. Overall, the budget deficit rose from 43 % of GDP in 2014 to 75 % of GDP in 2015. GDP growth landed in negative at -9.4%. The economy shrank by 10 % in 2015. Libya is likely to experience a budget deficit of some 60% of GDP in 2016. As a result, the economy has remained mired in recession since 2013, with GDP shrinking by an estimated 8.3 percent in 2016. Overall, the budget deficit remained very high at 69 percent of GDP (World Bank, 2016). The loss of hydrocarbon income during the conflict reduced Libya's current account surplus. Exports declined from \$48.9 billion in 2010 to \$19.2 billion in 2011, while imports dropped from \$24.6 billion to \$14.2 billion during the same period (Bellamy and Wheeler, 2012).

The problems in security and economic sectors are also vivid in social sectors. In education sector, access to education has been significantly curtailed, particularly in the east. For example, the Office for the Coordination of Humanitarian Affairs in September 2015 that 73 percent of all schools in Benghazi was not functioning. Schools have been either damaged, destroyed or occupied by internally displaced persons, converted into military or detention facilities or are otherwise dangerous to reach (Human Rights Council, 2016).

Out of 239 schools assessed by the Ministry of Education in mid-2015, 110 were inaccessible due to the conflict and 64 were occupied by IDPs (UNICEF, 2015). At the end of 2015, 71 schools in the city were hosting IDPs and several occupied by armed groups (UNICEF, 2016). Some 44,500 IDPs are residing in school buildings (IOM, 2016). Benghazi is particularly affected by reduced education, with enrolment rates as low as 50%, out of 286 schools in Benghazi 47.6% need varying degrees of repair (UNICEF, 2016). An estimated 2.44 million people, including some 1 million children, are in immediate need of protection and humanitarian assistance. In 2016, 682,000 people require access to water, sanitation and hygiene (WASH) services; 150,000 children require quality education. In addition, an estimated 1.9 million people, including 430,000 children, require assistance to meet their basic health care needs (UNICEF,

2016). Of the 2.44 million, 1.3 million Libyans are faced “food insecure,” (Security and humanitarian situation, 2016).

Similarly, in 2017 political, economic and social crises continue. 1.3 million People in Libya still need humanitarian assistance in 2017. These include people with extremely limited coping mechanisms, with no or low income and limited financial means, displaced people, returnees, and those subject to abuse and exploitation as a result of their legal status, including refugees and migrants (OCHA, 2017).

So, it is to explain and evaluate first the international roles in rebuilding Libya as per R2P principle and second the reasons for the continuations of Libyan crises in security, economic and social dimensions of post humanitarian intervention in Libya. Thus it is to address questions like what are the roles of concerned agents in rebuilding Libya and why the crises in Libya persist after humanitarian intervention of the 2011.

1.3 Objectives of the Study

1.3.1 General Objective

-To explain the conditions in Libya after 2011 humanitarian intervention in light of the responsibility to rebuild Libya and the rationales behind the continuation of Libyan crises after the 2011 humanitarian intervention.

1.3.2 Specific Objectives

- Explaining the main concepts around humanitarian intervention for the purposes of reducing ambiguity and setting the ways of uses them in this thesis.
- Assessing the main causes of the 2011 Libyan mass revolt.
- To describe the roles of the major actors during 2011 humanitarian intervention in Libya.
- To evaluates the performance of international community to rebuild Libya.

1.4 Research Questions

1. What are the main arguments and the debates around Responsibility to Protect?
2. What are the major causal factors for the 2011 Libyan revolt?
3. Who were the major actors in the 2011 intervention in Libya?

4. What are the major roles of the international community in rebuilding Libya? And the effectiveness of its performance in rebuilding Libya?
5. Why crises continue in Libya after 2011 humanitarian intervention?

1. 5 Research Methodology and methods of data collection

5.1.1 Research Methodology

Methodologically, this thesis is based on qualitative approach which provides explanatory tools to examine the responsibility of re-rebuilding Libya and the reasons for the Libyan crises in the post Gaddafi's regime. This is because the aim of the qualitative approach is to describe certain aspects of a phenomenon with a view to explain the subject under study so as to broaden the understanding of the issue involved (Thomas, 2005). The qualitative approach is important for a research that is based on written documents such as books, journal articles, letters, official reports and historical documents (Ambert, et al, 1995). Qualitative analysis relies on suggestions, comments, or opinions of different individuals to provide evidences and supports for one's own arguments (Johnson and Reynolds, 2008). So, since the study involves the explanations of the issue using literatures such as books, legal instruments, journal articles, reports and interviews relevant to the issue, qualitative methodology deemed appropriate.

5.1.2 Methods of Data Collection

The method of data collection that the study employ is gathering secondary sources such as books, legal instruments of international law, journal articles, official reports which is supplemented by unstructured interviews with experts and personalities from African Union.

1.6 Significance of the study

Humanitarian intervention is one of the hottest subjects where debates and academic discussions are intensively taking place. Its finding is expected to reveal the major reasons behind Libyan crises after 2011 humanitarian intervention while discussing the roles of international community in rebuilding Libya. It hopes that the study could contribute to the existing body of knowledge on the subject and serve as a reference material for those who may be interested to conduct further research on the area.

1. 7 Scope of the study

The research confined to explain the responsibility to rebuild Libya after the 2011 humanitarian intervention and the major reasons for the continuations of crises in Libyan after the 2011 humanitarian intervention.

1.8 limitations of the study

Despite great effort to gain access to the primary data from Libyan, American, French and British embassies, it is not successes due to the total refusal of the letter of request. This in turn affects the quality of the thesis by reducing the amount of primary data. To overcome the problem of refusal in the case of Libyan embassy, researcher use Libyan focal person at AU.

1. 9 Structure of the study

This study consists of five chapters. The first chapter is an introduction which comprises background of the study, statement of the problem, objectives of the study, research questions, methodology and methods of data collection, significance of the study, scope of the study and limitations of the study. The second chapter aims at conceptualizing basic terms, relevant theory for explaining the issue under investigation and the reviews of relevant literatures. The third chapter is about explaining the major causes for the 2011 crises and the major actors in it. The fourth chapter explains the roles of international community in rebuilding Libya and the rationales behind the continuation of Libyan crises. Finally, under the fifth chapter, conclusion provides a summary and recommendations for the issue under investigation.

CHAPTER TWO

Conceptual, theoretical framework and Literature Review

This chapter aims at clarifying basic concepts such as R2P, Humanitarian intervention and sovereignty. Similarly, under theoretical framework, realism as one among main theories of international relations and an appropriate theory for the explanation of states' behavior in Libyan intervention is discussed. While under literature review important literatures on the topic under study is explained by focusing on their main arguments.

2. Conceptual Framework

2.1 The concept of the Responsibility to protect

It has taken a desperately long time for the idea to take hold that mass atrocities are the world's business: that they cannot be universally ignored and that sovereignty is not a license to kill (Evans, 2008). During the 1990s, there were a number of grave violations of human rights because of large number of intra-state conflicts. These were crimes in Rwanda, Kosovo, Bosnia and Somalia. They had a profound effect on how the problem of intervention is viewed, analyzed and characterized. These four cases occurred at a time when there were heightened expectations for effective collective action following the end of the Cold War (ICISS, 2001). The experience and aftermath of Somalia, Rwanda, Srebrenica and Kosovo, as well as interventions and non-interventions in a number of other places, have provided a clear indication that the tools, devices and thinking of international relations need now to be re-examined to handle the already changed nature of war by large from inter-state to intra-state (Ibid, 2001).

In addition, after those catastrophes, Secretary-General of the United Nation (UN) Kofi Annan put forth a question to the General Assembly: "If humanitarian intervention is, indeed, an

unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica to - gross and systematic violations of human rights that offend every precept of our common humanity?" He forwarded this question mostly due to the fact that the debates about humanitarian intervention before the Cold War were dominated by the principles of sovereignty and non-intervention in the internal affairs of another states and the intra-state conflicts become a major source of human rights violation. Not only this one, in action by itself states favor this principle than humanitarian intervention especially in the two world wars and Cold War period.

As a response to this question on the one hand and the failure to respond to the then grave crimes on the other, the Canadian government form and sponsor the International Commission on Intervention and State Sovereignty (ICISS) in 2001 to devise a responsive strategy for the international community. The ICISS was a commission consisting of academics, policy makers, and heads of international organizations representing both industrial and developing states. It was this commission who formulated the report entitled the "Responsibility to Protect" (R2P) in 2001. It has two basic principles. These are the following as they are stated in the report of the commission:

A. State sovereignty implies responsibility, which is the primary responsibility to protect its people.

B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

Thus, basically R2P was born with the aim of resolving or at least challenging the important contradictory debates between humanitarian interventions on the one hand, and the principle of non-interference due to the recognition of state sovereignty on the other hand. It also deals with the system whereby the national conflicts addressed in addition to mechanisms of addressing international conflicts recognized by UN Charter. Under the concept of R2P, the right to intervene re-characterized as it is not the right of states to do anything but rather as their responsibility to protect the victims. If any right was involved, it was of the victims of mass atrocity crimes to be protected (Evans, 2008). So, R2P was invented to replace the highly controversial concept of humanitarian intervention by shifting the terms of the debate from

sovereignty as control to sovereignty as responsibility and from a right to intervene to a responsibility to protect. The focus is no longer on the state's duty to refrain from action and intervention, but inversely on a possible mandate of an international response (Peters, 2011).

By shifting the debate from humanitarian intervention to the Responsibility to Protect, the ICISS Report created new political openings to advance the discussion of atrocity prevention and human security. The transition of the debate from the largely academic to the political space occurred remarkably quickly. R2P was unanimously endorsed by the 2005 World Summit, later adopted as a General Assembly resolution.

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. 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 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 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 manifestly fail 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.

Despite the above political unanimous endorsement of R2P on the 2005 World Summit legally speaking, it does not ratified by United Nation (UN) rather it is still at the level of norm (Bellamy and Wheeler, 2006). Responsibility to protect it is not currently customary international law (Jonah Eaton, 2011).

2.1.1 Elements of R2P

The responsibility to protect embraces three specific elements:

A. The responsibility to Prevent:

It is a Measure to avert violent conflict from occurrence and put in place the means to resolve future disputes non-violently. It is about addressing both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk by long-term assistance in political and economical stabilization. It is every step taken toward reducing poverty and achieving broad based economic growth is a step toward conflict prevention.

It is stressed by the ICISS as the most important dimension of R2P. In reality, resources devoted to preventing deadly conflicts are scarcer than resources devoted to coercive intervention including military intervention, post-intervention re-construction and peace keeping. Since it saves both human lives and economic resource as compared to other elements, the ICISS prioritizes the preventive aspect of R2P. In Kosovo, almost any kind of preventive activity whether it involved more effective preventive diplomacy, or the earlier and sharper application of coercive preventive measures like the credible threat of ground-level military action – would have had to be cheaper than the \$46 billion the international community is estimated to have committed at the time of writing in fighting the war and following up with peacekeeping and reconstruction. Thus, Prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it (ICISS, 2001).

B. The Responsibility to React

It is the second step which is used when the preventive approach failed *in* handling crisis from out breaking. Thus, responsibility to react with military coercion can only be justified when the responsibility to prevent has been fully discharged. It is to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention. So, reaction does not have to mean necessarily military reaction rather it involves political, diplomatic, economic, and legal pressure, measures that can each cross the spectrum from persuasive to intrusive and from less coercive (Evans, 2008).

C. The Responsibility to Rebuild

It is to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (ICISS, 2001). The commitment to rebuild a country after a military intervention is pivotal to promote durable peace, good governance and sustainable development (Ibid, 2001). Under such perspective, rebuilding holds an important preventive aspect, since the root causes of a conflict putting populations at risk can be addressed with measures benefiting various social and political infrastructures such as democratic institutions, the rule of law, economical opportunities, education and reform of the military system.

According to ICISS, 2001, document there are five protection tasks kept from international community after open conflict ended. The first is the protection of minorities. This operational challenge is particularly important when civilians return to territories where another ethnic group is in the majority. The second major protection task is security sector reform. The third main task is disarmament, demobilization, and reintegration. DDR is a Program to disarm, demobilize and reintegrate ex-combatants in a peacekeeping context as part of a peace process, which usually include the following components. Disarmament is the collection, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. It includes the development of responsible arms management program. Demobilization implies the process by which armed forces (government and/or opposition or factional forces) either downsize or completely disband, as part of a broader transformation from war to peace. Typically, demobilization involves the assembly, quartering, disarmament, administration and discharge of former combatants, who may receive some form of compensation and other assistance to encourage their transition to civilian life. Whereas Reintegration implies a process which enables returnees to regain the physical, social, legal and material security needed to maintain life, livelihood and dignity and which eventually leads to the disappearance of any observable distinctions vis-à-vis their compatriots (UNHCR, 2006) Assistance measures provided to former combatants that would increase the potential for their and their families', economic and social reintegration into civil society. There is also a fourth protection task which, with the growing universalization of the Ottawa Convention, is becoming a more common element of post-intervention, mandates: mine action. This means a range of activities from the effective marking of known or suspected anti-personnel minefields, to

humanitarian mine clearance and victim assistance. The fifth security task during the transitional period is the pursuit of war criminals.

Post-Conflict Reconstruction is a generic term referring to the rebuilding of society in the aftermath of conflict. Physical infrastructures have to be repaired or re-built, governmental institutions have to be reformed, psychic traumas of civilians and combatants have to be treated, the economy has to be restarted, refugees to be repatriated, reconciliation between the belligerents has to be initiated, justice has to be delivered. Such efforts require sustained support from the international community (Glossary of humanitarian terms, 2008).

The responsibility to rebuild a society, in the aftermath of war or mass atrocity crimes that have torn it apart, has four interrelated but distinct dimensions, discussed successively below: achieving security, good governance, justice and reconciliation, and economic and social development (Evans, 2008). It requires different measures in political, economic, legal and social issues. Political and diplomatic measures: rebuilding governance institutions and maximizing local ownership. Economic/ social measures: support economic development and social programs for sustainable peace. Legal/ constitutional measures: rebuilding criminal justice, managing transitional justice, supporting traditional justice and managing refugee returns. Security sector measures like peacekeeping in support of nation building, disarmament, demobilization, and reintegration and security sector reform (Ibid, 2008).

2.1.2 The criteria for military humanitarian intervention under the principle of R2P

The primary goal of the ICISS Report is to establish clear rules, procedures and criteria of humanitarian intervention, especially those related to the decision to intervene, its timing and its modalities. The Report thus aims to make humanitarian intervention not only legitimate, but also more efficient (Acharya, 2002). The criteria set by the document for this purpose is the following:

Just Cause: ICISS gave two events that would offer a just cause to military intervention. One is a large scale loss of life which is caused by the state or caused because the state could not and unwilling to prevent it. The other is the types of the committed crimes. In accordance to the

ICISS Report these situations are described as prevention or suppression of large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale “ethnic cleansing,” actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape (ICISS, 2001). Here the question is whether the threat or the harm is sufficiently clear and serious, to justify the use of military force and in the case of internal threats, whether it does involve genocide, war crimes, ethnic cleansing or crimes against humanity. That is if it is serious enough and involves these types of crime, it requires reaction.

Right Intention: The motive of the intervening state or states should be to stop human suffering. The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the concerned victims (ICISS, 2001).

Legitimate authority: One of the most important, but also the most controversial question is one about the authorization for the use of force. The ICISS report assured that the UNSC is the right authority to authorize military intervention. There is no better or more appropriate body than the UNSC to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.

But, in the situations where Security Council fails to act, ICISS Report did not categorically exclude the possibility that the responsibility to protect might ultimately be provide by others – the UN General Assembly, regional organizations, or coalition of states (Stahn, 2007).

Thus, if the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are first, consideration of the matter by the General Assembly in Emergency Special Session under the “Uniting for Peace” procedure; and second Action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization from the Security Council.

But the problem is that even in instances when the Security Council does consider authorizing intervention, it is usually facing problems of the slowness of its decision-making process, and the

use of veto by its five permanent members, which avers intervention from taking place within the right time frame to save lives. The Responsibility to Protect Report suggests the permanent members of the Security Council refrain from exercising their veto when their vital interests are not at stake, and when a resolution in favor of military intervention has majority support.

Proportional Means: The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the humanitarian objective in question. The means have to be commensurate with the ends, and in line with the magnitude of the original provocation. The effect on the political system of the country targeted should be limited, again, to what is strictly necessary to accomplish the purpose of the intervention (ICISS, 2001).

Reasonable Prospect: There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction. There must be a chance for success in stopping the humanitarian crisis, without causing more harm than good. Is it likely that military action will protect human life, and are the consequences of this action sure not to be worse than no action at all?

Last resort: Military force should only be used after every other non-violent option has been used. Non-violent options include among others, economic sanctions, embargos, and diplomatic efforts. Force, if it needs to be used, should be deployed as a last resort. The primary focus should be on assisting the cessation of violence through mediation and other tools and the protection of people through such measures as the dispatch of humanitarian, human rights and police missions. Every diplomatic and non-military avenue for the prevention or peaceful resolution of the humanitarian crisis must have been explored. This does not necessarily mean that every such option must literally have been tried and failed: often there will simply not be the time for that process to work itself out. But it does mean that there must be reasonable grounds for believing that, in all the circumstances, if the measure had been attempted it would not have succeeded (ICISS, 2001).

In additions to the above criteria for military intervention, ICISS report has the following Operational Principles:

- A. Clear objectives; clear and unambiguous mandate at all times; and resources to match.
- B. Common military approach among involved partners; unity of command; clear and unequivocal communications and chain of command.
- C. Acceptance of limitations, incrementalism and gradualism in the application of force, the objective being protection of a population, not defeat of a state.
- D. Rules of engagement which fit the operational concept; are precise; reflect the principle of proportionality; and involve total adherence to international humanitarian law.
- E. Acceptance that force protection cannot become the principal objective.
- F. Maximum possible coordination with humanitarian organizations.

2.1.3 The scope of the Responsibility to Protect

Mass atrocity crimes, which in turn define the scope of the responsibility to protect, refer to crimes like genocide, war crimes, ethnic cleansing, and crimes against humanity. These four crimes are conceptualized as follows:

Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; define “**genocide**” as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Article 7 of the 1998 Rome Statute of the International Criminal Court, define “**crime against humanity**” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The term “**war crimes**” on the other refers to serious breaches of international humanitarian law committed against civilians or enemy combatants during an international or domestic armed conflict, for which the perpetrators may be held criminally liable on an individual basis. War crimes also consist of many other serious violations of the international laws and customs applicable in international and non-international armed conflicts, including intentionally directing attacks against a civilian population as such, against individual civilians not taking direct part in hostilities or against civilian objects. The vast majority of these acts were committed against protected persons, as defined in the Geneva Conventions, primarily people who did not take part in the hostilities, particularly civilian populations and those put out of combat. This applies in particular to people living in refugee camps, who constitute a civilian population that is not participating in the hostilities, in spite of the presence of military personnel among them in some case.

It is a grave breaches of the 1949 Geneva Conventions, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention, committed as part of a plan or policy or as part of a large-scale commission of such crimes, including: Wilful killing; Torture or inhuman treatment, including biological experiments; Wilfully causing great suffering, or serious injury to body or health; Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly; Compelling a prisoner of war or other protected person to serve in the forces of a

hostile Power; Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial; Unlawful deportation or transfer or unlawful confinement; Taking of hostages.

Ethnic Cleansing: it has no legal significance certain actions are understood to constitute the act of ethnic cleansing such as the “destruction of houses, crops or wells, widespread sexual violence or killings.” The crimes associated with ethnic cleansing (forced displacement of civilians) have been prohibited as war crimes and crimes against humanity (Filteau, 2014). It refers to the practice of an ethnic group in military control of a territory seeking to remove members of other ethnic groups through tactics intended to instill a sense of fear, including random or selective killings, sexual assaults, confiscation or destruction of property in order to create ethnically pure enclaves for members of their group (Glossary of humanitarian terms, 2008).

2.2 Humanitarian Intervention

According to Welsh, 2004, humanitarian intervention defined as a coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering. According to James Pattison, 2010, to be engaged in ‘humanitarian intervention’, an intervener needs to meet four defining conditions: it needs (a) to be engaged in military and forcible action; (b) to be responding to a situation where there is impending or ongoing grievous suffering or loss of life; (c) to be an external agent; and (d) to have a humanitarian intention, that is, the predominant purpose of preventing, reducing, or halting the ongoing or impending grievous suffering or loss of life.

Despite its moral appeal as a norm to promote universal human wellbeing, however, the humanitarian intervention debate cannot escape the wider political context it belongs in international relations. Since the principles of nonintervention and non-use of force underpin the current international system, the room allowed for humanitarian intervention has been limited (Kardas, 2013).

2.3 Sovereignty

Since the treaty of Westphalia, traditionally, it was conceived that the principle of sovereignty emphasizes a state’s freedom from external interference, so that it can pursue whatever policies it

likes within its own boundaries (Pattison, 2010). In this system the ultimate power holder is the state. This particular view of sovereignty maintains that because the state is under the legal influence of no superior power, sovereign resides in the state.

It is a concept that provides order, stability and predictability in international relations since sovereign states are regarded as equal, regardless of comparative size or wealth (UN Charter, 1945). This is due to its prohibition of interstate wars with the exceptions of self-defense, collective self-defense and authorization by UNSC (Ibid, 1945). Thus, with the exception of the above limits on the UN Charter, sovereignty in these classical definitions considered as an absolute. The idea of absoluteness regarding this classical notion of sovereignty has been interpreted as complete or unlimited & freedom of action with no political or institutional constraints regarding the capacity to act (Francis, 1997). In this formulation, thus, sovereignty is regarded as final political authority (Ibid, 1997).

But regardless of the above notion of sovereignty, one point to note here is that it is not entirely absolute. States can have international obligations. They accrue these obligations when they enter into international treaties and agreements. Of course, states are free not to enter into these agreements to begin with, but once they do, they relinquish a certain measure of sovereignty to the international community (Martin and O'Callaghan, 2002). Since the end of the Cold War matters of sovereignty and non-interference have been challenged by the emergent human rights discourse amidst genocide and war crimes (Ferreira-Snyman, 1997). Weiss notes, the four characteristics of a sovereign state spelled out in the 1933 Montevideo Convention territory, authority, population and independence have been complemented by another, a modicum of respect for human rights (Hehir, 2008).

Soon thereafter, Francis Deng, (1995) built on this interconnectivity, by reframing the concept of sovereignty as responsibility rather than right such that along with the benefits that attach to sovereignty, states should be seen as bearing responsibilities toward their own citizens and the international community. Deng sought to shift the understanding of sovereignty from the classic Westphalia model according to which the sovereign enjoyed exclusive power over his or her territory and had an absolute right to exclude others from entering onto that territory, toward a

framing of sovereignty founded on both rights and responsibilities. The ICISS also adopt his concept of sovereignty and define it as from sovereignty as control to sovereignty as responsibility in both internal functions and external duties (ICISS, 2001).

As the notion of universal human rights has grown in standing in the international community, there has been an increasing shift to an alternative conception that views sovereignty as responsibility, the responsibility to uphold citizens' human rights (ICISS, 2001). Generally, State sovereignty today carries with it the important commitment to protect the welfare of its own peoples and failures of meet its obligations, makes the broader international community responsible.

Despite the challenges on the traditional understanding of sovereignty before 1990 and the alter debates and discourse around sovereignty and humanitarian intervention, it is difficult to argue that the concept sovereignty is diluted. According to ICISS, 2001 report, there is no transfer or dilution of state sovereignty. But there is a necessary re-characterization involved: from sovereignty as control to sovereignty as responsibility in both internal functions and external duties. Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security (ICISS, 2001).

2.4 Sovereignty and Humanitarian Intervention

Definitions or conceptions that tend to emphasize the absolute nature of state sovereignty provide a bulwark against developing a robust practice of humanitarian intervention in international relations (Francis, 1997). Until the beginning of twenty first century, it was nearly universally agreed that humanitarian intervention is unlawful with the exceptions of self-defense and UNSC authorization. It is expressly forbidden in the United Nations Charter precisely

because it undermines state sovereignty which is the basis of international law and the UN (Martin and O'Callaghan, 2002).

The rising importance of the protection of human rights raises the question of how to reconcile the inherent tension between the principles of sovereignty and humanitarian intervention. In the modern international legal order, it has become clear that the treatment of human beings within the territorial boundaries of a state does not belong to the *domaine réservé* that excludes interferences from the outside. The international community represented through the UN, regional organizations, and individual states or groups of states should act and is allowed to act when a state commits major human rights violations such as genocide, war crimes, ethnic cleansing, or crimes against humanity as a last resort (ICISS, 2001). That is, the R2P adopts a view of sovereignty which emphasizes as its defining characteristic the capacity to provide protection, rather than territorial control. It proposes the authorization of action taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective.

2.5 R2p and Humanitarian Intervention

According to Evans, (2008) the idea that R2P is just another name for Humanitarian Intervention” is absolutely not the case: they are very different concepts. The very core of the traditional meaning of “humanitarian intervention” is coercive military intervention for humanitarian purposes. But “the responsibility to protect” is about much more than that. Above all, R2P is about taking effective preventive action. It implies encouragement and support being given to those states struggling with situations that have not yet deteriorated to the point where genocide or other atrocity crimes are a reality, but where it is foreseeable that they *could* so deteriorate if effective preventive action is not taken, with or without outside support. It recognizes the need to bring to bear every appropriate preventive response, be it political, diplomatic, legal, economic, or in the security sector but falling short of coercive action.

In the ICISS report, it is emphasized that R2P has three different dimensions to prevent mass atrocity crimes, to react, and to rebuild. Of the three operational stages of R2P, humanitarian intervention falls only under the responsibility to react (Pattison, 2010). In the light of this, it is

possible to conclude that the responsibility to protect is a doctrine that encloses humanitarian intervention within its components. On the other hand, the responsibility to protect doctrine is narrower than humanitarian intervention. Humanitarian intervention can be undertaken in response to a variety of humanitarian crises (Pattison, 2011). R2P deals only with actions of human rights violation like genocide, war crimes, crimes against humanity and ethnic cleansing (ICISS, 2001). In this case humanitarian intervention is broader than R2P because the former includes other crimes other than the above four.

They also differ by their way of conceptualizing and recognizing state sovereignty. Humanitarian intervention put sovereignty above human rights protection while R2P at least normatively speaking forward cases in which sovereignty compromised. Unlike humanitarian intervention, compromising sovereignty, R2P harnesses the notion of sovereignty as responsibility. R2P should be seen as ‘an ally of sovereignty, not an adversary’ and that by seeking to fulfill a responsibility to protect States should recognize that they are strengthening their own sovereignty (Mehdi, 2014).

2. 6. Theoretical framework: Realism and humanitarian intervention

The proponents of the idea of realism argue that power is the immediate aim of international relations. International politics, like all politics, is a struggle for power (Morgenthau 2003).

The 1960s saw classical realism coming under increasing challenges partly due to the development of new approach and partly due to the revival of liberalism because of institutional and organizational development led to the neo-realism with different core assumptions. Generally, there are three core (neo-) realist assumptions according to Andreas Bieler, 2006, **First**, states are considered to be the main actors, operating in a rational, utility-maximising way. Neo-realists acknowledge that there are other actors such as international organizations or transnational corporations. Nevertheless, these other types of actors would have a little impact on actual developments in the international system and can, therefore, be disregarded. **Second**, the international system is characterized by anarchy, i.e. the absence of an over-arching, ordering power. As a result, the national interest is the maximization of power in order to ensure the state’s survival. **Third**, the distribution of economic and military capabilities, understood as a

systemic factor, is the most important explanatory variable. Hence, when analyzing international relations, one has to look at the distribution of capabilities in order to explain new developments.

Neorealist like Waltz sees a world structure as the principal determinant of outcomes at the international level. This structure is based on the configuration of power distribution among the major states. While Waltz sees this structure as operating under anarchy, states can still make rational choices about their interests within a framework of incentives and constraints imposed by world power structure. Neoclassical realists assume that relative power has dramatic effects on the outcomes of state foreign policy. States are taken to be materially self-interested rational calculators existing in a condition of anarchy. Structures are the arrangement of separate parts of a system, i.e. the arrangement of states in the international system, which also makes structures an organizational concept (Waltz, 1979). For them not only running for self-gaining is enough rather relativity of what they gain. This also means that even if one state experience massive loss it is not bad as long as another state experience a greater loss (Donnelly, 2009).

Civil war intervention can be motivated by interveners' self-interest, such as the maintenance of regional influence, the expansion of markets, and access to natural resources (Morgenthau, 1967). The necessary nexus of realism with humanitarian interventions leads to the assessment that states would only intervene if they could gain influence, expand their power, or could harm another competitive state at least indirectly through their acting (Hasler, 2012). The international community will never act in the face of humanitarian crises unless the action concurs strictly with the self-interest of independent states (Filteau, 2014). This permits power and material interests to become the most important determinants of action. Norms in the international system are weaker than domestic ones and therefore domestic norms and interests dominate (Ibid, 2014).

In fact, from their viewpoint, international rules and institutions have little effect on state behavior (Filteau, 2015). The constant pursuit of power is considered central to explaining state behaviour and the existence of a balance of power is regarded as a necessary condition for international law. It also treats law as mired in, and lacking force without, politics. More particularly, it is regarded as a function of, and serving the political purposes of, powerful states. It is used to justify the actions of such states, but is generally observed by them in the breach. By implication law is fundamentally political and in relations between states the content of

international law is determined by dominant states and will not be upheld when it conflicts with their perceived political interests. International law is thus not enforceable independently of the will of powerful states, and cannot be regarded, in any compelling sense, as binding (*Reus-Smit, 2004*). International law has little or no independent impact on the behavior of states. By this view, compliance with international law is explained as a coincidence between international law whose content, in any event, is said to be largely controlled by powerful states-and the self-interest of nations. Nonetheless, states do sometimes comply with moral norms both for their own sake and out of consideration of the costs of non-compliance (Guzman, 2008).

It is a well-known fact that in international relations politics has a much stronger impact on international law which in turn affects its legal autonomy. International law is more strongly influenced and manipulated by political power and interests (Cerar, 2009). When regarding interventions neo-realists would argue that a country only intervenes if it fits its self-interests. The ideas posed by the R2P do not have huge impact on the decision to use military force (Jackson & Sørensen 2010).

The international law of human rights is based on liberalism, but the practice of human rights all too often reflects a realist world. State interests rather than personal rights often prevail, interpersonal equality often gives way to disrespect for others, violent conflict is persistent, and weak international institutions are easily demonstrated. We recognize rights, but often we do not act to protect them. But state consent still usually matters, state policy and power count for much in human affairs. Our moral imagination has been expanded by the language of universal rights, but we live in a world in which nationalism and the nation-state and national interests are frequently powerful barriers to effective action in the name of international human rights (Forsythe, 2006).

Liberal theorists hope to transcend anarchy and conflict in the international arena, arguing that human nature is manageable and that order, justice and freedom can be achieved through the creation of the right economic conditions and institutional mechanisms. The meaning of actions is contingent on the context. Constructivism is focusing on norms, morality and expectations of foreign policy. Constructivists have in fact allowed that some norms have been contested and in

some case differences have been resolved through normative discourse, even without the aid of an authoritative arbiter. Actors must make choices even though it is within the boundaries of their normative viewpoints (Filteau, 2014).

If there is such behavior of states and previously act for their security and strategic interests by the name of humanitarian intervention to act or not to act, it is possible to argue that the intervention in Libya is not purely humanitarian free from other motivating factors mixing with humanitarian issues. Thus, it is fair to use realistic view since it better explains when, how and why states intervene/ react on humanitarian ground in some cases and why they are not in other cases than the liberals hopes for justices and freedom through international institutions and constructivists' minding about normative discourse to solve differences and actors act within normative boundaries. Because on the ground institutions are unable to provide freedom and human rights protections and humanitarian norms are violated on different occasions.

2.7 Literature review

ICISS, on its report entitled "the responsibility to protect", (2001) has provides a precise guidance for states faced with human protection claims in other state that the military power should always be exercised in a principled way, and the principles of right intention, last resort, proportional means and reasonable prospects outlined in our report are, on the face of it, all applicable to such action. Generally, it provides international community the answers for the questions when, how, why and who intervene to protect civilians in another state from serious human rights violations like genocide, crimes against humanity, war crimes and ethnic cleansing. Further the document conceptualized the roles of international community in the three pillars of R2P that is prevention, reaction and rebuilding.

Gareth Evans, 2008 on his book entitled "Ending Mass Atrocity Crimes Once and For All" has argued it taken a desperately long time for the idea to take hold that mass atrocities are the world's business: that they cannot be universally ignored and that sovereignty is not a license to kill. Massacres of the innocent, forced displacement of populations, large-scale sexual violence and humiliation, and the wanton destruction of civilian property have been going on since the dawn of civilization. Efforts gradually evolved over the centuries, then rapidly accelerated after

the Second World War, to more effectively protect people against the commission of such atrocities, both in peace and war. But, for the most part, those horrors were met with indifference, cynicism, or deep disagreement about how to respond to them. As the twenty-first century began, there was still no universally accepted and effective response mechanism in place. Now a day, after the development of R2P concept at least normatively speaking it becomes a world business.

Deadly conflict is rarely over when it's over. We understand much better now than we did even a decade ago that mass violence is much more cyclical than linear that the best single indicator we have of the probability of future conflict is past conflict. Sustainable peace cannot be guaranteed just because a diplomatic peacemaking initiative has apparently been successful: think of the horror still to come after the Angola agreement of 1991 or the Rwanda accords in 1993. Nor can it be ensured because a clear cut military victory has apparently been won: think of Afghanistan after the withdrawal of the Soviet Union in 1989 and the defeat of the Taliban in 2001, or Iraq after 2003. Post conflict peace building is not the end of the process of conflict resolution; it has to be the beginning of a new process of conflict prevention, with the focus again on structural prevention, tackling the longer-term, root causes of the violence in question. It is a hugely complex, time-consuming, and usually very costly enterprise. But when the responsibility to rebuild is neglected, by national governments and the international governments and organizations that must stand ready to help them, it is only a matter of time before the boil will erupt again.

The responsibility to rebuild a society, in the aftermath of war or mass atrocity crimes that have torn it apart, has four interrelated but distinct dimensions, discussed successively below: achieving security, good governance, justice and reconciliation, and economic and social development. There are some other general lessons as well that, obvious as they may seem, appear not yet to have been fully absorbed and certainly not yet fully acted on by all the relevant international players.

First, sort out who should do what and when immediately, over a medium transition period, and in the longer term and then allocate the roles and coordinate them effectively, both in relevant

capitals and on the ground. Second, commit the necessary resources, and sustain that commitment for as long as it takes. Third, understand the local political dynamics and the limits of what outsiders can do. Fourth, have an exit strategy, and one that is *not* just devoted to holding early elections as soon as possible, as important as it obviously is to vest real local authority and responsibility as soon as possible. Fifth, don't confuse an exit strategy with an exit timetable; be prepared to stay, subject to local consent, as long as it takes, recognizing that more peace building mistakes have been made by internationals leaving too soon and doing too little than staying too long and doing too much.

Wehrey Frederic, 2014, *Beyond Benghazi: "The Roots of Libya's Security Crisis and how the U.S. Can help"*, argued that Libya after Qaddafi is a country facing a dizzying array of challenges. A weak central government, gutted of institutions by the dictator's idiosyncratic rule, has struggled to assert its authority over vast expanses of the country's territory. The restive eastern region of the country long marginalized under Qaddafi has witnessed a worsening spiral of violence between rival tribal factions, Islamists, and remnants of the old regime, as well as calls for greater political autonomy. Economically, Libya has suffered from the legacy of Qaddafi's economic mismanagement, poor decisions by its transitional government, and the deleterious effects of the recent eastern oil blockade by militant federalists.

Talentino (2005), in a book *"Military Intervention after the Cold War: The Evolution of Theory and Practice"*, looks at the ways in which both ideas and actions changed in the post-Cold War period to make military intervention a tool of international security and a defining feature of the international system. Although intervention is often touted as a strategy to rebuild collapsed states, successful interventions are uncommon. The author argues that standards of human rights and responsible governance have become part of the definition of international security and an intrinsic facet of the new interventionist debate.

Rand corporation, 2014, on their report *"Libya after Qaddafi: Lessons and Implications for the Future"*, analyzes key developments in political, military, and economic areas, and explains the role of the international community. A particular focus is the consequence of the failure to establish security in the aftermath of the war. The situation in Libya is dynamic and continues to

develop, as do the policies of Libya's international supporters who have been involved in helping Libya manage a very difficult transition from war to peace. It discussed the security problems hindered the political, economic and social rebuilding and the roles of international community. Finally it proposed the alternative strategies and the future way of Libya as well as the role of international community in it.

Aidan Hehir, (2008) on his book entitled "Humanitarian Intervention after Kosovo: Iraq, Darfur and the Record of Global Civil Society" evaluate the primary goal of intervention in Iraq and reluctance of world states in the case of grave human rights violations in Darfur.

The primary rationale proffered for invading Iraq centered on the arsenal of weapons of mass destruction Iraq was said to possess, the regime's purported links with al-Qaeda and its attempt to import nuclear material from Niger. However, while greatest emphasis was placed on the security orientated rationale, the extent to which a humanitarian rationale was additionally proffered cannot be ignored. Indeed, in clarifying the United States' goals shortly after the invasion had begun, President Bush stated, 'our mission is clear, to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, *and to free the Iraqi people*'.

The behaviour of Western states in the post-Cold War era has evidenced a continued reluctance to jeopardize order regardless of the scale of unjustness occurring, and 'in-humanitarian non-interventions' have been readily evident. There has, therefore, been an ongoing tension between conservative Western foreign policy and the radical agenda advocated by the humanitarian lobby.

The prevalence of national interest in the determination of whether to intervene is evident in the historical record outlined. In no case have states intervened when there were no vital interests at stake and/or where there were perceived to be high risks to the lives of intervening forces. This produces a pattern of intervention that is highly selective, frequently driven by considerations of national self-interest rather than humanitarian need. It also ensures that when intervention does take place it is widely viewed as morally hypocritical, a rhetorical instrument that rationalizes the projection of force by the powerful. The discourse of humanitarian intervention is superficially benevolent but arguably contains an essence which belies different motivations.

‘Humanitarian intervention’, despite its positive rhetorical connotations, has become one of the key causes of contention and controversy in contemporary international relations. Each of the issues inherent in this debate human rights, sovereignty, order versus justice, the role of the UN – constitutes seminal current concerns in itself; together the issues create almost limitless scope for discussion and dispute. This capacity for dissonance is unsurprising given that the fundamental question raised by this issue ‘when is it right to use force to protect humanity’s moral values, challenges the composition of the international political system and questions the responsibilities and duties of all major international actors.

Humanitarian intervention often loose achieving its objectives like in Kosovo, Afghanistan and Iraq (Orford, 2006). The analytic problem for this group of scholars has been to understand why humanitarianism produces such inconsistent and varied effects. Humanitarian norms and laws are often not respected, and humanitarian concerns do not always produce interventions (as the Rwanda case makes painfully clear) nor do they produce interventions of the same kind. If humanitarianism is an important motivator of state action these scholars need to explain better the conditions under which it prevails and the kinds of actions it will generate (Guzman, 2008).

The Responsibility to Protect and International Law: Moral, Legal and Practical Perspectives on Kosovo, Libya, and Syria, William R. Blackford, 2014 on an MA thesis, explore the moral, legal and practical implications of the Responsibility to protect doctrine. Classical and contemporary theories of international relations and moral philosophy are applied in the context of the Responsibility to Protect and its effect upon the international system and specific states to cultivate a sense of the development of the norm and different actors’ attitudes towards it.

The analysis of these case studies leads to a number of conclusions regarding its effectiveness and future application. The case studies chosen for this research are Kosovo, Libya, and Syria. The case of Kosovo helps to establish a humanitarian intervention framework, the need for redefinition, and the beginning of the Responsibility to Protect. Libya shows the first strong case for the positive application of the Responsibility to Protect in a practical sense. The non-intervention in Syria shows the difficult political issues involved in intervention and presents

uncertainty as to the positive development of the norm. These cases clearly show the myriad of practical challenges to R2P that are borne out the theoretical and moral issues embedded in its philosophy. The study argued that, despite R2P aimed at the wrong areas of international law and states, it is not developing positively in a linear pattern, which in turn portrays the little effects of the norm on the actions and non-actions of state behavior due to inconsistencies especially in the case of Libya and Syrian.

Tesi di Laurea, 2011/2012, on PHD dissertation entitled, “Libya after and before Gaddafi: an International Law Analysis”, tried to analyze problematic aspects of Libyan crisis from international law perspective. The dissertation explained first the implications of actors on the foreign relation of Libya particularly with western states and second NATO’s mission in Libya on the norm of international law. The mission gone beyond its mere purpose of protecting civilians in Libya since it has the intention of overthrowing Gaddafi. Thus, since R2P not applied to changing regime in a given country, it is unlawful action which violates the principle of UN Charter, the principle of non-intervention in the internal affairs of another state. The dissertation, thus, analyze the intervention in Libya as it was unlawful specially judging its end result that is regime change.

Stafan Hasler, 2012, on his MA thesis entiteled “Explaining humanitarian intervention in Libya and non-intervention in Syria”, This thesis examines the importance and influence of humanitarian interventions in comparison to national geo-strategic interests and the influence of domestic politics. The thesis argues that the three examined western states U.S., Germany and France, acknowledge and stress the normative importance of humanitarian interventions but finally prefer geostrategic interests and domestic politics. The thesis concludes that normative arguments in international politics are overestimated and dominated by state interests and demands of governments. The international responses to the humanitarian crises vary from country to country like that of Libya and Syria.

Hidle Solberg Henriets ,2015 an MA thesis titled “ Responsibility to protect in action: A comparative analysis of Libya and Syria during Arab spring” the objective is to create better understanding of how the concept of R2P is being implemented in the international affairs by taking the two recent cases of humanitarian crises that is Libya and Syria. Despite both cases

justify legitimate and legality for international community's intervention, in Syria international community failed to fulfill its responsibility to protect civilians while by contrast it responded that of Libya. The results of the study show that an intervention is critically conditioned by the existence of a consensus at the highest authority in international affairs. Mistrust between key states of the international society, but also poorly defined perspectives post-intervention, may underlie the lack of agreement which prevents collective action to solve a humanitarian crisis.

Isabelle fischer, 2011, on an MA thesis, entitle "French leadership towards the intervention in Libya", discussed how French leaders tried to justify the necessity of intervention to the international community by raising the issue to the level of security. The thesis, by focusing on the examination of French policy between the periods of protest begun to the international decision to intervene, analyzes the steps and security arguments to intervene.

The PHD dissertation by Ercan, 2011, with the title of "undertaking Responsibility: international community, states, R2P and Humanitarian intervention", explained the controversies around humanitarian intervention by giving due emphases to the changes and continuities in its literatures and debates before the 1990s, during the 1990s and after the 1990s. Arguing that humanitarian intervention continues to be part of the international political conducts, the dissertation assessed the role of morality in the decisions and behaviors of international community. It assumed humanitarian intervention as a moral duty and tried to test humanitarian intervention in Libya by the limits and codes of conducts on R2P document.

On his MA thesis, Pedersen, (2013) with the title "after Gaddafi, what now? Issues of transitional justices", Analyze the Libyan challenges of transitional justice based on the structural, cultural and direct violence of the country experienced under Gaddafi. The thesis was emphases on the effects of political, economic and social practices during Gaddafi, on the post-Gaddafi Libyan security and stability. Libya is in a state of transition following the Arab Spring of 2011, because Muammar Al-Gaddafi's dictatorship imposed structural violence, direct violence, and cultural violence, causing many injustices and human rights violations, as well as the violent nature of the transition. Thus, Libyan challenge of transitional justice based on the specific history that the country experienced under Gaddafi.

The above theses and dissertations are deal with the inconsistencies of applying the norms of R2P, the legality of the intervention, effects of humanitarian intervention on Libyan foreign relation, factors influence decision of actions and inactions , compare and contrast the norm of R2P in Libya and Syria and effects of Gaddafi's political, economic and social system on post Gaddafi Libya. This thesis deals with the roles of concerned agents in rebuilding Libya and the major reasons behind the continuation of Libyan crises in the aftermath of the 2011 humanitarian intervention. It uses the concept of R2P to discuss what should be expected to be done by the international community as per the norm of R2P and the theory of realism to analyze the actions and behavior of international community.

CHAPTER THREE

Major causes of the 2011 Libyan uprising and the international responses

This chapter deals with the major causes of the 2011 Libyan revolt. It also explains international responses to the crisis and the major actors in the 2011 Libyan revolution.

3. 1 Introduction

3.1.1 Overview of the Libyan Political History

Libya's history is a history of tribalism, colonialism, monarchy, and autocracy. Prior to its independence 1951, Libya had been under foreign rule for centuries: Ottoman rule from 1551 to 1911, then Italian rule from 1911 to 1947 (Imam, et al, 2015). It was 1911 Italy announces the annexation of Tripolitania and Cyrenaica and does so formally on 25 February 1912. It formally occupied the three regions of Libya Tripolitania, Cyrenaica, and Fazzan (Vandewalle, 2006).

Libya has traditionally been divided into three distinct regions: Cyrenaica in the east, Tripolitania in the northwest, and Fezzan in the southwest. While formal borders between the regions did not exist until the Italian colonial era, the vast stretches of desert between them inhibited integration for centuries. Thus the three regions were relatively autonomous from one another, developed separate political and economic identities (Bello & Witter, 2011). After its victory, Italy unified the three regions into a single colony and called it Libya, a Greek phrase for all of North Africa (Ibid, 2011).

As a result of the battles in Cyrenaica and western Egypt, the Italian settlers leave Cyrenaica and the Italians withdraw from Libya. 1943 the Allies' expulsion of Germany and Italy from North Africa leads to the creation of a British Military Administration in Tripolitania and Cyrenaica, and of a French Military Administration in Fazzan (Vandewalle, 2006).

It was only in 1951, the United Nations granted independence to the United Kingdom of Libya. Despite its official unification, Libya remained deeply politically fractured with no sense of national identity or institutions (Bello &Witter, 2011). In 1951 the withdrawal of Italians

propelled the Libyan national ambitions which were actively supported by western countries, particularly by the U.S. and the U.K. The same year the newly installed King Idris Al-Sanussis proclaimed Libya's independence and ultimately the unification of three regions (Tripolitania, Fezzan and Cyrenaica). The pro western monarchy had close ties with the U.S. and the United Kingdom which eventually, due to the rivalry with the Soviets, established military bases on the territory of Libya (Joy, 2011).

King Idris, rule Libya since its independence 1951 till the 1969 coup. 1 September 1969 a military coup, headed by Mu' ammar al-Qadhafi, overthrows the monarchy (Vandewalle, 2006). He was the grandson of the founder of the Sanusi Order, an Islamic revival movement founded in al-Bayda in the 1840s. He thus drew much of his political support from the tribes of the interior of Cyrenaica (eastern Libya) where the Sanusi Order was most influential (Imam, et al, 2015).

However, the economic situation changed forever following the discovery of oil in 1959, leading to an increase in per-capita Gross Domestic Product (GDP) over the next decade from thirty thousand to two hundred thousand US dollars (Guttentag, 2012). Libya has 47.1 billion barrels in proven reserves, the largest quantity in Africa and among the ten largest globally. Libya also has substantial natural gas reserves. Before the revolution, oil output was 1.77 million barrels per day, or approximately 2 percent of global output. Oil accounts for more than 70 percent of Libya's GDP, 95 percent of its export earnings, and some 90 percent of government revenue.

Despite the growing repression, given Libya's large oil revenues and relatively small population, the Gaddafi government was able to provide health care, education, and subsidized housing. With its large oil revenues and small population, the Gaddafi government has been able to keep Libya's incidence of absolute and relative poverty lower than neighboring Egypt's. Average incomes are \$12,000 a year a fraction of those in the Gulf States, but five times those of Egypt (Imam, et al, 2015).

3.2 Causes of the Libyan revolution

3.2.1 Root Causes of the Revolt

An explosive mix of socio-economic problems and widespread and deepening political grievances constituted a common causal thread behind the revolution. Poverty in absolute terms does not take us very far by way of explanation but relative deprivation and a clash between expectations and reality played a role (Dalacoura, 2012). It is because of Libya's unequal distribution of wealth, its lack of transparency, diminishing opportunities for the development of human capital and corruption that led to the unavoidable revolution (Mingcong Li, 2013).

The one among the historical causes of the Libyan uprising was the violations of human rights. For instance, during the 1970s and 1980s, Amnesty International (AI) documented and campaigned against gross human rights violations by Libya. These included severe limitations on the rights to freedom of expression and association; arbitrary arrests and detentions of thousands of real or perceived opponents of the political system; incommunicado detention; torture or other forms of ill-treatment; grossly unfair trials including in front of exceptional and ad-hoc courts; unlawful killings and summary executions; and the imposition of the death penalty including for the peaceful exercise of the right to freedom of expression and association (Amnesty international, 2010). Human rights abuses including political arrests, torture and executions were common place in Libya during Gaddafi (Mingcong Li, 2013).

Especially the violation of human rights and killings in detentions center were common and that of the 1996 killing in Abu salim camp was the major factor where from 1200-1270 prisoners were killed. In the early morning of 29 June 1996, hundreds of men held in four different blocs of the Abu Salim Prison, located in a suburb of the Libyan capital, Tripoli, were taken out into courtyards, and then shot dead by gunmen who were standing on rooftops (Amnesty International, 2014). Abu Salim prison held between 1,600 and 1,700 prisoners at the time, and the security forces killed around 1,200 people. Such was their punishment for having rioted a day earlier, on 28 June, in protest at being held without charge or trial in poor detention conditions, in which they were denied medical treatment and family visits.

It was only in 2001-2002, that Libyan authorities began speaking publicly about the massacre of prisoners, mostly political prisoners, by security services during the night of 28 to 29 June 1996 at the Abu Salim prison. Libyans generally consider the Abu Salim massacre to be the spark that

ignited the Libyan revolution, as the February 2011 uprising began following a demonstration in Benghazi by the families of the Abu Salim victims who were protesting against the arrest of their attorney, Fethi Terbel.

In addition to the violations of human rights, there was/is also historical enmity among the three regions Cyrenaica, Tripolitania and Fezzan, particularly between Cyrenaica and Tripolitania, dominated by their respective capital cities of Benghazi and Tripoli, has grown since independence in 1951 as both regions struggled for control of national leadership. Fezzan retained its distinct political identity but its remoteness and sparse population has limited its relevance in the rivalry (Bello & Witter, 2011). As it has been stated in the political history of Libya the first king, Indris who was ruled Libya from its independence, was favored Cyrenaica where he belonged. On the other hand Gaddafi favored Tripolitania. Despite increasing political and economic centralization between these territories that began under Ottoman rule and continued under Qaddafi, regionalism remains a defining feature of Libyan politics. So, the division along region and above all differential treatments by Gaddafi and his predecessor, was a major historic cause for Libyan problem.

Along regionalism, tribalism similarly played its part in causing the revolution. This was clear under Gaddafi's regime. He had appointed his sons to run various sectors of Libya's economy and politics such as Muhammad, the oldest son, dominated the telecommunications sector and Muatassim Gaddafi was National Security Adviser. Hannibal was influential in maritime shipping, and Khamis commanded a top military unit. Saadi was involved in setting up an Export Free Trade Zone in western Libya, and another son, Saif al-Islam, work on government financing (Shariha, et al, 2014).

Out of his family he relied on his ethnic group on key military position, Military chief-of-staff and minister of defence, Major-General Abu Bakr Yunis Jaber, was one of the most powerful men in Libya. Qaddafi relied heavily on two generals from his own tribe, Qadhadhfah, Sayed Gaddaf Eddam and Ahmed Gaddaf Eddam. Sayed is the military head of Cyrenaica, which had become largely under the control of protesters, while Ahmed was the point man on Egyptian issues. Senior ranks of the military consisted of members of the Qadhadhfah and the Maqariha tribes, while lower ranks were mostly made up out of the Warfalla tribesmen (Schauseil, 2014).

Gaddafi's policy of tribal tension, gave rise to competition among the tribes of Libya over power, wealth and prestige, while at the same time it secured Gaddafi's hegemony over Libya. It is well documented that certain tribes enjoyed more influence in the governmental institutions than others. Particularly the Qadhadhfah and the Maqariha tribes were closely affiliated with the tribe of Colonel Gaddafi himself. Gaddafi's clan itself was an originally small and insignificant before the coup d'état. According to Amal Obaidi, a professor at the University of Benghazi, the most prominent and largest tribes are the Banu Salim (Cyrenaica), the Banu Hilal (Western Libya), and the Warfalla (Lacher W. , 2011). Evidence suggests that the conflict between the government in Tripoli and tribal leaders in the east dates back before the outbreak of the Revolution in 2011 (Ibid, 2011). A year before the revolution, on the 20 February 2010, Sheikh Faraj al-Zawi, a spokesperson of the Zawiya tribe, threatened to interrupt oil production centres in the East, if abuse and oppression of Libyan citizens continued (Mokhefi, 2011).

So, under Gaddafi's regime, corruption became engrained in the country's political and economic structures, largely as a result of the overwhelming centralization of power in the hands of Gaddafi and small elite of family members and close acquaintances which dominated and controlled of oil resources. So, corruption is a central factor in national unrest in Libya. There was also unfair distribution of economic resources due to the deep rooted corruption. While the average individual struggled to survive on a daily basis, the government and its kin networks had more than enough wealth for survival (Sizemore, 2014).

Gaddafi was known for his politics of divide and rule along tribal line. Under his system, divide and rule, the alleged tribes benefited in all economic, political and social sectors. The tribal allegiances played a primary role in the distribution of political and bureaucratic responsibilities. Gaddafi not only played the tribes against each other, but also integrated the trusted tribes in the political system; he granted privileges to these tribes in terms of security, intelligence, and bureaucracy (Ayhan, 2011). The majority of Libyans rely on their tribal affiliation for finding jobs, ensuring protection, and even the ability to exercise their legal rights (Alexander, 1981). Tribes, which proved unreliable or sceptical toward the government in Tripoli, were systematically marginalized and politically excluded. In 1991, the Libyan parliament passed a bill, called the "Honour Code", which allowed the government to punish entire tribes for the misconduct of individuals, predominantly those who engaged in counter-revolutionary activity.

This bill often justified the exclusion of tribes from governmental services such as education and social well fare, as well as access to local political decision-making platforms (Ibid, 1981).

Benefiting loyal and one's own tribe in Libya has long history even before Gaddafi since independence. Under Muhammad Idris al-Mahdi al-Sanusi, Libya's king before the Revolution of 1969, family ties and wealth were highly important in order to obtain political legitimacy in Libyan tribal society. This was an overt attempt to alter the traditional political infrastructure that had existed in Libya for centuries, by limiting the influence of tribes in terms of policy making, and by marginalising certain clans, and enforcing compliance (Schauseil, 2014).

Gaddafi's regime used oil profits to maintain power. It used the profit to fund a security and military force that could silence any sign of dissent (Mingcong Li, 2013). Gaddafi during his forty-two years as the eccentric and despotic ruler, embezzled, stole, and otherwise illicitly acquired as much as USD 200 billion in assets which would amount to USD 30,000 per Libyan Person. Corruption in Libya is believed to be widespread within the public administration, involving low ranking civil servants as well as major officials. The various forms of corruption to be present across the country, including direct and indirect stealing and embezzlement of public money; nepotism and favoritism in employment and performing personal favours for relatives and friends, and money Laundering as a mean to evade the law (Shariha, et al, 2014).

Unemployment, misrule, the rise of a large population of educated and semi-educated unemployed youths have combined to provide objective conditions for mass uprisings in the region (Ebaye, 2011). In reality, Gaddafi had an absolute power as the country's undisputed leader who controlled all major aspects of Libya's political and economic life (Bhardwaj, 2012). In 2010, the official unemployment rate was 13.5 percent, with the percentage of unemployed youth estimated to be twice this number (Rand Corporation, 2014). The longstanding structural problems afflicting the Arab world came to a head prior to 2011 through a combination of persistently high unemployment, especially among youth (and educated youth at that), rampant corruption, internal regional and social inequalities, and a further deterioration of economic conditions because of the global 2008 financial crisis and food price increases (Dalacoura, 2012). Generally, while factors such as regionalism, politics of favoritism, corruption and unemployment were considered as a root causes, there are also immediate cause.

3.2.2 Immediate causes of the crisis

The first major protest took place on February 15, 2011 in Benghazi, Libya's second-largest city and the historical capital of the Cyrenaica region, which has long been a traditional hotbed of opposition against the regime. The revolution in Libya was started on 15 February 2011 in the east-Libyan town of Benghazi after Libyan authorities arrested a human rights activist Fathi Terbil (Guttentag, 2012). The same day the revolution was started in Benghazi, the center of ancient Cyrenaica. The detention took place in a metropolis located in the middle of ancient Cyrenaica (Ayhan, 2011). The number of participants demonstrating in demand of the release of Terbil reached 600 to 700 people in a short time. The protests spread to other places including Tripoli within five days. Above his activism, he was the attorney for families of those who were killed at Abu Salim prison an event which historically has a good place in using it as a means to oppose the then regime. So it generally considered to be the factor behind the spark that ignited the Libyan revolution, as the February 2011 uprising began following a demonstration in Benghazi by the families of the Abu Salim victims who were protesting against the arrest of their attorney.

The second thing was change of regimes in some of Libya's neighboring countries like Tunisia and Egypt which possibly inspired them. Police repression increased but then receded by 10 January 2011, as the army signalled it would not take action against the protesters. As a general strike unfolded on 14 January, Ben Ali fled to Saudi Arabia (Dalacoura, 2012). On 11 February Mubarak resigned and transferred his powers to the military (Ibid, 2012). While the region still was reverberating from the news of the resignation of Egyptian President Hosni Mubarak on February 11, the first outbreaks of protest in Libya occurred on February 16 in Benghazi and quickly spread elsewhere.

3.3 International Responses for the 2011 Libyan Political and Human Rights Crises

3.3.1 The UN Security Council's Resolutions

The armed uprising against the four-decade rule of Gaddafi and increased violence by his government to suppress the rebels led to civil war, international condemnation, and military intervention backed by the UN Security Council.

Based on this, Security Council passed two resolutions to stop human rights violation on demonstrators taken by the military forces of Gaddafi regime. These were resolution 1970 and 1973. On 26th February 2011, Council adopted the first resolution, which imposes economic sanctions, travel bans, an arms embargo, freezing Gaddafi's assets and those of certain other government officials; and referring the acts of violence by Gaddafi's regime to the International ICC (Eniayejuni, 2012). The adoption of Resolution 1970, imposing sanctions against the Gaddafi regime including the freezing of bank accounts, a weapons-embargo, and a travel ban for the entire Gaddafi clan, did little, if anything at all, to resolve the crisis. The Anglo-French initiative with American support received the backing of the Arab League (AL) and the Organization of Islamic Conference (OIC) and on 17th March, the Security Council passed the second resolution that is resolution 1973 (Joy, 2011).

The primary aim of the second resolution was to get the UN to declare a no-fly zone to protect the rebels under heavy bombardment from Gaddafi's air-force. Resolution 1973 also contains issues related to the protection of civilians, the creation of a no-fly zone, an asset freeze, the enforcement of the arms embargo and a ban on flights. The most important part of the resolution is that it allowed the UN member States to take all necessary measures to protect civilians and civilian populated areas of Libya (Norooz, 2015). The adoption of Resolution 1973 by UN Security Council, which imposed a ban on all flights in the airspace of Libya in order to help protect civilians, excluded flights evacuating foreign nationals, and any other flights not authorized to enforce the no-fly zone.

These resolutions passed by using the concept of responsibility to protect as its base due to Gaddafi regime's failure to protect its citizens and the regime was also the perpetrator of the human rights violations. R2P is a relatively new concept in international human rights law, where state has a primary responsibility to protect citizens and if not the responsibility transferred to an international community. It insists that states have primary responsibility for

protecting their own citizens. However, if they are unwilling or unable to do so, the responsibility to end atrocities and mass killing is transferred to the wider international community (Evans, 2006).

Using resolution 1973 of the UNSC which empowered member states to take all necessary measures against Gaddafi's forces to stop civilian killings and arrests, the coalition of different countries such as French, Britain, USA and others immediately started to attack Gaddafi from air. While initially the coalition lead the attack, later on however, NATO officially took the leadership of attacking Libyan military forces. The internal force under the slight leadership of TNC and exogenous supports from outsiders also influences the Libyan government.

3.3.2. The Coalition of NATO Member States

On 19 March 2011, a coalition led by NATO member states began to impose a no-fly zone over the skies of Libya. While the initial coalition included; Belgium, Canada, Denmark, France, Italy, Norway, Qatar, Spain, U.K. and the U.S.; the coalition rapidly expanded to the total of 19 states (Evans, 2012). The Initial, airstrike campaign of 19 March 2011 conducted by a coalition of Western states supported by Qatar, the UAE and the Arab League more generally (Norooz, 2015). Among the members of the coalition, France, United Kingdom and America were the most vocal proponents of taking action against Qaddafi to protect civilians in Libya (Gertler, 2011).

Just two days after Resolution 1973 was adopted, French planes attacked Gaddafi's forces advancing on Benghazi, on 19 March against Libyan forces (Williams & Popken, 2012). French military operations against Qaddafi's forces were launched under the codename Operation "Harmattan". French fighter jets have been heavily involved both in establishing and maintaining a no-fly zone over Libyan territory and in attacking Qaddafi ground forces. It began with the aforementioned attack on armored vehicles and tanks on the outskirts of Benghazi (Gertler, 2011).

After initial focus on coastal areas of eastern Libya, on March 24 French planes reportedly hit a Libyan air base about 250 kilometers (155 miles) south of the Libyan coastline. Also on March 24, an air-to-ground missile fired from a French Rafale fighter jet is reported to have hit a Libyan

plane that had just landed in the western city of Misrata (Gertler, 2011). President Sarkozy has made a concerted effort to play a leading role both in ongoing military operations in Libya and in the continuing political deliberations about the future of the mission. On March 10, France became the first and the only country recognized the Libyan Transitional National Council as the legitimate representative of the Libyan people (Ibid, 2011). In fact, the no fly zone has been implemented so aggressively that during the one reported challenge to the no fly zone, a French fighter jet chased a Gadhafi regime plane to the ground (*Williams & Popken*, 2012). British military operations against Qaddafi's forces were launched on March 19 under the codename Operation "Ellamy". The Royal Navy submarine HMS Triumph participated in the first wave of missile launches against Libyan targets, and reportedly fired approximately 12 Tomahawks in the first three days of the operation (Gertler, 2011).

In addition to French and British attack helicopters, the U.S. deployed unmanned predator drones with hellfire missiles into Libya (*Williams & Popken*, 2012). After Gaddafi's forces were poised to attack Benghazi on a large scale, military operations under "Odyssey Dawn" commenced on March 19, 2011. The U.S. and coalition forces quickly established command of the air over Libya's major cities, destroying portions of the Libyan air defense network and attacking pro-Gaddafi forces deemed to pose a threat to civilian populations (Ayhan, 2011). Its main strategy was to take out Libya's integrated air and missile defense systems through the use of cruise missiles and electronic attacks. OOD purpose was to implement a no fly zone over Libya in accordance with UNSCR 1973, halting the violence against civilians, and bring the crisis to a close (Discenza, 2013).

While the U.S., French, and UK militaries have had the clear lead in conducting military operations in Libya thus far, a number of other NATO member states had also to participate in the mission. According to Discenza, 2013, Italy, Canada Belgium, Denmark, Luxembourg and (non-NATO member) Sweden have committed forces and weapons under a NATO umbrella. Non-NATO Coalition such as Qatar and The United Arab Emirates have provided fighter aircraft for the no-fly zone operation (Gertler, 2011).

3.3.3 NATO's leadership in Libyan Intervention

On 27th March 2011, NATO officially took command and control of all ongoing military operations in Libya previously directed by the US, UK, and France under a codename of “Operation Unified Protector”. The aim was to protect civilian and civilian populated areas in principle. This entails (1) enforcing a UN-mandated arms embargo; (2) enforcing a no-fly zone over Libyan territory; and (3) protecting civilians and civilian population areas from being attacked by military forces from the Qaddafi regime (Gertler, 2011). The NATO announced on April 1 that the Libya mission consisted of three elements: control of the international arms embargo against Libya, enforcement of the no-fly zone, and protection of civilians against an attack or the threat of an attack (Ayhan, 2011). NATO fulfilled its mandate by bombing anti-aircraft facilities, early warning radar, helicopters, anti-aircraft guns, and surface to air missiles launchers (*Williams & Popken, 2012*).

Accordingly, NATO’s implementation of its mandate has five categories of targets:

The first targets were those that constituted the most imminent threat to civilians. NATO targets within this category included Gaddafi’s ground forces, tanks, and artillery outside of Libyan towns and villages. Destroying targets that posed an imminent threat to civilians was a key objective early in the campaign when Gaddafi forces were staging offensives against opposition-held areas, including Benghazi.

The second category of targets was those which gave Gaddafi the capacity to attack in the future and were necessary to destroy in order to prevent impending attacks against civilians. This category included weapons depots and ammunition bunkers, unmanned tanks, and supply lines to Gaddafi regime forces.

The third category of targets was constitute a threat of attack during the operation were command and control or communication centers. NATO described command and control centers as facilities used to coordinate such attacks by regime forces, and therefore their destruction was necessary to halt direct commands for attacks on civilians. Such facilities included Gaddafi’s palaces, headquarters and communication centers.

The fourth category of NATO targets were facilities used to incite attack against the Libyan opposition. In August, NATO conducted a precision airstrike that hit three Libyan state television satellite transmission dishes in Tripoli. NATO's purpose was to degrade Qaddafi's use of satellite television as a means to intimidate the Libyan people and incite acts of violence against them. Thus, NATO determined that limiting Gaddafi's ability to incite attacks against civilians by eliminating his ability to reach wide audiences was necessary to prevent attacks against civilians.

The fifth category of targets interpreted to poses a threat of attack were those struck while NATO played a combat support role for the Libyan opposition. When opposition forces advanced on Tripoli in August, they did so with close air support from NATO and in coordination with NATO command and control. NATO also provided some coverage for Libyan opposition forces to liberate the last remaining Gaddafi strongholds, including Sirte.

The exact civilian casualties from the NATO attacks will never be known. Some analysts put it at over 3 500 military deaths and 200 civilian deaths all resulting from NATO air strikes, although NATO has not confirmed these figures. He also stated the death of 14 women and 16 children killed in NATO airstrikes. On 15 September 2011, NATO bombed two vehicles conveying Gaddafi forces in Sirte and killed another 40 civilians who had rushed to the scene after the first NATO strike hit the front vehicle (*Williams & Popken*, 2012).

There were incidents of civilian deaths and damage to civilian infrastructure. Amongst the 20 NATO airstrikes investigated, the Commission documented five airstrikes where a total of 60 civilians were killed and 55 injured. The Commission also investigated two NATO airstrikes which damaged civilian infrastructure and where no military target could be identified. The single largest case of civilian casualties from a NATO airstrike in Libya took place in the town of Majer on 8 August 2011 where the Commission found NATO bombs killed 34 civilians and injured 38. After the initial airstrike killed 16, a group of rescuers arrived and were hit by a subsequent attack, killing 18 (*Chigozie, et al*, 2013). Postwar reports by Amnesty International and Human Rights Watch, which take NATO sternly to task for its apparent lack of interest in investigating civilian casualty estimates or sharing information about them, identify some 75

civilians killed in eight airstrikes, although this is presumably somewhat lower than the total number given difficulties in documenting some cases (HRW, 2012). Henriët, 2015, it was document a total of 60 civilians killed and 55 injured as the consequence of 5 strikes.

Similarly, in March, 2011, another human rights organization, Amnesty International, said it had documented 55 cases of named civilians, including 16 children and 14 women, killed in air strikes by NATO.

3.3.4 The Arab League's Response

The Arab League's position vis-à-vis the Libyan situation was crucial. By voting in favour of an intervention in Libya, it provided a helpful narrative to the United States, added the much needed local flavour and legitimacy to the coalition and also smoothed the passage for a tough resolution in the Security Council (Joy, 2011). The no-fly zone was welcomed by the Arab League and the OIC. Indeed, the Arab League had called on the Security Council on the 12th of March, 2011 to impose a no-fly zone due to the Libyan authorities' use of military aircraft, mortars and heavy weaponry against civilians (Henriët, 2015).

The Libyan revolution and toppling of the regime with assistance from the NATO-led coalition had many distinctive features. In the larger political context, one of the more prominent ones involved the direct participation of Arab states in helping to bring down the Qaddafi regime, punctuated by the direct military participation of the Arab states of Qatar, the United Arab Emirates, and Jordan. The State of Qatar, in particular, staked out a leading position against the Qaddafi regime from the onset of the uprising and the initial violent crackdown in early February 2011(Rand Corporation, 2015). Arab states' contributions to the campaign can be placed into two broad categories. The first comprised political, diplomatic, and economic support to the anti-Qaddafi opposition that coalesced around the National Transitional Council (NTC). These actions proved to be of great importance, especially as the campaign quickly shifted from one designed to protect Libyan civilians to the more ambitious objective of removing *and replacing* the Qaddafi regime. The other support was direct military intervention. Led by Qatar and the UAE, this most visibly consisted of contributing combat aircraft to the NATO-led air effort (Ibid, 2015).

The League decided:

1. To call upon the Security Council, in view of the deterioration in the situation in Libya, to shoulder its responsibilities and take the measures necessary to immediately impose a no-fly zone on Libyan military aircraft and establish safe havens in areas that are exposed to bombardment, as precautionary measures that will provide protection for the Libyan people and the various foreign nationals resident in Libya while respecting the sovereignty and territorial integrity of neighbouring States.
2. To cooperate and liaise with the Interim Transitional National Council of Libya, and provide the Libyan people with urgent and sustained support and the necessary protection from the serious violations and grave crimes to which they are being subjected by the Libyan authorities, as a result of which those authorities have forfeited all legitimacy (Rand Corporation, 2015).

As subsequent events would show, the Qatari and French air forces would work closely as a team throughout the campaign. The three Arab partner states' military contributions to the conflict varied, but collectively ended up consisting of three elements: (1) fighter aircraft used to conduct combat air patrols as part of the no-fly zone along with limited air-to-surface strike operations, (2) transport flights responsible for humanitarian assistance and military support of the Libyan opposition, and (3) the use of special forces inside Libya to help train and organize the opposition, assist them in planning military operations, and provide ground-based intelligence to the larger campaign effort. In terms of political significance and the "optics" of the coalition, the commitment of Arab states' fighter aircraft carried the most weight. During the early days of the conflict and the formation of the coalition, the early commitment and deployment of combat aircraft to the coalition effort (six Mirages by Qatar, shortly followed by the UAE's provision of six F-16s and six Mirages) and Jordan's commitment of six F-16s received considerable publicity from NATO spokespersons and other Western leaders.

The country was awash in small arms and light weapons, including MANPADS, anti-tank missiles, Grad rockets, and mortars. France, Qatar, and other countries had also supplied the rebels with weapons during the war, with Qatar contributing more than 20,000 tons of weapons, including assault rifles, rocket-propelled grenades, and other small arms. Qatar and France both also supplied the rebels with Milan anti-tank missiles. There was estimated that a million tons of

weaponry in Libya, more than the entire arsenal of the British army. These weapons now threatened Libya's security (Rand Corporation, 2014).

3.3.5. The AU's response

On February 23, 2011, condemning what it called indiscriminate and excessive use of force and lethal weapons against peaceful protestors. AU's Peace and Security Council, in communiqué issued at its 261st meeting resolved to send an ad-hoc fact-finding mission to Libya amid reports some 1000 people have perished in the unrest, majority reportedly from gunshots or ripped apart by explosion. The meeting discussed a ceasefire, humanitarian assistance and an inclusive peace agreement combined with a democratic transition. The PSC communiqué emphasized the Libyan people's legitimate aspirations to democracy, political reform, justice, peace and security, and reiterated the AU's 'strong and unequivocal condemnation of the indiscriminate use of force and lethal weapons, whoever it comes from, resulting in the loss of life, both civilian and military, and the transformation of pacific demonstrations into an armed rebellion (Joy, 2011).

Trying to find a political solution to the Libyan crisis, the AU issued a Roadmap for peace, which called for an immediate ceasefire, the deployment of monitoring mechanism and "the implementation, in a peaceful and democratic manner, of political reforms that meet the aspirations of the Libyan people. While Gaddafi accepted the proposals, there was no trust among the opposition that he would adhere to a ceasefire or hand over to an interim government. The leadership of NTC rejected the plan and announced the demand of our people from day one was that Gaddafi must step down. Moreover, the NTC said that the roadmap was out of date, since it did not take into account human rights violations already perpetrated by Gaddafi's forces (Henriet, 2015). On the other hand, consistently addressing a peaceful solution to the crisis the AU rejected any external military intervention and most of its members did not support the no-fly zone (ibid, 2015). This was partly due to the support of Libya for majority of African leaders and they also fear for their power because of their poor human rights protections. Many African leaders have been receiving generous financial support from Gaddafi, which is probably a reason that none of them came out openly against him. Moreover, Libya has close business ties with many African states with considerable investments. The African leaders are also wary about concepts like humanitarian intervention and regime change (Joy, 2011).

The most substantive of the 'roadmap': The current situation in Libya calls for an urgent African action for: (i) the immediate cessation of all hostilities, (ii) the cooperation of the competent Libyan authorities to facilitate the timely delivery of humanitarian assistance to the needy populations, (iii) the protection of foreign nationals, including the African migrants living in Libya, and (iv) the adoption and implementation of the political reforms necessary for the elimination of the causes of the current crisis (Joy,2011).

Generally, it was the combination of both internal and external forces which overthrew Gaddafi from power.

CHAPTER FOUR

4. Rebuilding Libya and the rationales for the continuation of crises after Gaddafi

The third pillar of R2P, the responsibility to rebuild, makes international community responsible for the reconstruction of a war torn state. Thus, in the first part of this chapter, the roles of international community in rebuilding Libya will be discussed and evaluated by focusing on changes and continuities in security, economic and social sectors. In the second part exogenous reasons for the persistence of crises in Libya will be discussed. The third part on the other hand, explains internal reasons for the persistence of crises in Libya.

4.1 The Roles of International Community in Rebuilding Libya after the 2011 Humanitarian Intervention

Giving remedy by understanding the real causes of the problem has its own contribution for the success of post war rebuilding. For instance, Economic explanations of the causes and consequences of conflicts contributed to a growing attention to economic factors in post-conflict state building (Wennmann, 2010). Since the 2011 Libyan revolt as it has been discussed in chapter three, was caused by deep rooted political, economic and social problems thus, it is obvious that it requires political, economic and social solutions.

4.1.1 The roles of United Nations Support Mission (UNSMIL) in rebuilding Libya

UNSMIL was established on September 16, 2011 by the UNSC Resolution, 2009, having only 200 staff members, mandated to different functions under the leadership of UN Special Representative, Ian Martin. According to rand corporation, (2014), UNSMIL has the objectives and functions of assisting and supporting Libyan efforts to establish security, undertake political dialogue, extend state authority, promote and protect human rights, take steps to restart the economy, and coordinate the international efforts to rebuild Libya.

UNSMIL attempts Libyan rebuilding specially in institutional areas through mediating political agreements among its political parties. The UN peace talk broker for Libyan political agreements

through its Special Representative for Libya, Bernardino León, began in Ghadames, a southern town in Libya on 29 September 2014. The peace negotiation in Ghadames was first limited to negotiating the House of Representative (HoR) members and 40 deputies who boycotted the HoR, but the General National Council (GNC) in Tripoli was not involved in this process. In Ghadames talks, the UN aimed to increase the HoR's legitimacy as well as ending the debate over the 2014 general elections by convincing the deputies boycotting the HoR (Reeve, 2014). Since, September 2014, it initiated a political dialogue between major Libyan actors aimed at solving the institutional crisis at the national level and forming a national unity government, as well as reaching an agreement between rival factions on confidence-building and a comprehensive ceasefire (Narbone, *et al* , 2016).

So, the negotiations started in the form of a very narrow scope talks in Ghadames, then evolved into a wide range of talks and finally turned into direct negotiations with the meeting held in Berlin, Germany in June 2015. In 2015, the United Nations Special Representative to Libya, Bernardino León, who was appointed in August 2014, later replaced by Martin Kobler in November 2015, brought together elements from the HOR and the GNC to begin negotiations for the formation of a Government of National Accord (GNA), a government intended to serve as the sole legitimate Government of Libya. The Libyan Political Agreement, which set out the road map towards the formation of the GNA, was signed in Skhirat, Morocco, on 17 December 2015. At the end of this process, 18 out of 22 members of the Libyan Political Dialogue signed the Libyan Political Agreement in Skhirate, on 11 July 2015 (Reeve, 2014).

The UN-backed GNA was announced on January 9, 2016, and a business-cum-political figure Fayez el-Sarraj was appointed the Prime Minister. The GNA members arrived in Tripoli on April 6, 2016 from Tobruk (Siddiqui, 2016). The arrival of the Presidency Council in the capital of Libya on 30 March, 2016 was an important step in the establishment of GNA. Jointly, some countries from Africa, Asia, America and Europe as well as international organization like UN and regional organizations such as, the EU, UN, the LAS, and the AU met on May 16, 2016 - Vienna, Austria reaffirm their support for the implementation of the Libyan Political Agreement (LPA) of Skhirat and for the GNA as the sole legitimate government of Libya (Ibid, 2016).

Countries like United States launched airstrikes targeting ISIS's stronghold in the coastal city of Sirte on August 1, 2016 after Libya's U.N.-backed unity government requested air support in its

fight against ISIS. The U.S. airstrikes would enable the unity government, (GNA), “to make a decisive, strategic advance” against ISIS in Sirte. By August 10, 2016, Libyan forces successfully seized and secured ISIS’s headquarters in Sirte (*Bogdandy* , 2016).

Yet the question of how to secure the implementation and sustainability of such agreements at the local level appeared extremely challenging. Military confrontation in particular most often involved armed groups responding to the authority of local leaders, who enjoyed a high degree of operational autonomy from the leadership of the two main political and military coalitions at the national level (Narbone, *et al*, 2016). The capital city Tripoli remains strongly under GNA control, GNC and HOR. Despite having almost total control of the North Western Section of the country, the remainder of the East coast including Benghazi and the rest of the country is controlled by the Libyan national army and locally independent factions. But the political and security situation remains unchangeable as the GNA begins its work to restore stability and security to Libya. Full scale military operations involving small arms, tanks, artillery and aircraft are ongoing in several areas. Heavy fighting continues in residential areas of Benghazi city (Country Information and Guidance, 2016).

Thus, given the internal competition between the two major Libyan factions, GNC and HoR, challenges from independent militias and terrorist organizations, GNA face difficulties to restore security in Libya. Its authority and legitimacy challenged due to the existence three leading powers struggling to prevail: the Presidency Council led by Fayeze al-Sarraj, the National Salvation government located in Tripoli and led by the PM Khalifa Ghwell, and the Tobruk-al Bayda pillar consisting of the House of Representatives in Tobruk and the government led by Abdullah al-Thinni but militarily dominated by General Khalifa Haftar (Security Council, 2017).

For instance, on September 2016, The Libyan National Army (LNA) led by General Khalifa Haftar, which is loyal to one of the rival governments based in the east, seizes so-called “Oil Crescent” terminals Es Sider, Ras Lanuf and Zueitina. The terminals were previously under the control of the Petroleum Facilities Guards which are loyal to the UN-backed Presidential Council/Government of National Accord (Carr, *et al* 2017). The constant boundary shifts in Libya have been condemned by the international community. In September, Martin Kobler, the

UN's special representative to Libya, condemned the seizure of the oil ports by Haftar as "flagrant aggression." He called for an immediate cessation of hostilities in the Oil Crescent, and for recognition of the GNA as the sole executive authority in the country. A statement from the governments of France, Germany, Italy, Spain, the UK, and US also condemned the attacks on the oil terminals. But complicating matters has been the support for the other Libyan regional governments by international players such as Egypt for the (Ibid, 2017).

In the same way militias affiliated to GNC also fight the GNA's authority. In western Libya, Tensions between militias aligned with the Government of National Accord (GNA) and anti-GNA militias loyal to the former Prime Minister Khalifa al-Ghwell in Tripoli escalated into intense clashes using heavy weaponry on 13 and 14 March over control of Hay al-Andalus, Gergarish and Hadba in western and central Tripoli. This resulted in some of the heaviest shelling the capital has witnessed since 2014. GNA-affiliated militias, including the powerful Tripoli militias led by Haithem al-Tajouri, Abdurraouf Kara and Abdulghani Kikli aka Ghinewa as well as the Misratan Halbous and Mahjoob militias, joined forces to evict anti-GNA militias from key positions in the city (Libya Semi-Bespoke Monitoring Report, 2017). On 15 March, pro-GNA militias seized the Rixos Presidential Palaces, which Ghwell's forces had seized in October 2016 from the High State Council. Al-Ghwell was injured in the fighting and transported back to Misrata (his hometown) for treatment (Ibid, 2017). This joint offensive against broadly anti-GNA militias was led by an alliance of Tripoli's most powerful GNA-aligned militias. However, it is unlikely that the GNA itself took the decision to attack but rather is trying to extract as much political advantage from the developments as possible. Yet, by sanctioning control of the capital to be divided up between militias as a means to de-escalate the conflict, the GNA is ceding greater power to the militias and making its own position more precarious in the long run. The political winds are very likely to shift again in the short term and this could leave the GNA in an even riskier position than before.

Not only with militias affiliated to other political parties but also fighting ISIS/ L is also unfinished business for LNA. In eastern Libya, On 18 March, (LNA) announced they had 'liberated' Ganfuda, in south-west Benghazi. Reports indicate that 7 LNA fighters and 43 jihadist fighters were killed in the final assault, including Ansar al-Sharia commanders Fawzi al-

Faydi and Salem Shatwan. According to the LNA, the only remaining jihadist forces in Benghazi are now in Sabri and Souq al-Hout areas, in the city's central district adjacent to the port. On 17 March, there were reports that heavy airstrikes and shelling had already started in these areas. On 19 March, local LNA sources reported that Benghazi port is now under LNA control and is being used as a staging point from which to launch operations against the remaining jihadists (Ibid 2017).

Therefore, the authority, legitimacy and power of the GNA remain limited and fragile. Still new groups are continuing to be formed. For instance, On 09 February, armed groups –primarily from Misrata-announced the creation of a new military body, the Libyan National Guard (LNG). The LNG states that they will continue to fight against the Islamic State of Iraq and the Levant and secure state institutions and diplomatic missions. The LNG has not yet clarified whether it will support the Government of National Accord (GNA) (WFP, 2017). Civilians in Libya continue to suffer as a result of conflict, insecurity, political instability and a collapsing economy.

4. 1.2 European Union's and some NATO Member countries' Roles in Re-building Libya

EU also attempts to solve the Libyan border problems. The European Union Integrated Border Management Assistance Mission in Libya (EUBAM) was established to provide a border security capacity to the Libyan authorities through the delivery of expertise, training and advice by using 110 personnel (Gaub, 2013). It was a mission under the Common Security and Defense Policy (CSDP). This civilian mission was a respond to an invitation by the then Libyan interim government, GNC, and is part of the EU's comprehensive approach and a strategy to support the Libyan post-conflict reconstruction. EUBAM focused on capacity building and strengthening the hold of the central government on the border regions. So, security became a key pillar of EU's engagement. In August, 2012 EU funding 13.4 million euro for stability packages in building inter alia the capacity of the Ministry of Interior on crime investigation.

In the same way member states are also played certain roles in rebuilding Libya. In response to the request of the Prime Minister, Ali Zeidan, during GNC's on power, four NATO countries (the US, UK, Italy and Turkey) undertook in 2013 to create a General Protection Force of some 15,000 soldiers by training Libyan soldiers in their countries, and then returning them to Libya (Toaldo, 2016). The training was an utter failure in the UK and never started in the US, while in

Turkey a large number of recruits dropped out during training. Only the Italians managed successfully to train hundreds of troops; however they too had to drop the programme once violence escalated in 2014 (Ibid, 2016). Working alongside the US, Italy and UK pledged to train 2000 troops in Basingstoke as part of the training of a Libyan 'general purpose force'. However, the training was delayed for over a year due to disputes over who should pay and has suffered from a lack of operational buy-in. In addition, AFRICOM planned to train 6,000 to 8,000 soldiers at a base in Bulgaria. According to a U.S. congressional notification, the Libyan government has committed to pay \$600 million for the training and logistical support. But so far, the U.S. portion of the training has been on hold because Libya has not provided payment up front (Wehrey, 2014).

4.1.3 Economic Roles of international community in Libya

All the above roles by UNSMIL, EUBAM and by some member states are to establish the Libyan political institutions to bring stability. But the imminent post-conflict reconstruction raised economic concerns. So, peace building responsibility of any military intervention should be as far as possible to encourage economic growth, the recreation of markets and sustainable development (ICISS, 2001).

The financial support of EU for Libya was started during the conflicts. EU was provided \$215 million for humanitarian aid during the Libyan war (Boeke, 2016). Later on in the same ways, European Union (EU) keep supporting the country in its democratic transition and economic reconstruction, based on social justice, inclusiveness and territorial integrity. EU, in 2012, allocated € 25 million funds for Technical Vocational Education and Training (€6.5 million), Libya Health Systems Strengthening" (€8.5 million), and "Security and Justice support program" (€10 million) (Mikaïl, 2013). From 17 August 2011 to May 2013, the European Commission for humanitarian aid department contributed €150,799,072 for humanitarian aid and civil protection amidst the ongoing unrest in Libya (Ibid, 2013).

In 2016 the European Commission allocated a total of €10.8 million in humanitarian aid. Assistance is provided to internally displaced persons, returnees and other vulnerable groups in conflict-affected areas. In the health sector, interventions range from the provision of medical

supply to health centers and mobile clinics to the training and deployment of competent staff and specific support to persons with disabilities and injuries, women and children (European commission, 2016). The U.S. Agency for International Development (USAID) provided an initial \$10 million in emergency assistance in support of international organizations, nongovernmental organizations, and the Libyan Red Crescent (Rand Corporation, 2015).

‘World Food Programme (WFP) distributed 1,300 tons of food to Libyans in dire need of assistance (Country Information and Guidance, 2016). Despite having to reduce assistance due to limited funding, in 2016 WFP was able to reach 113,485 people in need in Libya. In February 2017, WFP provided assistance through onsite food distributions to 60,379 people in need. In January, 77,737 people were reached (WFP, 2017). In October, WFP reached 94,937 beneficiaries throughout Libya. Despite this, in September, WFP was able to distribute food commodities to 50,963 people in need.

4.2 The Evaluation of international community’s performance in rebuilding Libya

What are the criteria for good performances for rebuilding a country after military humanitarian intervention? Before evaluating the performance of international community in rebuilding Libya, it is better to set the criteria for evaluation. The thesis uses two criteria for evaluation. The first one is based on the aims of the international agents when they are formed and the second one is depending on the concept and norm of the responsibility to rebuild.

In the first case, as it has been stated in the first part of this chapter, international actors set different objectives to address the Libyan crises. For instance, UNSMIL was established with the aim of assisting and supporting Libyan efforts to establish security, undertaking political dialogue, extending state authority, promoting and protecting human rights, taking steps to restart the economy, and coordinate the international effort. While the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) was established to provide the capacity of protecting border security and management to the Libyan authorities through the delivery of expertise, training and advice (Gaub, 2013). In the some ways Member states like USA, UK, Italy and Turkey focus on training general purpose force with the aim of maintaining security in Libya.

In the second case, as it has been stated in R2P document, 2001, post-conflict reconstruction is a process of full commitment to normalize the situation in all sectors of governance, economy and social. In the wake of international intervention, there should be a genuine commitment of helping to build a durable peace, and promoting good governance and sustainable developments.

According to ICISS, 2001 document international community in post intervention period has Five Protection Tasks. These includes: The first is the protection of minorities. One of the essential functions of an intervention force is to provide basic security and protection for all members of a population, regardless of ethnic origin or relation to the previous source of power in the territory. To avoid revenge killings and even “reverse ethnic cleansing” frequently occur as groups who were victimized attack groups associated with their former oppressors.

The second major protection task is security sector reform. The third main task is disarmament, demobilization, and reintegration. There is a fourth protection task which, with the growing universalization of the Ottawa Convention, is becoming a more common element of post-intervention, mandates: mine action. This means a range of activities from the effective marking of known or suspected anti-personnel minefields, to humanitarian mine clearance and victim assistance. The fifth security task during the transition relates to the pursuit of war criminals.

There are a variety of security tasks that peacekeeping missions in the post-conflict peace-building stage must be prepared to perform in the general context of providing the safe environment necessary for the restoration of good governance, the rule of law, and the conditions for economic growth and development. Some are essentially a continuation of the responsibility-to-act role as “peacekeeping for civilian protection,” in particular responding militarily, as necessary, to spoilers who may seek to violently disrupt a hard-won peace, until such time as confident and capable national forces can play that role themselves. Some tasks may be more akin to ordinary law and order maintenance, a police rather than military function but one that is crucial for stabilizing a war-torn society and, among other things, ensuring that refugees and internally displaced persons (IDPs) are willing to return home (Evans, 2008).

Given all these criteria for successful rebuilding of war torn state, international community is not able to manage the transitional period by maintaining security and fully committed for the recovery of Libyan security sector. Since 2011, as it has been stated in chapter one under

problem statement, there have been Killings, large scale displacements, economic losses and deteriorated social services. While R2P document put an intervention forces is to provide basic security and protection for all members of a population, regardless of their background to avoid revenge killings and even “reverse ethnic cleansing” this is not a case in Libya. The most significant documented case came in October, when militias from Misrata appeared to have executed 53 Gaddafi supporters in Sirte. In areas of eastern Libya under NTC control since late February and early March, volunteer security groups arbitrarily arrested dozens of suspected Gaddafi loyalists. At least 10 former Gaddafi security officials were found dead in Benghazi and Derna in what appear to be revenge killings (Human Rights Watch, 2012). The Office of the UN High Commissioner for Refugees (UNHCR) estimated authorities incarcerated 8,000 conflict-related detainees as of September 2013. Militias from Misrata prevented about 30,000 internally displaced people from returning to their homes.

Regardless of the fact that rebuilding requires committing the necessary resources, and sustaining that commitment for as long as it takes, UN not committee enough man power to provide protection to the civilians from attacks. UNSMIL consists of only 200 staff. Although there is no clear cut appropriate number of the peace keeping mission for effective security in transitional period, which depends by large on the level or seriousness of the crises, the number in Libya was insignificant. In cases where local capacity is relatively high, the postwar economic outlook is promising, and the conflict has ended with a negotiated peace accepted by all parties, large numbers of foreign troops may not be necessary (rand corporation, 2014). The UN has had success with stabilization forces at much smaller ratios. For example, in East Timor, the UN deployed a successful stabilization force at a 10:1,000 ratio. A similar ratio in Libya would have meant 61,550 foreign troops. In both Sierra Leone and Namibia, a ratio of 3:1,000 succeeded. A corresponding ratio for Libya would be 18,465. In Cambodia, the ratio was even lower: 2:1,000, yielding a Libyan equivalent of 12,310 total foreign forces (Ibid, 2014).

Not only insignificant number of the mission’s staff but also (UNSMIL) has only supportive roles having only 200 staff and thus had no mandate to engage directly in Libyan politics (rand corporation, 2014). They only confined to Tripoli and it is that it heavily relied on contacts with the political elite in Tripoli. To avoid this, it should “engage with key groups and players on the

local level, and widen their information and communication base” (Boeke, 2016). Thus, one can deduce that not only the number is clearly low, but also the responsibility is not as such for keeping peace rather as a subordinate supportive organ for Libyan authority in areas other than direct involvement of politics. Having this human power UNSMIL is not effectively performed the very purposes of its establishment, assisting and supporting Libyan efforts to establish security, undertaking political dialogue, extending state authority, promoting and protecting human rights, taking steps to restart the economy, and coordinate the international effort.

In terms of economic support the international community played only limited roles for the recovery of Libyan economic sector as it has been stated under part one of this chapter as compared to the estimated cost of Libya’s infrastructures which needs \$200 billion over 10 years according to (World Bank, 2016). So, given the gap between what they gave and World Bank estimated it is reasonable to conclude that their performance is limited.

The EUBAM is aimed at enhance the capacity of boarder management. Despite fact, however, Libya continues to struggle with the existence of illicit activities concerns human trafficking. As it has been explain under the problem statement, illegal migrations through Libya and death of people while crossing the Mediterranean increased since 2011 crisis. In addition the presence of terrorist group also portrays the inefficiency of the mission. So, it is possible to conclude the mission has no good performance in creating human power able to manage the unstable Libyan boarder serve as a passage for illegal migration, source of income for different non-state actors, transfer of weapons and terrorist groups. The problems in security and economic sectors are also vivid in social sectors. Due to the fact that education have been curtailed the by security problem and occupation of schools by IDPs, lack of enough provision of basic health care services and shortage of food.

Despite a significant investment of military and political capital in helping the Libyan rebels to overthrow Qaddafi, the international actors have done very little to support Libya’s post-conflict recovery to date. The gap between what is aimed and the reality on the ground is wide in all important sectors like human rights, political, economic and social sectors. So, given the above criteria and realities on the ground in Libya, it is reasonable to argue that the performances of international community in rebuilding Libyan security, economy and social sectors are low.

But these limited roles of international community do not mean there is no challenges faced it. There are obstacles such as security problems which limit the international agents' freedom of movement and act. The role of the international community has been generally fragmented as a result of the political fragmentation and power struggle within the country. For instance, the withdrawal of UNSMIL's staffs on July 13-14, 2014 due to fighting in Tripoli and complete evacuation on November 24 in response to aggressive protests around its compound (US human rights department, 2014). While UNSMIL continued to monitor the situation from Tunis through local human rights defenders, members of the judiciary, and judicial police, the absence of an international presence on the ground made oversight increasingly problematic (Ibid, 2014).

Operating in Libya remains hazardous and unpredictable. This is due to multiple factors, such as presence of mines and explosive devices, threats to abductions and kidnapping of international personnel, proliferation of armed groups with no clear chain of command, and continued conflict and violence. While the group no longer controls large areas in Libya, it still maintains a few cells in different parts of the country, which poses serious threats to international presence. These include presence of mines and explosive devices, physical constraints, such as destruction of road infrastructure or bridges due to the fightings, as well as administrative constraints, such as confiscation of material and arbitrary administrative requirements. As a result of all these factors, freedom of movement of humanitarian organisations, personnel, or goods into and within the affected areas is often restricted in many parts of Libya (Humanitarian Response Plan, 2017).

Difficult nature of post conflict society and activities involved. DDR , rebuilding government institutions, justice system and reconciliation and Reforming the security sector is ensuring the competent performance and properly accountable management of the armed forces, police, and any intelligence services. An ineffective and badly structured security system potentially fuels new tensions and violence, and reform of this sector is often an essential first step in opening up the political climate toward a democratic process. Similar imperatives apply for police forces, where indiscipline, corruption, and incompetence are even more immediately socially destabilizing (Evans, 2008).

In addition to the security problems and inability of government to provide protections for international and national humanitarian agents, some of them also faced shortage of finance. WFP received only 39 percent of its required funding in 2016 and only 28, that is it requires 30.3 m USD but funded only 10.8 in 2016 and requires 54.5m USD funded only 15.2 m USD in 2017 (WFP, 2017). Though WFP's project plan is to assist the same beneficiaries monthly, access constraints and changes in the security situation cause high numbers of displacement and frequent movement of those displaced. These challenges coupled with funding limitations have impeded the full implementation of the project plan.

4.3 The major external rationales for the persistence of Libyan crises after intervention

4.3.1 Approaches of the Major Intervening States

Before discussing the major powers' related factors for the continuation of Libyan crises, it is important to explain why some major states intervened and some others were not, to show its implications on the crises in Libya after intervention.

If we take America, the first interest was to defend its allies in Europe and Middle East. In the first case there have been strong supports in their historical relations and in the second case, business and political relations with the region influence American decisions. The regional support from the AU and Arab League already mentioned and the strong desire of France and Britain for intervention helped to convince the United States to support Resolutions 1970 and 1973 and finally to participate in the military mission (Renner, 2015). Intervention can be a tool to prevent conflict spillover from contiguous states and to exert control over the states (Findley and Teo, 2006).

The second one is its increased oil and the security interests in Africa. According to the Report of the National Energy Policy Development Group in 2001 there is the increasing demand of America for the consumption of African oil. The document estimates that US energy consumption over the next twenty years (2000-2020) would increase by about 33% for oil, by over 50% for natural gas consumption, and demand for electricity would rise by 45%. The report also highlights, the US produced 39% less oil today than they did in 1970. Accordingly, the report identified Africa's potential to supply an ever-increasing share of the America's energy

needs in the years ahead (Klare, et al, 2006). Not only the increased demand and decreased domestic supply, Obama sets a goal of one-third cut in oil imports from Middle East by 2025 to focus on Africa. It was partly this interest of providing security for it's already existed as well as potential oil and partly security interests, to counter terrorism that USA established the Africa Command or AFRICOM in early 2007, in substance designed to bring stability in Africa through military-to-military relationships. Afro-centric views of AFRICOM is that it is a highly-equipped US army primarily designed to counter terrorism, to increase access to Africa's oil, recognizing that the US currently purchases approximately 24% of its oil from Africa, and last but not least to offset China's growing economic investment on the continent (Klare, et al., 2006).

Similarly, Mr. Dawit Toga also responded for the question what were the motivating factors for western states' intervention in Libya as it was purely Libyan oil. Further he has said libyan oil has offered them the advantages of easy access that is easy extraction as well as nearness to the markets of Europeans. Natural resources, like oil, provide another strategic interest accounting for civil war intervention (Humphreys, 2005). Similarly, Ross (2004) found that natural resources tend to encourage outside actors to intervene in civil war. Access to oil can be a crucial objective that encourages major powers to rapidly undertake a military or economic intervention.

The third one is to bring regime changes. Researcher A replied the question what are the primary purpose of the intervention in Libya as it was to support regime change in the country. Obama, Sarkozy and Cameron ("the bombing continues until Gaddafi goes", amounted to regime change. They said "it is impossible to imagine a future for Libya with Qaddafi in power (Renner, 2015). Here there was visible interest for regime change.

1st. They support the rebel groups. The combat performance of rebel ground forces was enhanced by personnel and intelligence provided by states such as the UK, France, Turkey, Qatar and the United Arab Emirates. The supports of coalition's airpower with the supply of arms, intelligence and personnel to the Libyan rebels guaranteed the military defeat of the Gaddafi regime. Clinton offered the NTC \$11 million assistance, bringing Washington's aid to the rebels to around \$135 million since February, 2011 (Danvers, 2016). Not only supporting they acted beyond the primary objective and bring regime change. On 20 March 2011, for example, Muammar Gaddafi's forces retreated some 40 miles from Benghazi following attacks by French aircraft. If

the primary object of the coalition intervention was the urgent need to protect civilians in Benghazi, then this objective was achieved in less than 24 hours (House of Commons Foreign Affairs Committee, 2016).

The country was awash in small arms and light weapons, including MANPADS, anti-tank missiles, Grad rockets, and mortars. France, Qatar, and other countries had also supplied the rebels with weapons during the war, with Qatar contributing more than 20,000 tons of weapons, including assault rifles, rocket-propelled grenades, and other small arms. Qatar and France both also supplied the rebels with Milan anti-tank missiles. There was estimated that a million tons of weaponry in Libya, more than the entire arsenal of the British army. These weapons now threatened Libya's security (Rand Corporation, 2014).

Their support for rebel was not considering the rebels attacks on civilians. Rebel forces start to commit the violations of human rights and principles humanitarian in the course of 2011 revolution in Libya. The most significant documented case came in October, when militias from Misrata appeared to have executed 53 Gaddafi supporters in Sirte. In areas of eastern Libya under NTC control since late February and early March, volunteer security groups arbitrarily arrested dozens of suspected Gaddafi loyalists. At least 10 former Gaddafi security officials were found dead in Benghazi and Derna in what appear to be revenge killings (Human Rights Watch, 2012).

The Second issue was their long term interests to overthrow Gaddafi from power given their bad historical relations with him. The historical relations between Libya under Gaddafi and western states were dominated by hatred relations. Qaddafi's anti-West policy had been extended in both Northern and sub-Saharan Africa. In Northern Africa Qaddafi was reported to be involved in a coup attempt against King Hassan in Morocco and to oppose Sadat's pro-Western policies in Egypt. In Black Africa too, Libya supported the pro-Soviet Somalis and Eritreans against pro-Western Ethiopia in the Hailé Silassié era, but switched sides after the establishment of a pro-Soviet regime in Addis Abéba and Somalia's turning to the West (Neuberger, 1982). In the case of Chad, it remained Qaddafi's aim to eliminate the French presence, but to do it in such a way as to avoid both a military confrontation and a break in its lucrative trade with France (Cheikh, 2013).

In addition, Gaddafi was known for his pan-African ideas. To put into practice his pan-African project, Qaddafi employed a large foreign workforce from Egypt, Tunisia and Sub-Saharan Africa (Chad, Burkina Faso, Niger, Ghana and Mali) to carry out ambitious plans for production and development. According to the report by the *Crisis Group* (2011) Libya hosted 300,000 workers from Sub-Saharan Africa. Qaddafi had made major investments in the continent's future: \$100 million in Ethiopia and \$200m to UNESCO to improve African access to higher education. He also paid off \$4.5 million worth of arrears for seven AU member states that were too poor to pay and was under temporary sanctions as a result.

America gave training for Libyans to bring a regime changes, "600 Libyan soldiers trained by American intelligence officials in sabotage and other guerrilla skill to fit in neatly into the Reagan Administration's eagerness to topple Colonel Qaddafi"(Imam, et al, 2015). In 1981 the National Front for the Salvation of Libya (NFSL), with the full support of the Central Intelligence Agency, CIA, French intelligence and Saudi Arabia, tried to overthrow Qaddafi. The NFSL launched a series of military attacks in the 1980s and created its own Libyan National Army (LNA). It was gave support for the aborted attempt to overthrow Gaddafi in 1996 (Chigozie, et al, 2013).

Gaddafi's alleged support for various radical groups, including some involved in acts of international terrorism, led to US trade restrictions and the withdrawal of oil companies under Jimmy Carter. Libyans were 'implicated' in the December 1988 bombing of a plane over Lockerbie, Scotland and the September 1989 bombing of a UTA flight over Niger (*Imam, et al , 2015*). In the 1980s, France was in a direct confrontation with Qaddafi's forces and proxies in Chad, and strongly supported the Chadian efforts to expel Libyan forces from their territory. Operation Epervier, which started in February 1986 to defend Chadian sovereignty. France nevertheless distanced itself from the April 1986 U.S. Operation El Dorado Canyon by denying over flight to U.S. aircraft attacking Libya from British bases after a terrorist attack in Berlin. Later in the decade, France was directly confronted with Libyan state sponsored terrorism with the bombing of UTA Flight 772, bound from Chad to Paris, in September 1989 (one year after Lockerbie), killing all 170 people aboard (Rand Corporation, 2015).

The economic sector is also another thing for why western states interested to overthrow Gaddafi. Historically, Oil companies are controlled by foreigners who have made millions from them. But especially after 2005 in the years that followed, the Gadhafi regime renegotiated the companies' share of oil from each field to as low as 12%, from about 50% (Imam, et al, 2015). Even firms that had been in Libya for years got tough treatments; and in 2007, authorities began forcing them to renegotiate their contracts. It also saw its share of production drop from between 35% and 50% depending on the field to just 12%. Oil companies were also frustrated that Libya's state-owned oil company "stipulated that foreign companies had to hire Libyans for top jobs." Oil firms "were pressed to hire Libyan managers, finance people and human resources directors" (Ibid, et al, 2015).

Third, NATO's mission officially ended on 31 October only after about ten days of overthrowing Gaddafi from power. This abrupt end to the campaign reflected that the bombing had achieved its ultimate objective: the fall of the dictator, and the opposition victory (Shawn, 2011). This shows that the NATO intervention was designed to depose the Gaddafi regime and not the purported reason of protecting civilians and forestalling humanitarian crisis.

In addition to the above shared interests of the western states, French has the following interests in Libyan. It has been long initiated by increasing its political influence in the Mediterranean region. In addition to the EU's initiative of the Euro-Mediterranean-Partnership (EMP) that was established in 1995 and included all EU members, Nicolas Sarkozy presented the idea of a "Mediterranean Union" during his election campaign in 2007, founded on the idea "to help resurrect France's historic position as a mentor of Islamic territories in northern Africa and the Levant"(Hasler , 2012). Sarkozy took the lead in the offense against the Gaddafi regime in order to compensate the inadequacies of his foreign policy in Tunisia and Egypt. Many saw French influence in the region weakened when it failed to intervene in Tunisia or Egypt on the side of the protestors. Therefore, the geo-strategic aim to stop the decrease of influence, or to increase the French influence in the traditional French sphere of interest, is one argument as to why France was one of the driving forces to intervene in Libya. The change in leadership in many African countries through democratic elections and uprising and the replacement of a generation of African leaders, has shown that the France relations with the new regimes in Africa is uncertain give its historical influences and supports for dictatorial regimes.

The French response to Libya has been also linked to the 2012 presidential elections in the country. French leaders also use it as a means of gaining public supports by answering their interests. The French participation in the military intervention was a move well received by the majority of the French public opinion and the political elite. This was hardly surprising as the slow and controversial reactions to the revolutions in Egypt and Tunisia were heavily criticized by the French public opinion. Intervention in Libya was initially popular in France. 66% of the French public approved of the intervention in April, 2011. The possible electoral gains influenced decisions taken by the former French President in the year before his failed re-election campaign (House of Commons Foreign Affairs Committee, 2016). The reason this particular poll changed the political landscape in France was because it showed that the French far-right leader Marine Le Pen would win 24 percent of the vote in the first round of the presidential election. Not only, would she receive a fourth of the votes, but her opponents, Dominique Strauss-Kahn from the Socialist would receive 23 percent, and the incumbent President Nicolas Sarkozy got 20 percent (Fogh, 2016).

The other thing is although the degree of influences differs, European countries fear for their security and economic conditions due to the illegal migration. As described above, the French government is involved in a domestic discussion about illegal immigrants and the role of Islam within France. With 4-6 million Muslims in France, the country has the highest rate of Muslims within the European population (Hasler, 2012). Parts of the traditional French establishment have started to protest against the uncontrolled immigration and the increasing number of Muslims in the country. Therefore, in addition to the domestic aim of the intervention to show the population that the government cares for their concerns, Sarkozy indeed wanted to prevent uncontrolled immigration into the EU. Similarly to France, Britain shared concerns over refugees and threats from Qaddafi's Libya if he maintained power.

Doctor Solomon explains the obvious political presence which can be security and economic in nature as a motivating factors for intervention. While Researcher B similarly argued as there are a series issues like security, oil, control of refugees and regime changes were the major factors behind humanitarian interventions in Libya. Through intervention in civil wars in less powerful states, major powers can affect the domestic policies and authority structures of the states to

achieve their political and economic goals (Gent, 2007). Such policies include the type of government or economic system of a target state and the state's management of access to resources by outside actors (Gent, 2008). In the same manner Fazal, (2007) shows that since World War II, norms against conquest have changed the means that states use to exert control over other states. Instead of conquest and annexation, foreign powers attempt to replace leaders or alter a target state's political and economic systems so that they can expand influence on the state.

So, promoting human rights in other countries still comes pretty low down the list of priorities when there is a perceived clash with other competing 'national interests' (Clapham, 2007). One of the most common criticisms of humanitarian intervention is that it is not really 'humanitarian' because the intervener is not acting for humanitarian reasons, but instead is pursuing self-interested economic or political goals (Pattison, 2010).

Therefore, States use human rights protection as a means to achieve their foreign policy goals like defeating unfriendly regime and put the friendly one on power to gain political and economic influences in the region. They need to Provides security for their business environments by supporting friendly states in the region. As realists argue human rights take the second rank and the violation of international norms are vivid. From these it is not unreasonable to argue that the intervention in Libya was not purely caused by humanitarian protection rather it also has security, economic and national interests of the intervener states. In the decision of humanitarian intervention power and interest play a paramount role. The power wielded by the UNSC and its P-5 members in particular determines not only which situations warrant intervention, but when and how the international community will intervene (Renner, 2015).

Realistically speaking, states cannot ignore and interested to ignore their national interests as much as their power is allow for them. On the other hand, it is impossible for governments to publicly announce any rationale other than purely humanitarian ones, for the reasons such as the legal constraints for interventions within the UN Charter which preclude other reasons, the international community will not accept encroachments on the sovereignty of other states for any other reasons and mostly the public's interest not to intervene for economic risks. The needs to

fulfill these normative claims forced them to hide all other possible reasons other than humanity, to gain the opportunity not to discredit as violators of international law.

4.3.2 Approaches of the major Abstained states (China and Russia) in Libya

China had some economic and political ties to Col. Qaddafi's regime, yet it voted for Resolution 1970 and abstained from Resolution 1973, allowing sanctions and military action to move forward (Renner, 2015). When the Libyan conflict began, China had \$18 billion deals with Libya and over 35,000 of its citizens were living in Libya (Ibid, 2015).

So, one explanation for Chinese abstain could be lots of investments in African countries and including in Libya. It could therefore be argued that China has different interests in Libya than some of the pro-intervention countries who are more concerned about the protection of the citizens. China merely concerned with the responsibility to protect its citizens living there in Libya (Madsen & Selsbæk, 2012). This is the realists' view of self-help and not scarifying oneself for others.

Regardless of its vast economic interests in Libya, China never applied veto power on the resolution 1973 rather chosen abstains from it. This is due to the support of both the African Union and the League of Arab States understandably influenced China given its growing economic and political ties with Africa and the Middle East (Renner, 2015). Here China compared the benefits it generate from all AU and AL on the one hand and Libya on the other and choose the former. In September 2011 Beijing became the last member of UNSC to recognize the National Transitional Council (NTC) as the legitimate authority in Libya in the post-Gaddafi era. Soon after, the NTC promised to recognize the validity of all contracts signed between China and the Gaddafi regime (Junbo and Méndez, 2015).

Russia was similarly worry of Western-led interventions, particularly in a country with which it enjoyed friendly relations. Russia's economic and political ties with the Qaddafi regime were warm and growing more cordial before the crisis began. In 2008, Russia wrote off \$4.5 billion in Libyan debt in exchange for its companies receiving large contracts in civilian infrastructure and building railroads and factories (Rogulis, 2014). In 2010, arms contracts with Libya worth \$10 billion made up 12% of Russian arms exports (Renner, 2015). Unsurprisingly, Gaddafi's

removal from power and demise has undermined Russia's energy, arms, infrastructure and diplomatic interests in the country (Lazareva, 2012).

Regardless of the above facts, however, Like China, Russia allowed 1973 UNSCR to go forward out of larger concerns for its relationship with Middle Eastern and African states and because it was unaware of the consequences implementation would bring (Renner, 2015). Russia not only abstained from the UN Security Council Resolution 1973 enforcing a no-fly zone over Libya, and subsequently condemned the 2011 NATO intervention in Libya, despite Gaddafi's violent crackdown on civilians (Lazareva, 2012).

The above discussion shows that both China and Russia had some clear interests regarding the Libyan intervention, which might have influenced their decision to vote in the UNSCR. If we consider the two states in relation to realists' assumption, which argue that states are not act out of self-interests and only to obtain some sort of a relative gain, first the two states consider their relation with Gaddafi and second the relative advantage of the relation with that of AU and AL countries. So, it is possible to argue that the reason why they abstain is their economic benefits than for the protection civilians.

When abstaining from voting on the UNSC both China and Russia did what they could, without interposing veto, to prevent an intervention pursue a regime change. Neo-realist would, however, argue that when a state has the opportunity to interpose veto and thereby protect its self-interests, it would do it, but neither China nor Russia did. Simply not to opposed the regional organizations in the two regions. Both of them also had some interests in protecting the companies and the employees situated in Libya. Neo-realists would argue that China and Russia are primarily concerned with their self-interests and that it is the reason for abstaining from voting on Resolution 1973. The following national interests and geo-strategic considerations have a decisive influence on the decision-making process of states. National interests play important roles to decide humanitarian interventions and are used as a main argument against interventions. Thus, the reasons governments do not to intervene, are the reasons why they do intervene.

4.4. Implications of the Major Powers' Approach and Limited International Roles on Post-intervention Libya

Post conflict peace building is not the end of the process of conflict resolution; it has to be the beginning of a new process of conflict prevention, with the focus again on structural prevention, tackling the longer-term, root causes of the violence in question (Evans, 2008). It is a hugely complex, time-consuming, and usually very costly enterprise. But when the responsibility to rebuild is neglected, by national governments and the international governments and organizations that must stand ready to help them, it is only a matter of time before the boil will erupt again (Ibid, 2008). The commitment to rebuild a country after a military intervention is pivotal to promote durable peace, good governance and sustainable development (ICISS report, 2001).

The effects of intervention on post-war development are consistent with interveners' intention. Intervention motivated by humanitarian concerns tends to promote post-war well-being by increasing resources available for post-war rebuilding. The reason is that those interventions pursuing self-interest produce a less-respondent government and reduce available resources (Sang, 2012).

There are a number of motivating factors behind western states' intervention in Libya which in turn affects the post war reconstruction of the Libyan state because it divert the attention of post war to national interests from the real rebuilding of state. One among the factors influence the outcome of the intervention is the nature of the interveners' behaviors. According to Doctor Solomon, the political element of humanitarian intervention brings decreases in the level of commitment and it diverts their attentions from human rights issues to competing for the possible economic and political advantages provided as a result of the intervention. It is this lack of focus which made them not to effectively manage the transitional period. Further, he responded that there was lack of effective security sector managements from international community starting from early transitional period. Most of the time self-scarification from states is very difficult given the complexities of world politics.

Dawit Toga also responded the question why the crises in Libya after 2011 intervention by saying since the primary interest of interveners are other than humanitarian, they do not care much for other secondary aims. Why they pay more while they need more. He also gave another

reason which is the highly decentralized military due to the availability of war weapons which makes security uncontrollable is the main cause for the persistence of Libyan crises. They are largely driven by economic interests and not by humanitarian issues. When states seek their own interests, they primarily consider the benefits generated and the costs incurred from intervention and choose intervention types that are likely to increase their benefits.

Researcher B responded it was biased intervention of the intervener states that makes the continuation of crises. The intervention was to support rebel which give rebel access to war weapons both from Libyan weapon store and external support. This in turn resulted in the militarization of Libya and the current security challenge due to the availability of weapons everywhere. Hence, biased interveners are likely to allow both a government and a rebel group to increase their fighting capabilities, and in turn they are likely to prolong civil war and fail to achieve their goals (Sang, 2012). The various violent non-state actors (VNSAs) who collectively control so much territory in Libya are not only hostile to the central government, but also to each other (Ross, 2014). An influx of weapons to Libya could also exacerbate terrorism-related security challenges facing Libya's neighbors (Wehrey, 2014).

Weapons proliferation across the country, which contributed to arming revolutionary groups aligned with Islamist movements. A report by the International Crisis Group estimates that more than 125000 people in Libya are carrying weapons. The spread of weapons led to a militarization of the Libyan tribes who started competing for as many weapons as possible, in order to defend themselves and their interests and to avoid being marginalized during the political discussions that began on how to share resources and power. The disintegration of the military institutions during the revolution remains the most serious challenge facing the country. Tribal violence and the use of weapons were fueled by the descent into lawlessness in Libya. Both the National Transitional Council as well as the transitional government failed to integrate the armed militias into public institutions. Thus, many armed movements refused to give up their arms.

The disagreement among P-5 UNSC due to their realistic approach primarily focus on national interest has also an effect on rebuilding Libya and consequently on the situation in Libya after Gaddafi. The Rand study concludes, "Assuming adequate consensus among Security Council members on the purpose for any intervention, the United Nations provides the most suitable

institutional framework for most nation-building missions, one with a comparatively low cost structure, a comparatively high success rate, and the greatest degree of international legitimacy (Evans, 2001). an exit timetable; be prepared to stay, subject to local consent, as long as it takes, recognizing that more peace building mistakes have been made by internationals leaving too soon and doing too little than staying too long and doing too much (Evans, 2008).

Thus, generally speaking approach of major powers' fed the crises in Libya due to the biased intervention which made further fragmentation of society and made groups to gain access to military weapons. It made withdrew immediately without establishing able government, because they achieved their own primary objective that is regime change. It also creates division among major powers in P-5 UNSC which in turn reduce resource available for rebuilding and support for different factious groups in Libya.

Similarly, Researcher A: Responded as it caused by large due to the created security vacuum in Libya after Gaddafi by the immediate withdrew of international community without establishing an able government. Libya after Gaddafi unable to provides protection for civilians who needs international community to take the responsibility but they failed to do so. In this case R2P principle violated and why they were intervened in 2011 and not in the later that is the 2014 civil war? So, the failure of international community to provide protections for civilians in the second civil war especially since 2014 was the reason behind the continuation of Libyan crises. International community not responds the civilian suffering after Gaddafi despite the failure of TNC, GNC and HORs. In this case the community not gives attention to the R2P norms which shows the realistic view of a little influence of the norms on states' behavior and their application when it fits with the interests of the actors. Above all there is no authority to punish actors those who failed to act as per the norms. They put NTC on power without understanding the interest of Libyans.

So, the immediate end of interveners' mission without the establishment of an able government and the lack of providing enough peace keeping military power to protect civilians and reform security are the factors. They create security vacuum by over throwing Gaddafi. This brings uncontrolled competitions among Libyan factious groups and political parties. There is no

enough human power delegated to Libya to control the situation. It opens door for the presence of terrorists in Libya which in turn destabilize the country.

The international community also failed to protect civilian from revenge attacks. This led to division of the Libyan society along pro- and anti Gaddafi. The attack and the division are what make the conflict to persist. For instance minorities such as Tuareg and Mashashiya attacked as they were perceived as Gaddafi era supporters. Despite the fact that international community should provide protection from revenge attacks. This in turn affects the security sector reform and the process of disarmament, demobilization, and reintegration. Thus, there is marginalization of minorities perceived to be support Gaddafi's regime. Some members of ethnic minority groups have been accused of supporting, or are perceived to have supported Gaddafi during the uprising. Perceived supporters of Gaddafi and his regime are at risk of extra-judicial killings, abduction, enforced disappearance, arbitrary detention, including in unofficial detention centres, torture, ill-treatment and death in detention. These abuses have been perpetrated by the authorities of the Interim Government or its armed affiliates, as well as by armed militias operating outside of government control (Country Information and Guidance Libya, 2015). For example ethnic minorities like the Tawergha are Black Libyans who are perceived by Libyans to have been mercenaries on the side of the Gaddafi regime and to have committed human rights abuses during the revolution. The Tuareg are also Black Libyans and are also perceived to have been supporters of the former regime. The same is true of persons from the Mashashiya ethnic or tribal group. The Mashashiya are not Black Libyans but are similarly perceived as a group to have been supporters of the Gaddafi regime (ibid, 2015).

Since the end of the conflict in 2011, Amnesty International has documented the abduction and enforced disappearance of dozens of Tawerghans from different cities. They were taken from checkpoints, camps, streets, homes and even hospitals, and immediately transferred to detention facilities in Misratah where they were tortured and otherwise ill-treated. Representatives of the Tawargha community estimate that over 1,300 Tawerghans are either missing or detained, most likely in Misratah. Testimonies collected by Amnesty International suggest that many were captured and summarily killed. Approximately 35,000 people from the town of Tawergha, in Libya's northeast, remained forcibly displaced at the end of 2013, with militias from nearby Misrata preventing them from returning to their home (Country Information and Guidance

Libya, 2016). The insufficient financial support made the economic and social crises to be continuing. The limited international presences which exacerbates political, economic and security issues since they are not committed enough resources.

4.5 The 2014 civil war and Regional Powers' Interests in Libyan Intervention as the reason behind the continuation of crises in Libya

Each of the two major fighting groups in 2014 civil war in Libya, operation dignity and operation dawn, had their own foreign supporters which create regional tensions. States advocating political Islam, such as Qatar, Turkey, and Sudan, support factions within Operation Dawn, and their regional competitors, the United Arab Emirates, Saudi Arabia, and Egypt, support Operation Dignity.

As per the humanitarian argument of realist that is states' decision to intervene for human rights protection has its own national interests, each of the above regional actors has their own security and economic interests in Libya. They try to give access to regional recognition for their block.

Through Egypt and Saudi Arabia, Dignity's political allies have access to the main current in the Arab League, which they have begun enticing to consider a military intervention to protect Libyan institutions (Reeve, 2014).

The interests of Egypt are both ideological and security. It fears that the Muslim Brotherhood, overthrown and banned in Egypt in 2013, will gain control Libya via the GNC and use it to destabilize Egypt. Egypt sees Islamist armed groups on the eastern border enabling the movement of money, weapons, and jihadi fighters across its territory and has accused Libya's Islamists of backing the Brotherhood (Wehrey, 2014). More acutely, it fears the consolidation of armed Salafist groups like Ansar and the Islamic State (which is also active in Egypt's northern Sinai) in Cyrenaica. Egypt also has hundreds of thousands of ex-patriate workers in Libya, some of whom have been attacked or kidnapped.

The growth of ISL increases the likelihood of additional direct foreign interventions, as requested by neighbors such as Mali and Chad or along the lines of Egypt's February 16 bombing of Darnah in response to ISL's killing of twenty Egyptian Coptic Christians and one other Christian, a video of which was released February 15 (Engel, 2015). The military arm of

this bloc is not African but French. Since 2014 France has maintained over 3,000 troops on a permanent basis in these countries for counter-terrorism operations. Reactivation of several French bases in northern Chad and on the Niger-Libya border is explicitly intended to monitor and contain the threat from southwest Libya but also give France strike capacity into Libya (Reeve, 2014). The head of Egypt's Supreme Council of the Armed Forces, Mohammad-Hussein Tantawi, visited Tripoli on 16 January, and deepening economic ties was reported to be the two countries' main goal for the visit.

The UAE and Saudi Arabia are the main sponsors of Egypt's military-based government, based on their own fear of the Brotherhood as a vector of democratic Islamism that could threaten their own absolute monarchies. The UAE is driven in large by a broader fear about the rise of the Brotherhood (Wehrey, 2014). On 17 January, Anwar Gargash, the UAE minister of state for foreign affairs, led what was reported to be the largest business delegation to visit Tripoli since the conflict began in February.

Qatar, which played a major role as a financier for the Libyan opposition during the war, was also expected to pursue favorable investment opportunities in Libya. Qatar was the first country to recognize the NTC, and is considered to have been among the key external players in the country backing Islamist groups inside Libya. The interest of Qatar in Libya, at least in economic terms is evidenced by the formation of the Libya Qatar Holding, a joint venture with a capital of USD 100 million to focus on the country's reconstruction (Costantini, 2015). Similarly countries which support GNC have also security and economic interest. In this case again the realist view of humanitarian intervention prevails since the primary goal is national interests and violation of humanitarian norms involved that is supporting fighting groups rather than protecting civilians. The major regional states made crises to continue by providing support for the groups so as they capable to continue fighting.

4.6 Internal reasons for the Continuation of Libyan Crises

4.6.1 Competitions between Libyan Interim Governments

Libya had been ruled by Transitional National Council (TNC), an interim government formed at the beginning of the 2011 revolution in Benghazi to lead the rebels' war against Gaddafi's

regime, till the election of General National Congress (GNC) on July 7, 2012. Later their successor the House of Representatives (HoR), elected in June 2014. Currently another government, Government of National Accord backed by UN established by the political negotiations among Libyan political parties specifically between the two major rival groups, GNC and HORs.

One among the major domestic rationales behind the continuation of Libyan crises after 2011 humanitarian intervention is the competitions between those interim governments. Their competitions are for possessing political power, gaining legitimacy and controlling economic resources.

In the first case their competitions by large started when GNC extend its term and refuse the result of 2014 election of HoRs. The July 2012 General National Congress (GNC) election had given it the responsibility to draft a new Constitution within 120 days. The drafting of a new constitution was entrusted to a Constitutional Assembly with twenty elected members from each of Libya's three regions Cyrenaica, Tripolitania and Fezzan (Rand Corporation, 2014). Libya's constitutional process has not kept pace with the schedule originally set out during the war. More than two years after Qaddafi's death, however, the constitutional drafting committee has yet to begin its work (*Imam, et al., 2014*).

However, the GNC Government was unable to project state authority and security across the whole Libya. As a result, armed groups, including former Libyan military forces, Islamist, tribal and other militias, engaged in increasingly violent clashes, which resulted in significant civilian casualties in Benghazi in June 2013 and in Tripoli in November 2013 (House of Commans, 2016-17).

The GNC lacks credibility as a result of having overstepped its mandate on the one hand, and accomplished little on the other (Rand Corporation, 2014). Popular discontent grew against GNC, which voted to extend its mandate until 24 December, 2014, which in accordance to the Interim Constitutional Declaration of August 2011 was due to expire on 7 February, 2014 (Ibid , 2014). Supporters opted for an extension of the GNC's mandate until a new Constitution was ready, while its opponents were of the view that it lacked right to extend its own mandate. Several thousand Libyans demonstrated in Tripoli and Benghazi to demand the GNC's

dissolution (Country Reports on Human Rights Practices, 2014). As a result of the protest, June, 2013 killed 30 peaceful protesters and November, 2013 killing of 40 protesters in Tripoli by militia forces mostly from Misrata (United States Human Rights Department , 2014).

In spite of GNC's refusal, HORs was elected and the new national legislature replaced the previous interim legislative body, the General National Congress (GNC). On September 22, the HoR approved a new government, led by Prime Minister Abdullah al-Thinni, which the international community recognized as the legitimate government (Janssen & Abdo, 2015). The Islamist fractions supporting the Misrata militias boycotted and denounced the transfer of power from the GNC to the House of Representatives as unconstitutional. Unsurprisingly, the former members of the GNC rejected the election result, repudiated the administration in Tobruk, and instead established a rival government in Tripoli. The political divide was deepened when the Islamist-controlled Supreme Court, which is based in Tripoli, ruled that the election of the Tobruk-based government was unconstitutional (Janssen & Abdo, 2015). These two rival parliaments appointed a Prime Minister: Abdallah al-Thinni in Tubruk and Umar al-Hassi in Tripoli (Wehrey, 2014).

The conflict between forces of operation dignity and Libya dawn was the result of this political competition between GNC and HORs. Broadly speaking, Operation Dignity consists of traditional Arab nationalists, federalists, anti- Islamists, and former regime elements. In May 2014, the then retired General Khalifa Haftar launched Operation Dignity in eastern Libya with the declared goal of combating terrorism. The major armed actor active in Operation Dignity comprising the Libyan National Army and armed groups aligned with General Haftar (Human Rights Council, 2016). Dignity and the House of Representatives control most of eastern Libya (Cyrenaica) and its oil export infrastructure. A mountainous pocket of northwest Libya is controlled by its ally, the Zintan militia, which is trying to wrest control of routes to Tunisia (Reeve, 2014).

On the other hand, Operation Dawn comprises a loose coalition of hard line revolutionaries, Islamists, and Amazigh in the northwest (Engel, 2015). Ansar al-Sharia is an Islamist militia calling for the implementation of strict Sharia law across Libya. In order to fight Operation

Dignity, Ansar al-Sharia allied itself with a number of militias composed of young Islamist revolutionaries supported by local tribes (UNOHCHR, 2016). Various armed groups formed a coalition under the banner of the Benghazi Revolutionaries Shura Council (BRSC), composed of the armed groups from the Libya Shield Forces and Ansar al-Sharia, as well as other armed groups active in Benghazi since the 2011. Groups that have pledged allegiance to the so-called Islamic State in Iraq and the Levant (ISIL) are also active in fighting Operation Dignity (Country Information and Guidance, 2014). “Libya Dawn”, the Islamist camp located in the northwestern town of Tripoli, alleged itself to (GNC), elected in August 2014, claims legitimacy as extension of the previous GNC. Most of its members belong to the Libyan Muslim Brotherhood, and local alliances include the Misratan-led alliance, Jihadists of regional and international linkages as well as former rebels who opposed the Qaddafi regime. It is militarily supported by the Libya Revolutionaries Operations Room (LROR) and the Central Shield. The LROR in its current and previous incarnation is essentially a coalition of armed formations that was motivated by a desire to pass the Political Isolation Law to exclude Qaddafi-era officials from the government and to oust the GNC’s prime minister from power. The Misratan brigades sometimes align with the Muslim Brotherhood and its political party, the Justice and Cooperation Party (JCP). Many are part of the LSF and thus officially report to the government, even though they take orders from it at their own volition (Rand Corporation, 2014).

While the above disagreements portray competitions for political power, the groups also compete for political legitimacy. The pro-revolutionary group used the victory as a source of their legitimacy and used it against the anti-revolutionary group. The importance, legitimacy and influence of these groups depend on the context of their creation and on their status as revolutionaries or ‘losers’ during the uprising, as well as on their geographical, tribal and/or regional affiliation, and their direct or indirect links with political parties. Fighters from Misrata not only despised the regime, they also felt they had a special claim to the mantle of national leadership once the war was over, given what they had endured.

Irene Costantini, 2015 stated the political legitimacy competitions in Libyan post uprising as follows:

The transition in Libya is the product of multiple legitimacy competitions with each other: legitimacy by elections, which is particularly held dear by international actors; legitimacy gained through the revolution, which set apart the revolutionaries and the loyalists; legitimacy based on the locale, which has fragmented the country into a myriad of power bases; legitimacy conferred by reference to Islam, which has come to dominate the overwhelming narrative in the country; and legitimacy by endorsing the objective of the fight against terrorism, which consolidated especially from 2014.

These multiple legitimacies are then the base upon which competing forms of authority has formed in Libya. Indeed, these legitimacies have gained power often through control over resources and/or means of violence. The current conflict in Libya is a battle for legitimacy which is vivid especially after the 2014 June election where two separate parliaments created for political control but both are using violence method and local militias, rather than diplomacy, to get there.

The other area of competition for post Gaddafi Libyan factions is economic field specially oil fields. The abundance of oil, Libya's natural wealth, is reason for grievance among the various tribes and militias. The seizing of key oil facilities shows that the issue of power sharing is central to the state formation process in Libya. Control over oil resources has reinforced the political status of some of these groups, and consequently, their political agenda within or vis-à-vis the state (Marriott, 2014).

Meanwhile, groups in the eastern province of Cyrenaica have seized control of oil facilities there and threatened to create an autonomous state-within-a-state (Imam, et al., 2014). Militias in the east and the west took Libya's oil production hostage in August 2013. The eastern port terminals of Es Sider, Ras Lanuf, Brega, and Hariga were all shut down by strikes in which workers demanded higher wages, more regional independence, and a larger share of Libya's national oil revenues. Meanwhile, in the west, powerful Zintani militia shut down pipelines connecting the El Feel and El Sharara fields to terminals in Mellitah and Zawiya in response (Rand Corporation, 2014).

What further compounding the Libyan economic problems are Libya's main financial institutions are divided along the same political fracture lines that have split the country since

2014. The two most important state financial institutions – the Central Bank of Libya (CBL) and the National Oil Company (NOC) remain physically under the control of the Tripoli authorities, but the Tobruk-based parliament and its associated government have established their own parallel CBL and NOC.

Not only control of resource but also the government's trial to regain has its own effects on the economy as well as on the crises. For instance, in April 2014 the government persuaded the militias led by Ibrahim Jedran to remove their blockades of the major oil terminals and paid an estimated 342 million dinars (\$280 million) to Jedran in August, 2014.

This competition for economy enhance their relative political power and political interests, lack of an effective national security force has also meant that the majority of Libya's oil ports are now controlled by anti-Government forces. The inability of the state to retain ownership of the eastern oil ports has meant that the state has minimal oil revenue to finance vital fiscal reforms (Michael Marriott, 2014). Oil blockages and division of oil resources also further aggravated Libyan economic problem.

Their competitions also paved ways for the establishment of international terrorists like ISIL. ISIS surfaced in Libya 2014, when Libyan extremist armed groups began pledging allegiance to the group. Its rise coincided with a political vacuum created when two rival governments began vying for power, one based in western Tripoli and another in eastern Tobruk (Human Rights Watch, 2016).

4.6.2 Weakness of transitional governments

The National Transitional Council, formed during the revolution, the General National Congress (GNC), elected in 2012, and their successor the House of Representatives (HoR), elected in June 2014, have not put in place proper mechanisms that would enable the creation of unified, institutionalized, and accountable security apparatuses with allegiances to the state. Instead, they continued, along the same path as Gaddafi, to create and strengthen parallel structures - *kata'eb* (militias), which later formed operations Dignity and Libya Dawn, the military arms of the HoR

and the GNC respectively - whose loyalty and command lies in the hands of their respective war leaders (rand corporation, 2014).

A fledging economy, dysfunctional bureaucracy and increasing regional divisions characterize post Gaddafi Libya (Marriott, 2014). At its core, Libya's violence is an intensely local affair, stemming from deeply entrenched patronage networks battling for economic resources and political power in a state afflicted by a gaping institutional vacuum and the absence of a central arbiter with a preponderance of force. In essence, the country suffers from a balance of weakness among its political factions and armed groups as there is no single entity able to compel others to act purely through coercion rather, every entity is strong enough to veto the others (Wehrey, 2014).

The lack of effective interim government and internal security resulted in fragmentation, lawlessness and violence. This manifested in its inability to control security, economic and social sectors. In security sector, it unable to provides protections for civilians. Killings of civilians including humanitarian workers, human rights activists, journalists and common people are conducted.

On June 4, 2014 unknown assailants killed Michael Greub, an International Committee of the Red Cross (ICRC) staff member, in Sirte, prompting the ICRC to suspend its work in the country. On June 25, unknown assailants killed prominent human rights activist Salwa Bugaighis at her home in Benghazi and kidnapped or possibly killed her husband, Essam al-Ghariani (United States Department Human Rights, 2014). In March, 2017, prominent human rights advocate Abdul Basit Abu-Dahab, was killed in Darna when a bomb placed in his vehicle exploded. Many other human rights defenders have fled the country, curtailed their activities or gone into hiding (Country Policy and Information, 2017).

Not only on human rights activists but also there were attacks on media professionals.

On 23 April 2015, a 33-year-old media professional and owner of a television production company in Benghazi, was shot and killed in his office by armed men, suspected of affiliation with the BRSC. On 29 April, the Deputy Minister of Justice told UNSMIL that five detained individuals "confessed" to the killing of seven journalists in two separate incidents. The victims

were named as Barqua TV crew members Khaled al-Humeil, Younis al-Sal, Abdul Salam al-Kahla, Yousef al-Gamoudi, and Mohamed Jalal (an Egyptian national), who had been missing since August 2014, and two Tunisian journalists Soufiane Chourabi and Nadhir El-Ktari, missing since September 2014. On May 29, unidentified assailants killed Naseeb Miloud Karfana, a television journalist based in Sabha, and her fiancé in Sabha's northern Al-Hay Al-Jadida district. On October 5, unknown assailants killed Al-Tayeb Issa, one of the founders of privately owned satellite television station Tuareg Tumsat, in the southwestern region. On October 8, unknown assailants killed radio presenter Motassem Al-Warfalli in Benghazi. On May 26, unknown assailants killed Miftah Bouzeid, editor in chief of *Burniq* newspaper, in Benghazi (United States Department Human Rights, 2014).

Islamist militants attacked the United States diplomatic compound in Benghazi in September 2012, killing the United States Ambassador Chris Stevens. The collapsing security situation made it increasingly difficult for United Nations officials and non-governmental organizations to work in Libya (House of Commons Foreign Affairs Committee, 2016). National security forces have very little legitimacy and reach. An array of diverse revolutionary armed groups (e.g. in Misrata and Benghazi), factional militias, unregulated armed groups and jihadist groups have taken their place (Combaz, 2014).

The weakness and the competitions of transitional governments opened door for Terrorist groups which in turn affects the security, economic and social situations in Libya. Given the weak capacity of the interim state of Libya, its vast terrain, permeable borders and the absence of effective state control have created an ideal environment for criminals to manoeuvre in and for criminal networks and illicit markets to flourish. Illicit trade has provided groups in the warring camps with the necessary revenues and equipment to continue their fighting (Janssen & Abdo, 2015). Not only trading weapons but also illegal transfer of migrants to Europe in Libya is a common practice to generate money. In contrast, in Libya the situation is one in which *stateness* resides in particularistic structures of power: tribal elements controlling borders; militias exercising control over economic resources (foremost, oil); families, tribes, or religious-based authority providing services. Stateless in Libya came to reside in a developing network of authorities outside the state (Costantini, 2015).

Ansar al-Sharia, a radical Islamist group, commit the deadliest suicide bombing in Libyan history at a police training facility in the western town of Zliten, which killed at least 60 people on 7 Jan (Country Information and Guidance, 2016). Terrorist organizations Ansar al-Sharia in July and August, the Islamic Youth Shura Council in Derna executed three men in two separate public executions, according to media reports.

In March 2016, Human Rights Watch gathered information of 28 Libyans killed by ISIS. On January 27, gunmen attacked the Corinthia Hotel in Tripoli, killing 10 people. Human Rights Watch previously documented the ISIS executions of 21 Coptic Christians, 20 of whom were Egyptians, on a Sirte beach in February 2015 (Human Rights Watch, 2016). On April 19, a video published on social media depicted the execution by beheading and gunshot of approximately 30 Ethiopian Christians. ISIL claimed responsibility for the killings (Country Reports on Terrorism, 2015).

Bomb attacks, including suicide attacks, have claimed the lives of dozens, including civilians. In one such incident, at least 42 people, including children, were killed on 20 February 2015 in bomb attacks in the town of Qubbah, in eastern Libya. Most victims were queuing at the local petrol station, when the attacks took place. Responsibility for the bombings was claimed by a Libyan armed group pledging allegiance to ISIL, allegedly in retaliation for the airstrikes on Derna on 16 February' (Country Information and Guidance, 2016).

More than two-thirds of Sirte's 80,000 residents have fled since ISIS entered the city. A suicide truck bombing on Libyan police training center killed at least 47 people on January 7, 2016, and numerous attacks on oil facilities and checkpoints (Human Rights Watch, 2016). ISIS imposed a zakat (religious tax) on merchants and farmers. The Hisba police collect the taxes, which are levied on a sliding scale depending on the value of a property. It collected 150 Libyan dinars (US \$115) from average-sized shops per month, then returned a few days later and demanded 5,000 Libyan dinars (US \$3,406) for all of 2015, retroactively (Ibid, 2016).

ISIS similarly restricts education which led to the suspension of classes at Sirte University, former residents told Human Rights Watch. Students and staff boycotted the university in

November 2015 after ISIS ordered its 16,000 male and female students to attend class in separate shifts, they said (Human Rights Watch, 2016). ISIS also closed faculties including law, languages, literature and art, saying they contradicted Islamic teachings, two former residents said. Most students have left Sirte and transferred to colleges in smaller cities and towns, while others simply dropped out, former residents said. What we can conclude from the above is that the presence of terrorists groups added fuel to the Libyan political, economic and social crises.

4. 6.3 Revenge attacks and passage of isolation law on perceived pro Gaddafi regime

HRW estimated as there were at least 250 politically motivated killings in Benghazi and Derna during the 2011 (Human Rights Watch, 2012). Above all in May 2013 under pressure from militias that later formed the LROR, the GNC passed a purge or “lustration” law, the Political Isolation Law (PIL), prohibiting those who held certain positions under Qadhafi between September 1, 1969, and October 20, 2011, from holding government office (Sharqieh, 2013).

In the end, the public debate took a backseat to the strong arm tactics of some former revolutionaries (*thuwwar*), who strongly opposed the participation of what they classify as the “dregs” of the former regime in the new political order. They surrounded government ministries, shut down the GNC itself, and threatened the safety of the prime minister. Despite the fact that many GNC members privately voiced reservations about the law, when it came time to vote, 164 members approved the bill, with only four abstaining and no member opposing it. To put into perspective the pressure GNC members felt, even those who were ultimately subject to the law’s exclusions, such as Magariaf (who once served as Ambassador to India), felt compelled to publicly support it. The passage of the political isolation law forced the removal of several senior officials, including the president and deputy president of the GNC and the Interior Minister. An independent body, the Public Officials Standards Commission, was established to carry out the provisions of the law, but the need for enforcement has been somewhat obviated by voluntary resignations (e.g., Magariaf, Jum’a Atiga, ‘Ashour Shuweil, 2016).

The issue of dichotomy influences the arms demobilization and integration in formal security. Many now refuse to surrender arms, demobilize, and integrate into the formal security apparatus. Since they never trust one another, they included on payment role and they demand that the

regular security forces first be cleansed of Qaddafi-era personnel (Wehrey, 2014). Deep-rooted reciprocal mistrust was aggravated by the presence of huge numbers of armed groups and militias that did not demobilize after the toppling of Qaddafi but allied themselves with political actors to acquire more territorial control and resources. And in a country with no functioning national army and where guns are everywhere, political actors reached out to armed groups for their own protection and to further their agendas (Janssen & Abdo, 2015). The PIL and the partisan manipulation to which it lent itself continued to polarize political debate during the year (Sharqieh, 2014).

The official rebel army was composed largely of former regime military members that defected to the rebel side in the early days of the uprising, and its membership was limited mostly to Benghazi and other eastern areas the regime vacated early in the war. It was stuck in the east for most of the war anyway, unable to break through the front at the town of Brega, which lies to the southwest of Benghazi along the main coastal road toward Tripoli and Libya's other major cities (Rand Corporation, 2014). The result is the loss of some of Libya's most experienced bureaucrats and a consequent reduction in already weak institutional capacity. Also, because it disqualifies any military officer who commanded forces under Qaddafi from public office, it seriously complicated already stalled security sector reform efforts.

Islamist and revolutionary groups have forced the passage of a political isolation law that excludes many Libyans from participation in government, thus exacerbating existing rifts in society and reducing the available pool of talent for government positions (*Imam, Sadeeqe Abba and Wader, 2014*). Most of the rebel forces that refused to disarm cited their own insecurity, the need to provide security to the population, concerns that pro-Qaddafi forces would return, or general lack of confidence in the chances for the political transition as reasons for not disarming (Rand Corporation, 2014).

Ethnic conflict is also another factor behind the persistence of Libyan crises. Despite local ceasefire and reconciliation initiatives, periodic armed clashes and insecurity engulfed several regions in southern Libya, including Awbari, Barak al-Shati, Kufra and Sabha. The situation in southeastern Libya has remained tense, with occasional violence taking place between the Zwaya and Tabu tribes in Kufra. For instance, on 6 May 2015, fighting was reported in Kufra following

news of a gun battle at the university campus between Tabu and Zwaya students, the fighting, which reportedly led to the death of two male students and injury to two women, spread to the rest of the city (Report on the Human Rights Situation, 2015).

Violence between the Tabu and Zwaya tribes in Kufra lasting between 25 July and 6 August, 2015 claimed 49 lives, according to medical sources from both sides. Tabu residents reported the shelling of Tabu neighborhoods of Shura and Qadrufay, resulting in the death of a four-year-old boy. His mother, brother and two other relatives were injured in the shelling. Three other children aged 11, 15, and 16, were also killed in the shelling of their houses on 6 and 7 May. There were reportedly nine children and two women among the dead.

In Al-Kufra, the conflict has been primarily between the Arab Al-Zwaya and the Tabu armed groups, with the Tabu accusing Al-Zwaya of favouring their own tribe in relation to, for instance, the provision of government services. Several armed clashes have focused on attempts to control strategic locations, such as oil fields or smuggling routes. Some level of alliances exists between tribal armed groups and either Operation Dignity or Libya Dawn, for example, it has been observed that the Tabu are generally aligned with Operation Dignity; while the Tuareg are generally aligned with Libya Dawn (UNOHCHR , 2016).

According to a police source, at least 26 people were killed in Sabha between 19 June and 11 July. Clashes between Tabu and Tuareg armed men erupted in al-Tayouri neighbourhood of Sabha, on 14 July, lasting until a ceasefire was agreed upon on 25 July. Medical staff told UNSMIL that at least 30 Tuaregs died as a result, including three women and four children. Dozens more were reportedly injured (Report on the Human Rights Situation, 2015).

An estimated 2,000 displaced Tuaregs sought shelter in schools in Sabha, with more families fleeing to other parts of Sabha, Gheryan and Tripoli (Report on the Human Rights Situation, 2015).

Generally, Country Policy and Information, 2017, stated the tribal conflicts as follow:

In southern part of the country The UNOHCHR report of 15 February 2016 stated that: 'In Sabha, the major armed conflicts have taken place between Tabu, Al-Qadhadhifa, and Al-

Megharba armed groups opposed to the Awlad Suleiman armed group. In Al-Kufra, the conflict has been primarily between the Arab Al-Zwaya and the Tabu armed groups, with the Tabu accusing Al-Zwaya of favouring their own tribe in relation to, for instance, the provision of government services. Several armed clashes have focused on attempts to control strategic locations, such as oil fields or smuggling routes. Some level of alliances exists between tribal armed groups and either Operation Dignity or Libya Dawn, for example, it has been observed that the Tabu are generally aligned with Operation Dignity; while the Tuareg are generally aligned with Libya Dawn.

Generally, the primary drivers of instability and insecurity in Libya identified a complex array of political, security, economic and social factors. These structural factors are deeply embedded, fundamental issues that drive or mitigate instability and insecurity in the country. The interim Government faces many challenges in overcoming a legacy of more than 40 years of serious human rights violations and deterioration of the legislative framework, judicial and national institutions. The lack of security has greatly undermined an already difficult state building process in Libya, where the post-Qaddafi state was very weak both politically and administratively. Pedersen Katarina, (2013) argued that Libyan challenge of transitional justice based on the specific history that the country experienced under Gaddafi. That is the security, economic and social systems the country experienced negatively affect the aftermath situations. Frederic, 2014, stated Libyan challenges a weak central government, gutted of institutions by the dictator's idiosyncratic rule, has struggled to assert its authority over vast expanses of the country's territory. The restive eastern region of the country long marginalized under Qaddafi has witnessed a worsening spiral of violence between rival tribal factions, Islamists, and remnants of the old regime, as well as calls for greater political autonomy. Economically, Libya has suffered from the legacy of Qaddafi's economic mismanagement, poor decisions by its transitional government, and the deleterious effects of the recent eastern oil blockade by militant.

CHAPTER FIVE

5. Conclusion and Recommendation

5.1 Conclusion

The debates, understandings and concepts of Humanitarian intervention are changing from time to time. It is partly due to the nature of this field that different developments taking place. The recent development like R2P is a noble idea in the field of human rights since it provides new method of dealing with state sovereignty as well as humanitarian intervention. But first it is still open for misuse and for legal criticism like for instance it is not ratified and it never abolishes veto power. Second, despite this new climate of permissiveness, humanitarian intervention remains a controversial norm in international relations largely because of continued opposition from certain members of international society stating its potential negative consequences. These consequences includes its impact on the norms of territorial integrity and non-intervention, the creation of unrealistic expectations on the part of oppressed peoples, the negative side effects arising from the use of force and the potential for long-term 'occupation' by the intervening power. The third theme is that humanitarian interventions are plagued by problems of will and capacity. It cannot escape from the political environment that it belong rather both the decision to act as well as not act depend on it.

In the same way still the states are giving primacy for their national interests in practicing this intervention, lack of persistence in handling similar cases similarly and lack of action or unnecessary delays in treating even more serious cases are factors those contribute to the debates around humanitarian intervention. Given also the violations of international norms and principles within similar cases like in Libya where interveners focused on supporting rebels rather than protecting civilian in the 2011 uprising and the failure to protect civilians in the second civil war, it is possible to conclude that human rights issues have given only secondary role and used as a pre-text for intervention. Such debates are not groundless rather in the first case it is from lack of giving primacy for humanitarian issues as compared to states national interests. The misinterpretation and implementation of R2P not only affects the concerned states rebuilding but also it undermines its future in either similar cases or even in more serious cases of human rights violations.

Due to their varied attachment to a given regime and difference in the nature of national interests, almost always it is impossible to have common agreement about humanitarian intervention. Massacres of the innocent, forced displacement of populations, large-scale sexual violence and humiliation, and the wanton destruction of civilian property have been going on since the dawn of civilization. But, for the most part, those horrors were met with indifference, cynicism, or deep disagreement about how to respond to them (Evans, 2008).

Political willingness of the world's major powers determine how, when and why intervention take place or not take place. Given the variation in the interests of states in political and economic sectors, it is difficult to address on international consensus about human rights protections. So, National interests whether political and/or economic continue to determine the decisions around intervention as well as non-intervention despite the norms and the principles of international humanitarian laws. They support friendly states without considering their human rights record and use veto when their national interests are at stake. Thus, the issue of law and human rights take only secondary position. The same is true in the case of Libya that major powers had various reasons both for intervention and abstain in/ from the 2011 humanitarian intervention. These include political and economic interests. The human rights norms are contingent on especially powerful states enforcements and compliances. So, it is subject to power and interests. The complexity of world politics and economy makes it difficult to believe in the genuine human rights protection and conceder it as a responsibility. Humanitarian norms cannot work out of the political context that it belongs.

It was using the norm of R2P that the international community responded the 2011 Libyan humanitarian crises caused by structural and non- structural factors. It was caused by structural factors like tribalism, regionalism and corruptions while immediate causes are the imprisonment of Fathi Terbil, the human rights activist and attorney for families of those killed at Abu salim prison camp, and the changed system in some states in the region. The UNSC supported by regional organizations like AU and AL and passed two resolutions with different purposes. The first one is the 1970 UNSCR which imposed economic sanction, travel ban, arms embargo and freezing assets while the second was that of 1973 which empowered member states to use all

necessary means including military to stop civilian suffering. Regardless of the fact that the international responses bring the end of Gaddafi's regime and but certain political, economic and social supports are given, the crises in Libya in political, economic and social sectors continue.

The role of international community in rebuilding Libya is limited given the gaps between normative principles of R2P on rebuilding and the plan of the international organizations and their actual performance. For example R2P's third pillar made an international community responsible for maintaining security, economic and social developments. Similarly, UNSMIL also sets objectives like establishing security, promoting and protecting human rights and re-starting the economic and social sectors. EU and some western states like Italy, Turkey, USA and UK also attempts to maintain security in Libya. But the reality on the ground in Libya is insecurity, violations of human rights and deteriorated economic and social sectors. So, what an international community planned to solve and expected to solve are continuing. This is due to different international and internal factors. Internationally, the limited international roles in rebuilding Libya, the created security vacuum during transition, the interveners' primary focus on their national interests are the major ones. Similarly, internal factors such as inability of transitional governments to manage the situations, revenge measures on pro-Gaddafi, tribalism as well as competitions for political power, legitimacy and economic resources.

Libya's political process remains effectively suspended despite international and regional efforts to bridge the gap between the rival power centers currently struggling for control of Libya; the pro-GNA forces in western Libya, anti-GNA forces in eastern Libya, and the hardline anti-GNA and anti-LNA forces who are currently whipping up support in Misrata for a counteroffensive against the capital of Tripoli. The implications of these latest developments mean that the political conflict is now being managed directly on the ground via military conflict, with offensive being followed by counter offensive, where no one faction is strong enough to control the whole country. Within this political and military tug of war, power, influence and alliances can shift rapidly, changing who controls a given region overnight and therefore creating uncertainty and instability. If these dynamics continue unchecked, then the political process will likely remain suspended and Libya could be headed for prolonged conflict.

5.2 Recommendations

- It requires an increment for International community's (IGOs, NGOs and state level actors) presence for the primary purpose of humanitarian causes in all human rights, security, economic and social sectors to bring stale situations. International community expected to effectively manage the Libyan crises.
- International community should give primacy for humanitarian issues although difficulty to recommend the total ignorance of national interest given the nature of world politics and behavior of world states. Similarly, the ICISS list 'right intention' as the first of their precautionary principles for those discharging the responsibility to protect: the primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering.
- World states should not commit the four serious crimes that are genocide, war crimes, crimes against humanity and ethnic cleansing, to avoid external military intervention.
- There should be commitment of international and national actors to control the security situation of Libya which possibly led it to overcome other political, economic and social problems due to the fact that it possesses natural resources. For the healthy functioning of economic and social sectors. International organizations should have to send enough peace keeping missions to protect civilians and help GNA because it cannot manage everything in Libya unless supported in capacity building. There should be increased international presence based on humanitarian principles at least as a primary objective to solve humanitarian crisis due to the deteriorated security, economic and social landscape of Libya.
- The factious group should solve differences among them through diplomacy if they really interested in ending the sufferings of Libyan citizens.
- United Nation should have to ratify R2P to enhance its legal status although it is not a guarantee for the non- violation of the norm, it adds legal clarity. While no legal norm is

entirely free from potential abuse the use of codified criteria will diminish rather than exacerbate the problem of pre-textual interventions. Therefore, the status of humanitarian intervention must be clarified in international law.

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APPENDIX 1

INTERVIEW GUIDE QUESTIONS

1. What are the major causes for the 2011 Libyan popular revolution?
2. What are the interests of West in Libya during and after the intervention?
3. What kind of roles do the international, regional and national level organizations play in rebuilding Libyan economic, political, security and social sectors?
4. How the international community can conduct a successful post conflict rebuilding in war torn state?
5. What do you think African states shall do to avoid western military intervention?
6. Why Libyan civil war continues after Gaddafi?
7. What is the current security threats facing Libya

APPENDIX 2

LISTS OF INTERVIEWEE

Interview 1: June, 17/06/2016 With Solomon Mabrie (PHD), lecturer at Addis Ababa University, Department of Political Science and International Relations, Addis Ababa

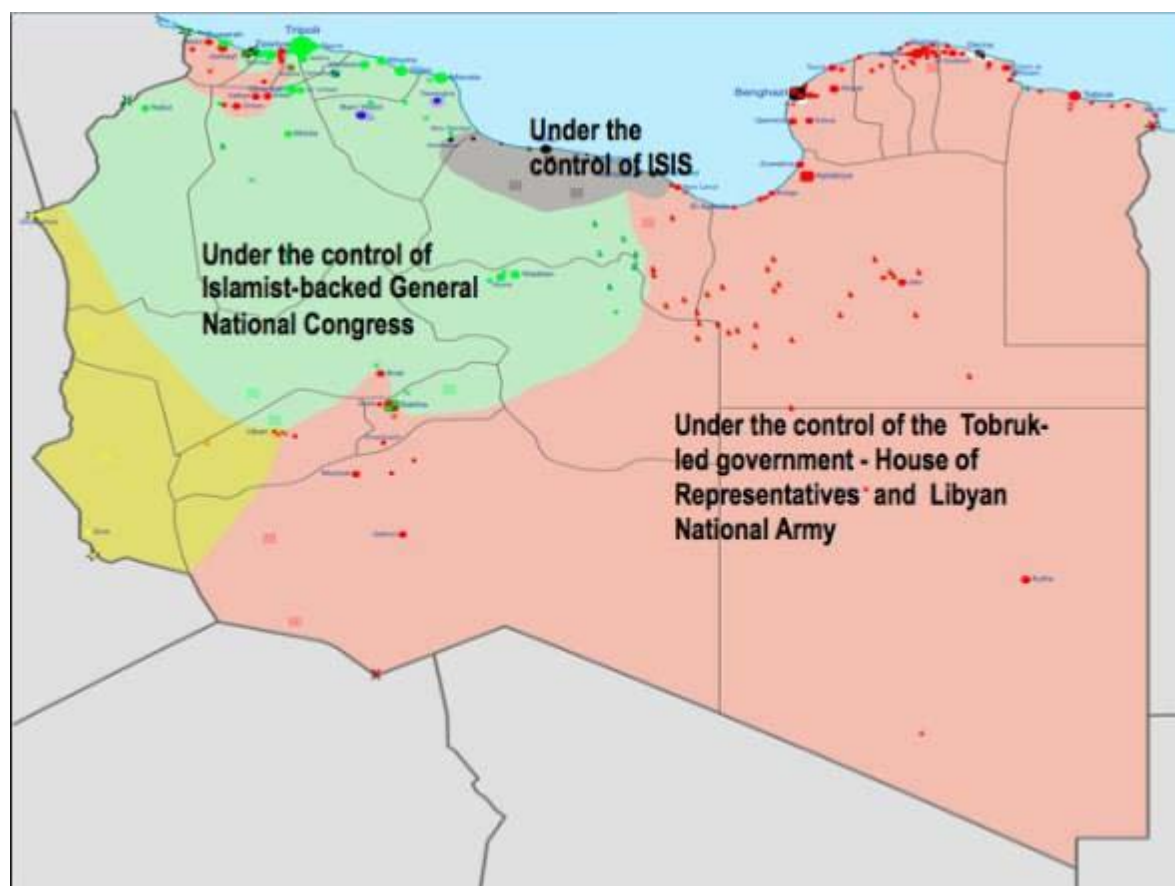
Interview 2: April, 27/04/2016 with Mr. Dawit Toga, a focal person of Libya at African Union peace and security department, Addis Ababa

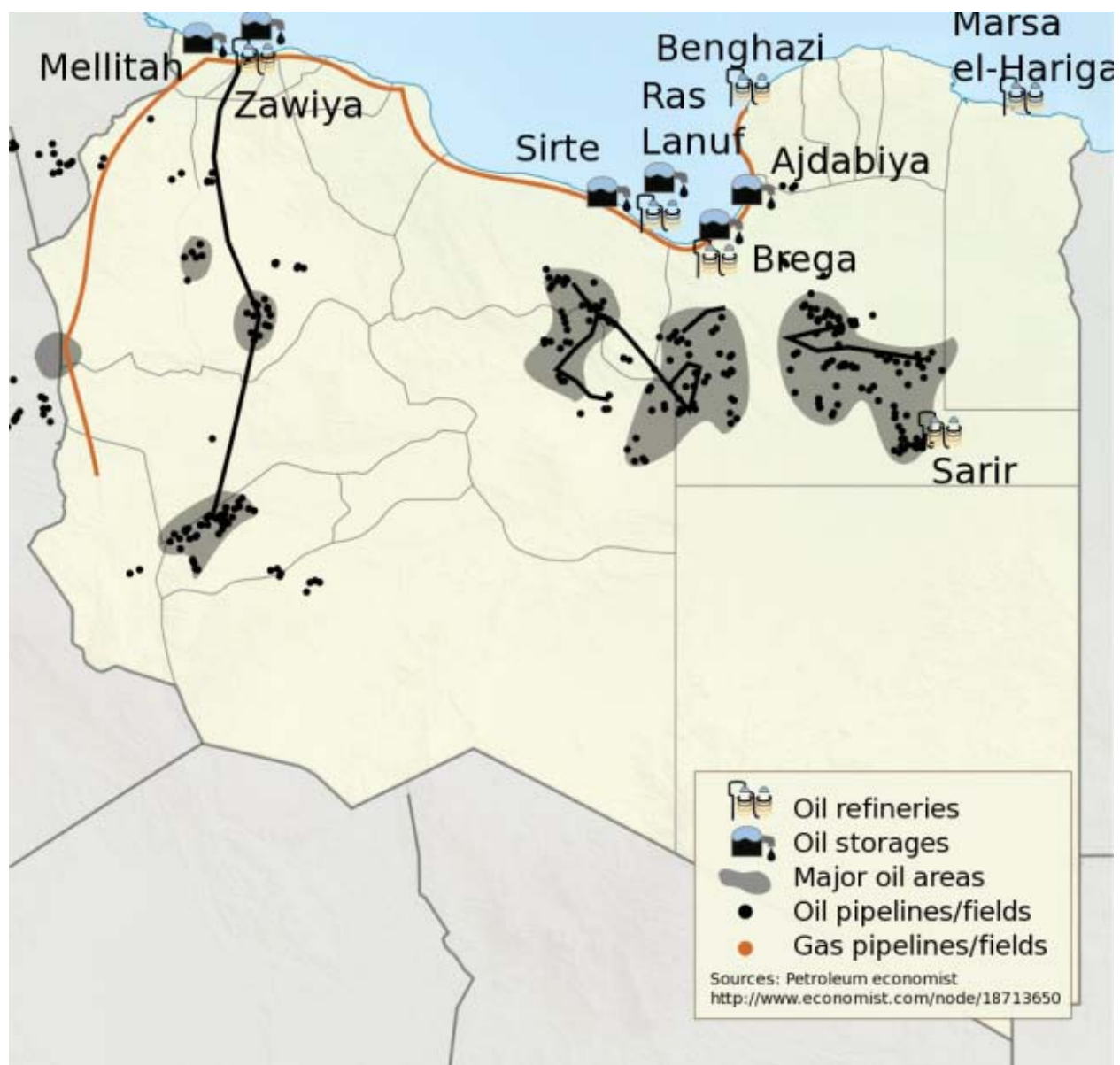
Interview 3: may, 20/05/2016 with anonymous researcher at Institute of Security Studies, Addis Ababa

Interview 4: may, 26/05/2016 with anonymous researcher at Institute of Security Studies, Addis Ababa



Map 1: Major geographical location of Libyan cities: source world map atlas





Map 3 map of Libyan oil distribution: source petroleum economist

