

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

THE PURSUIT OF NATIONAL INTERESTS THROUGH DEFENSE ALLIANCES:

A CASE STUDY OF NATO IN LIBYA

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DECLARATION

This thesis is my original work and has not been submitted for any Award in any other University.

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This thesis has been submitted for examination with my approval as the assigned University Supervisor.

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DEDICATION

I wish to dedicate this work to my dear family, my father, David Muliru, my mother, Fatuma Muliru, my siblings Sharyn Muliru and Bryan Muliru and my lovely niece Natalie Muliru for their support, patience and sacrifice during my study.

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ABSTRACT

This study focuses on the quest for national interest via defense alliances; a case for NATO in Libya. It examines the motivations behind the actions of western states within defense alliances to invade Libya and what were the effects on Libya together with its immediate states. The study is concluded with recommendations on more positively impactful operational strategies to ensure that the defense alliances do not exceed their authorized mandate when conducting humanitarian interventions. Furthermore, the study recommends the involvement of the African Union to play a more prominent part in the management of clashes within its member states considering in the case of Libya it held more legal basis than any other regional organization to intervene. The study sets out two hypotheses. The first one was that defence alliances like NATO influence humanitarian interventions to advance national interests. The second hypothesis was that military action of NATO resulted in an end to a dictatorship. The study which depended largely on primary and secondary data with the intermediate use of maps and tables including thematic approach to present the information was situated within the realism theory.

This study adds emphasis on the realism theory that national interests are always at the forefront of all foreign affairs. Seeing that the foreign system is revolutionary, more powerful states are capable of using defense alliances to pursue their own national interests. NATO's main objective after the passing of the UNSC Resolutions was to protect people's lives within Libya but only a few days after these resolutions were passed their main purposes shifted to a regime change with the defense alliance having even funded rebel groups to ensure Gaddafi is overthrown from government. This in result has raised concerns over the Responsibility to protect doctrine whereby states fear the action from the international community that might violate their states sovereignty without any consequence from the international law or UN Security Council.

This study demonstrates analytically the ramifications of NATO's invasion for African continent, reviewing where the aftermath of the intervention placed the African Union as the custodian of African security and peace. The credibility of AU has been questioned due to its apparent lack of active involvement in the Libyan conflict, however, it is necessary to note that the AU did look to achieve dispute settlement, but was met by the UNSCs and NATO's brisk action to pass and implement the resolutions 1970 and 1973. The AU adopted a roadmap based on an all-inclusive political settlement- an instant ceasefire; unthwarted delivery of humanitarian aid; foreign national protection; and dialog for a political settlement between Tripoli and Benghazi. However, cooperation prospects were made slim by NATO's understanding of Resolution 1973, which included the enforcement of a NFZ and the use of "all possible means paving the way for Libya's aerial bombing and the overthrow of the Gaddafi regime.

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List of Abbreviations

AFRICOM	Africa Command
AU	African Union
AU PSC	African Union Peace and Security Council
AQIM	Al-Qaeda in the Islamic Maghreb
AST	Ansar al Sharia in Tunisia
ASL	Al-Qaeda's Senior Leadership
EU	European Union
FRY	Federal Republic of Yugoslavia
GNA	Government of National Accord
HoR	House of Representatives
HRW	Human Rights Watch
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
IS	Islamic State
LNA	Libyan National Army
NATO	North Atlantic Treaty Organization
OPEC	Organization of Petroleum Exporting Countries
PKK	Partia Karkaren Kurdistan
R2P	Responsibility to Protect
UN	United Nations
UNSC	United Nations Security Council
UTA	Union de Transports Aeriens
VNSAs	Violent Non-State Actors
WMD	Weapons of Mass Destruction

Map of Libya showing the Geopolitical Boundaries



Source: <https://www.globalresearch.ca/libya-s-war-for-the-abaya-women-s-rights-and-nato-s-support-of-pro-islamist-rebels/25806> Accessed in November 2019

Chapter One

Introduction to the Study

1.0 Background to the Study

There are many forms of international interventions by countries in situations of conflict, including political, military, or economic. In 1989, the collapse of Berlin Wall brought an end to global bipolar dominance and communism. In the recent past, international intervention has been a hotly contested issue in the foreign law. The realism theory contends that in matters of internal affairs, no state can wedge war against another on any other grounds except self-defense. This is to mean that intervention is warranted from a more liberal perspective of protecting the innocent and of righting wrongs.¹

Global community accepts military interventions in few occasions, and few nations claim that there is no justification for international intervention whatsoever. Besides, most of these countries have a debatable record of safeguarding the citizens' rights of their citizens. North Korea, Cuba, and Zimbabwe are good cases. According to International law, with reference to the UN Charter, any situation whereby there is grave abuse in human rights, there is cause for global action.² It's therefore the moral obligation of the global community to come in the cases whereby the minority within a powerful state are being subjected to constant abuse; the sovereignty of the state in this situation should, therefore, not be used as a way to protect the perpetrators of human rights violations from the necessary consequences. However, despite how well intentioned they are, global mediations still encounter many contradictions and inconsistencies. This has forced many to believe that they are both a failure and unable to avoid the problem of imperialism.

¹ Rashid, K. (2012) 'Is humanitarian intervention ever morally justified?'

² Simma, B. (1999) 'NATO, the UN and the use of force: Legal Aspects'

The United Nations have allowed defense alliances like NATO to use military force in areas of disputes so as to avoid infringement of human rights via criminal acts like genocide and restore stability within the international community as well as the affected regions. The main role of NATO is to protect the state's sovereignty and security commissioned via different acts including cyber-crimes or terrorism from military groups who employ lethal weapons of mass destruction that compromise the members. NATO's primary responsibility is, therefore, to guarantee regional stability to its members. Also, member's states acting through regional organizations or nationally can assume better measures to protect the lives of the general public being threatened by internal or external attacks in the country. ³

In 2011, NATO started a military campaign in Libya against forces used by Muammar Gaddafi so as to prevent further violations of human rights of Libyan civilians that were being witnessed under his reign.⁴ These strikes (by NATO) were in the best interests of the UN Security Council resolution 1973 of 2011 that permitted all members to take actions so as to safeguard citizens under dangers of attack in the Arab Jamahiriya of Libya, interpreted as (state of masses". The decision by UNSC not to introduce "NFZ" in Libya raised concerns over the sovereignty of Libyan state within the global arena, in which external organizations could have full powers and prevent aeroplanes from flying within the country's airspace in an effort to make the sanctions more tight on Gaddafi rule together with its proponents via this humanitarian mediation. ⁵

Sorry to say, during this humanitarian intervention, NATO strikes saw many innocent civilians suffer injuries and others lose their lives. As per the report by HRW, the actions taken up by NATO contributed directly to over 70 deaths, including children and women. This is

³ Ibid.

⁴ Chivers, C. and Schmitt, E. (2011). Scores of Unintended Casualties *

⁵ Debora Valentina Malito. (2019) Morality as a Catalyst for Violence 104-121.

mainly due to the release of bombings in non-militia target by NATO. As a result of this, NATO's agenda to carry out an attack on the Libyan soil is questionable.⁶ This idea was used by the UNSC to revoke NATO's grant to mediate within countries in the global arena.⁷

1.1 Statement of the Research Problem

Defense alliances have and continue to manipulate international interventions to advance their national interests in the global society. A good example is when the United States attacked Iraq during Bush regime arguing that Iraq was using weapons of mass destruction. This attack, pretended to be humanitarian mediation, was commissioned in 2003 and up to now, no WMDs have been uncovered. Therefore, it's evident that Libyan invasion was inspired by the need for resources as opposed to humanitarian assistance. Prior to the invasion, the local oil sector of Libya had been completely nationalized and shut from oil companies in western countries.

10 years after the war, foreign companies had largely privatized and dominated the oil areas. Therefore, it is clear that states use these defense alliances in in the advancement of selfish interests in under the umbrella of public-spirited assistance. The decision by NATO to invade Libya that resulted in change of administration rather than protection of the minority of civilians within Libya is another good case of motivated international intervention. Still, there are other convincing cases that demanded humanitarian intervention but none of them drew attention like Libya did. Defense alliances did not take any action for the minorities in cases for Syria, Liberia, Somalia, Rwanda, and Sierra Leone that have encountered many killings and abuses of human rights.

⁶ Pattison, J., 2011. The Ethics of Humanitarian Intervention in Libya..271-277.

⁷ Ibid.

For that reason, it is clear that humanitarian intervention is only possible when states believe they can advance economic, political, or military interests. In Libyan case, oil resources were point of focus as the country was endowed with billions of oil reserves. More so, the ideology held by Gaddafi calling Africa to be unified and have a common currency threatened the western world, and this shows the actions taken by NATO to support the rebel groups within the country to stimulate change in administration. The attack against Gaddafi by NATO can be explained in the framework of Europe and America battling for their power and existence in the global community that would be finally threatened through an independent continent, Africa. And so, this means that humanitarian intervention is pegged on national interests, be it economic, political, or military.

1.2 Study Objectives

The overarching goal for which this study was conducted was to establish whether defense alliances advance national interests in times of international interventions; a case for North Atlantic Treaty Organizations (NATO) in Libya. In specific, the inquiry endeavoured to:

- 1) Determine the correlation of humanitarian interventions with national interests
- 2) Question NATO's actions in Libyan in the advancement of economic, political or military interests
- 3) Examine the ramifications for NATO's mediation in Libya for the entire African continent

1.3 Research Questions

In correspondence to the above study objectives, the project endeavoured to respond to the following questions:

- 1) Do national interests motivate defense alliances to take international interventions?
- 2) What motivated NATO to intervene in Libyan case?

- 3) What did NATO's mediation in Libya mean to African states?

1.4 Literature Review

This research project reviewed foreign mediation within global society by use of case studies, and how defense alliances manipulate them to pursue their national interest. The role of this literature review was to question the defense alliances' motives during global intervention. In specific, it questioned NATO's action in Libya and what that meant to Africa after Gaddafi's administration was cut short. Besides, the literature review analysed the contribution of international law during these attacks.

1.4.1 The US Attack in Iraq

The decision to invade Iraq was heavily debated upon and was viewed as the most significant foreign policy decision within the international community. There seems to be extremist cleavage on how and why US America attacked Iraq, and Iraq weapons of mass destructions that proved to be hollow as compared to other types of wars.

Following the war, it's evident that Bush regime had hidden motives pertaining to this attack bearing in mind that Saddam Hussein didn't have any crucial WMD capability and most definitely not any powerful enough to threaten America. Even the arguments that a nuclear armed Iraq threatened America and wedging a preventive war was the only solution were discredited. It was inferred that the main reason that made intervention ineffective for American goals was that Bush rule was had ignorant ambition to overthrow and dominate any regime it hated.⁸

⁸ Robert Jervis, 'The confrontation between Iraq and the US: pp. 315–337

An oil reserve is the most outright motive that may have brought about the war Iraq and America. The attack raised concerns on why a state like North Korea whose nuclear abilities were and are still real should be spared whereas Iraq, a country that has the second largest oil reserves across the world and offered no possible threat to United States was targeted for invasion.⁹ It's so clear that no American leaders would think of such a dangerous act without powerful intentions behind their actions, and for years, US has developed immediate motives for any American militia action in the region of Gulf in Persia.¹⁰ One agenda that fuelled the war can be thought to be the control of large oil barrels in Iraq and secluding American competitors in an fierce oil market. Neo-conservatives believe that the capture of Iraq would affect OPEC adversely and the persistent American taking over of the Libyan state is to stop this lucrative oil reserve from falling in the hands of predators other than the US.¹¹

The battle in Iraq had negative impacts on both Iraq and America as well the international community as a whole, and this is mainly because international aid is almost unavoidable when met with such situations.¹² USA's verdict to attack Iraq stemmed from the realist theory of global relations. As per this perspective, man has for a long time been in the hunt for power and the fight for power is the nature of humanity.¹³ This is a compelling claim because from the time when Soviet Union collapsed, America has been the most powerful global state and its apparent that it wants to retain its status. In the year 2013, American hegemony was frightening and it did not hesitate to attack Iraq. Besides, American grand strategy under Bush administration to assume a forceful claim of global hegemony is the first step in comprehending Iraq's invasion.¹⁴ America's protectorate over the "global oil barrels converged in the Gulf of Persia is one of its

⁹ The Guardian, 4 June 2003.

¹⁰ Ibid

¹¹ John Judis, The New Republic*

¹² Özdemir, R. 2011. „Invasion of Iraq: A Reflection of Realism): 103-115.

¹³ Ibid.

¹⁴ Hinnebusch, R. 2007a. „The American Invasion of Iraq: 9- 27

strongest pillars; oil is a precious commodity in demand and is important to militia power and ensuring its flow to the global economies make America indispensable across the world.

Principally, the U.S oil was experiencing high levels of risks. The dependence on US import was increasing in the tightest oil market whereby world production was rising, therefore, shifting power balance within the global economy to oil producers such as Iraq. These conditions therefore threatened to make the world capitalist and US economy susceptible to an oil tremor; a fatal action for American presidents in the entire history. Iraq was deemed an answer to these possible threats because its oil reserves come second globally and costs of production are low.¹⁵

Evidently, the U.S invasion in Iraq could not be supported as humanitarian intervention or self-defence therefore it could not be viewed as a just cause of the war. As stipulated in Charter (Article 51), a natural right of self-defence as exempted from Article 2(4) forbids forceful action in a situation of armed attack. But these UN articles do not support forceful action as a weapon of self-defence before the invasion sprang up. Iraq had not invaded the U.S or threatened the security of international community with the use of the supposed WMDs but was invaded on assumption. The argument by Bush administration that humanitarian intervention was the grounds for the invasion is also weak. Global intervention is only justified when civilians are threatened by severe and irreversible destruction through the massive loss of lives of innocent civilians within the state, whereby it can fall under the intention of genocide. In this case, the state is either turning a blind-eye towards all this, unable to act or is just generally a failed state and is therefore, not playing in to safeguard its citizens from danger. Additionally, anticipated or actual ethnic cleansing, whether conducted through rape, murder, terrorism, or forced expulsion is another root cause for humanitarian intervention.¹⁶ Therefore, this shows that as compared to

¹⁵ Ibid.

¹⁶ Enemark, C. and Michaelsen, C. 2005. „Just War Doctrine and the Invasion of Iraq’ 545-563.

other states in the international arena, Iraq did not fall under the criteria for just war, it was not in a position to defend itself as a country and it was clearly the U.S using its power as a super power to manipulate the use of altruistic intervention as a reason to invade.

1.4.2 Global Interventions and International Law

Past cases that have called for foreign intervention-incidents that can be perceived as exertion of militia force to end infringements of human rights-have been on few records and far reaching.¹⁷

In many incidences, it is usually a situation whereby, a single state has taken action to mediate in an immediate country after being given permission by the United Nations Security Council for collective self-defense through a resistance alliance such as NATO.¹⁸ Such interventions have typically stimulated various responses whereby, either most countries within the global arena have secretly accepted the interventions without putting into consideration their legal roots of these actions, or most of the member states have condemned these interventions breach of international statute.¹⁹ Regardless, the effect on foreign institutions and law has been quite selective. But it is necessary to note that the mediation in Kosovo was special in two ways. First, it was a combined effort by the most powerful and richest states across the world, countries that had direct association with and keen on enforcement of law in foreign matters. Therefore, this humanitarian intervention couldn't be written off as the abnormal action of an individual state with little or no precedential value, or as a straightforward and temporary infringement of foreign statute. More so, the participating countries made somewhat little struggles to include the deterrence into lawful classes as stipulated in the United Nation Charter forceful action.²⁰

¹⁷ Ibid

¹⁸ Cristina G. Badescu *Canadian Journal of Political Science / Revue canadienne de science politique* Vol. 40, No. 1 (Mar., 2007), pp. 51-78

¹⁹ Murphy, S. (1996) Humanitarian Intervention

²⁰ Franck, T. (1999) Lessons of Kosovo, 857, 859

1.4.3 Duty to Safeguard in Libya

As argued by Thakur, Libya offered a chance to convert the firm promise of R2P and honourable sentiments into important action within the international community in the year 2011²¹. Therefore, in the eyes of improved meaning, the UNSC approved Declaration 1973 that embraced a NFZ over the dispute areas of Libya, or allowed individual states to assume all possible actions to safeguard the general public that were being threatened by Libyan invasion.²² Even though operative provisions do not make definite reference to R2P, the preface to the Resolution 1973 contends that the UN for Security Council stressed on the role of the Libyan government to safeguard its peoples.²³ It's worth mentioning that the UNSC for the first time allowed intervention without getting the consent of the host country during after passing of Resolution 1973.²⁴

The very quick adoption of the UNSCR 1973 could be supported as an important cause of action because of the terrible deteriorating state of Libya. The crisis that took place in Libya in 2011 was basically an uprising to put an end to Gaddafi's regime, who had been office for over 40 years following an effective militia coup in 1969.²⁵ Muammar Gaddafi ruled Libya through Jamahiriya, a self-proclaimed political system that was translated as "state of masses", where the general public had powers but in theory.²⁶ Civilians in Libya were led by expressing their opinions in voting issues at Basic People's Congress and small local gatherings that would then proceed to the Committee of NGP. But in real only a small fraction of Libyan civilians (10%) exercised their democratic rights on political issues.²⁷ Via Jamahiriya, Muammar Gaddafi

²¹ BBC News. 2011. 'Libya: Russia decries French arms drop to Libya rebels'

²² United Nations. 2011. 'Security Council Imposes Tough Measures on Libyan Regime'

²³ UN Security Council, *Security Council resolution*

²⁴ Bellamy, A. J., & Williams, P.D. 2011. 'The New Politics of Protection?' p.825-850

²⁵ Ibid

²⁶ Joffe, G. 2011. 'The End of Autocracy?' p.12-19

²⁷ Ibid.

theoretically had no conventional, political, or administrative responsibilities²⁸, but still he led through dictatorship, retaining all the powers and making all important decisions in small state elite.²⁹ The official administrative frameworks of this system only functioned as vehicles for implementing procedures and policies that came from the informal networks under Gaddafi's regulation.³⁰

The governance style employed by Colonel Gaddafi is crucial to the assessment of the pre-conflict environment since Libya did not have recognized form of government, hence there no room for democratic opposition to the oppressive administration or accountability. More so, it was hard if not impossible for the United Nations to bargain an R2P operation under the second pillar of R2P proposed by the UN Secretary General, because Gaddafi was not the Libya's recognized sovereign leader. An implication for this was that Gaddafi was the most sheltered and at the same time most powerful person in the Jamahiriya in his self-pronounced power as the revolutionary guide.³¹ Still, it was ironical that Gaddafi's administration almost came to an end through his famous grassroots politics he himself supported.

The main cause of the Libyan violent civil war is attributed to peaceful demonstrations by civilians in Libya that were greatly affected by the protests from Arab Spring stretching from Tunisia to Egypt.³² The only separating point was that Gaddafi responded with force instead of surrendering the power just like Egyptian and Tunisian leader had done³³. The demonstrations started following the apprehension of human rights attorney Terbil Fathi. Fathi was interviewed on BBC and expressed that the pressure for human rights expanded after the security solutoons applied force to contain protestors, wounding or killing majority of them. This fierce reaction by

²⁸ Hajjar, S. G. 1980. 'The Jamahiriya Experiment in Libya: p.181-200

²⁹ Ibid

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Daalder, I. and Stavardis, J. 2011. 'NATO's Success in Libya)

government of Libya soon intensified, with rumors that the forces of the time were using warplanes and tanks against the protestors, and killing those officers who denied employ state's instruments against its civilians.³⁴ Besides, the United Nations OHCHR provided information on arbitrary arrests, ill-treatments, enforced disappearances, beatings, killings, injuries, and torture of demonstrators including journalists, lawyers, and human rights defenders.³⁵

The use of genocidal language by Gaddafi opened international community's eyes that condition had worsened. Since the Rwandan genocide of 1994, the situation was considered most straightforward statements of a kind emanating from any government.³⁶ While addressing the nation on television, Colonel Gaddafi affirmed that police officers have been positioned in all regions and tribes so that they can cleanse all decisions and that any civilian who battles the libyan government will be killed.³⁷ It was very apparent that the continued use of such statements and violent actions by the government that the lives of the civilians were threatened and were not within democracy. In February 2011, the UNSC approved Resolution 1970 that asked member states to intervene in Libyan case, and demonstrated its preparedness to think of taking further actions required to attain it. However, the UNSC managed to authorize action under pillar III of the R2P after ratifying Resolution 1973.

The reason UNSC adopted Resolution 1973 was to safeguard people of Libya with that being one of the major R2P's principals, NATO, as member states' alliance, were allowed to act under the consent of this declaration, and because of this was the main institution imposing its provisions.³⁸ A report by New York Times about the emergence of the Libyan conflict that described the action as a real collation attempt stated that the victory of NATO was swift that

³⁴ Brahimi, A. 2011. 'Libya's Revolution', p.606

³⁵ Ulfstein, G. 2013. 'The Legality of the NATO Bombing in Libya' p.159

³⁶ Lynch, J. 2011. 'Responsibility to Protect After Libya'. p.68

³⁷ Ibid

³⁸ Ibid.

watched coastal regions of Libya, saved many lives of Libyans, and grounded Gaddafi's air force.³⁹ This well-timed reaction worked well directly corresponding to Pillar III responsibility to start R2P actions in a decisive and urgent way. Even Susan Rice, the then UN agents in US, admitted that she cannot recall a time in recent history when the UNSC had acted in unison, swiftly, and so decisively on a serious issue of global human rights. Gaddafi's forces were weakened by North Atlantic Treaty Organization via repeated invasions, helping the rebel's efforts to a great extent. Based on these operations, Libya was effective in safeguarding the populated areas and its people against danger of invasions in the Arab Jamahiriya of Libya.⁴⁰

However, the so-called triumph of the NATO operations in Libyan state is weakened by the motive behind this mediation. Following the approval of resolution 1973 by United Nations, a newspaper reported that militarily, morally, legally, and politically, this intervention was justified on one ground: safeguarding the civilians in the best ways possible. When this duty is accomplished, so is the military's work. Any change in administration is for the general public in Libya themselves to accomplish.⁴¹

Even with this claim, the main focus of NATO militaries seems not to safeguard Libyan people but to do away with Gaddafi's administration. As understood by NATO, Resolution 1973 gave permissions to many military practices. In just two days following the approval of this resolution, military forces from NATO members including the US, Canada, France, and Britain carried out aerial bombings against intelligence corporations and military forces of Libya that prolonged for the next 8 months.⁴² These aerial strikes were common and were criticized for their gravity. For instance, Russia drew attention to the civilian victims that came from the aera

³⁹ Daalder, I. and Stavardis, J. 2011. 'NATO's Success in Libya', *The New York Times*, (30 October)

⁴⁰ Ibid.

⁴¹ Evans, G. 2011. 'UN Targets Libya with Pinpoint Accuracy', *Sydney Morning Herald*, (24 March)

⁴² Keating, T. 2013. 'The UN Security Council on Libya: Legitimation or Dissimulation?' p.162-190

bombings. Similarly, China showed its dissatisfaction with a subjective understanding of the resolution.⁴³

It was also very apparent that NATO supported a change in regime due to their obvious backing of the efforts of its rebels. Besides being trained in combat by foreign military advisors as well as British and France intelligence agencies⁴⁴, Libyan rebel forces allegedly received arms from French forces. According to Russian Foreign Minister, these actions were serious violation of UNSC Resolution 1970 that had set Libyan arms embargo. During March 2011, NYT announced that countries in the west were at the moment invading arms in Libya, calling UN authorization to launch a NFZ to safeguard Libyan people.⁴⁵ It's alleged that the help offered by NATO was in form of supplies to the rebels who purposed to oust Colonel Gaddafi did not align with intentions of United Nation Security Council, and in its place spread the war and intensified the harm to citizens.⁴⁶ Forceful action without getting permission from the receiving state that seeks to safeguard peoples' lives is the primary reason NATO operations were a failure. In the words of Hardeep Singh Puri, a former UN ambassador in India, "NATO turned out to be an UNSC's military wing, devoted not to protect citizens in Benghazi but to dethrone the Tripoli government."⁴⁷

The Libyan administration was clearly one that imposed unfair living standards and violated human rights in its residents. For that reason, the intents of the NATO actions in overthrowing Gaddafi's rule were in a way shown by good plans to safeguard the civilians in Libya. But trying to overthrow a regime is an improper use of the R2P norm and go against global standards of state sovereignty. More so, though not overtly endorsed by the United Nation

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Kuperman, A. J. 2013. 'A Model Humanitarian Intervention?*', p.114

⁴⁶ Ibid.

⁴⁷ Nuruzzaman, M. 2013. 'The 'Responsibility to Protect' Doctrine: p.64

during the 2005 Global Summit, the first ICISS reported proposed that states ought to focus on the duty to rebuild when acting under the R2P, in which the mediating countries should offer full support with reconciliation, recovery, and reconstruction, concentrating on the sources of the destruction for which the action was planned to avert or halt.⁴⁸ Member states of UN and NATO clearly did not help Libya in this process in the ensuing civil war and in the wake of the assiatnce. Following the execution of Muammar Gaddafi by rebel militaries, Libya remained a lawlessness state with 125000 armed forces continuing to control various parts of the nation and causing conflict among them.⁴⁹

The actions of R2P show a devotion to the safeguard of civilians from crimes of mass atrocities. The original intention of implementing the R2P on Libyan soil by UNSC via Resolution 1973 was to protect the Libyan populations. During the Libyan civil war, Gaddafi's administration had resorted to using genocidal statement and intensive violence. But the motive behind the ousting of Gaddafi stimulated NATO practices in Libya. This does not align with the R2P ideological principles hence amounting to ineffectiveness of the norm within Libya.⁵⁰

This flop via militia commitment on inappropriate ends and means generates a bad precedent that can undermine the idea of R2P. This case has by this time started to manifest in present clashes, including the present Syrian situation.⁵¹ Whether R2P, that seeks to protect civilians against serious offenses, will be applied well in future remains an issue to be hoped for. Even though the United Nation in the same way permitted the United task force to intervene in

⁴⁸ ICSS. 2001. *The Responsibility To Protect*. Ottawa: International Development Research Centre, p.XI

⁴⁹ Ibid.

⁵⁰ Ibid

⁵¹ Morris, J. 2013. 'Libya and Syria: R2P and the Spectre of the Swinging Pendulum'

Somalia, this is because Somalia did not have a central government but not against an individual.

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1.5 Study Justification

1.5.1 Academic Justification

The debate on the utilization of defense coalitions to advance selfish interest is crucial in understanding how west defense alliance mediations like the Libyan one are manifestations of capitalist hegemony and only makes the same power more strong. This research thesis sought to determine how member states manipulate international interventions to advance their economic, military, and political interests in sovereign countries in the global arena. Besides, it further explored the intention of NATO's attack into Libya in 2011 together with the ramifications following the enactment of UNSCR 1973 on Libyan soil, as well as the effects of change in Gaddafi's administration on the entire African continent. The researcher argued that the Libyan attack by NATO was not on the basis of foreign intervention but were on the grounds that western world was collectively advancing their own interests.

The research project also looked into other global interventions conducted by defense coalitions within the global arena, including American attack in Iraq bearing in mind that Iraq did not threaten America's security as opposed to other states. Also, keeping in mind that the attack was based on the assumption that Iraq possessed WMDs that threatened the US security, many years since the attack and execution of Saddam Hussein have passed and these weapons haven't been found yet. Now, the big question is, "what was the motive behind this intervention, and what is international law's stance on when influential states intervene into powerless states to pursue selfish interests?"

⁵² Ibid

1.5.2 Policy Justification

This examination was inspired by the notion that the primary purpose of defense coalitions like North Atlantic Treaty Organization is to protect the minorities especially in states that cannot protect themselves from activities of rebel groups, military groups, or their own government. In its place, in Libyan case, North Atlantic Treaty Organization was in support of the rebel group operating in Libya in favour of the change in administration. The outcomes of this change in regime were increased infringements of human rights and atrocities of the general public in Libya. In the view of this, the current examination endeavoured to add to the existing policies on the correlation of foreign interventions with national interests.

The current study examined the existing policies that measure the degree of global interventions and the extant organizations like United Nation Security Council that are tasked with overseeing these public-spirited actions by states within the system of anarchy. Additionally, the researcher reviewed the current policies that propose the actions that should be taken when a powerful state violate UNSC principles and their effects, if any.

1.6 Hypotheses

1.6.1 The use of force by NATO brought an end to a dictatorial rule

1.6.2 Defense coalitions including NATO influence public-spirited interventions to advance political and economic interests

1.7 Theoretical Framework

The inquiry was anchored on the model of neorealism and how it guides the responses of state while intervening in foreign affairs. The focus of neorealism is not on the role of nature of mankind in the cause of disputes but on framework of the global state network. Up to now, no

single state engages in conflict due to nature of human, but because surrounding environments creates incentives for them to be involved in clashes.⁵³ Realism is the prominent theory of international relations due to its archaic architecture; neorealists believe that states are in the hunt of power since the nature of the international system lacks ultimate arbiter or centralized authority that is so superior to them.⁵⁴ Take UN for instance, few states consider it a coercive force in the system of international community.⁵⁵ This theory offers information on the national interests of states and their need to remain powerful. State capabilities in form of technology, natural resource endowment, military and economic growth, and demography are important in the survival of countries. This goal for survival is a motivation for comparative advantages. Countries within the global arena are differentiated based on their capability levels, and as every single state attains a different capability level, its survival goal is enhanced. Therefore, neorealist scholars attempt to portray a comparable image of the know-hows every single state has at a specified time.

As said by Waltz, realism theory asserts that conflict and wars arise from selfish acts that come from human architecture of advancing a person's interests. It also argued that flaws within a state in which domestic or national policy issues arise may result in wars among countries within the global arena. The rebellious state of the global system reveals that no guaranteed harmony within the global arena exists.⁵⁶

According to neorealists, countries that defy the grain in global community are challenging the national peace and security of the US, and are thus trying to shake-up the power balance in the global community. It was believed that Gaddafi had an extremely aggressive association with the

⁵³ Igwe, Abdullah, M. A. I. L., Kirmanj, S., Fage, K. S., & Bello, I. (n.d.). 9470.

⁵⁴ Ibid.

⁵⁵ Soendergaard (2008). The political realism of Augustine and Morgenthau*

⁵⁶ Waltz, K. (1993). From man, the state and war.

western world and hence any cooperation and containment appeared to be unproductive in reducing his impact on African countries. In this case, conflict and confrontation was more favourable because America as a super power was stronger. It achieved this through application of force all for humanitarian intervention by use of defense coalition North Atlantic Treaty Organization, in which its available militia force and Libyan attack would produce comparative gains. By itself, the focus of American intervention in Libya was primarily on pursuing security interests in a revolutionary system by overthrowing a “rogue regime” forcefully. Considering the way in which neorealism has been interpreted, human rights remain an irrelevant issue in NATO’s objective to intervene in Libya; in its place, it was hostile quest for Libyan’s change in regime by the defense alliance. Additionally, neorealists disagree with the liberal claim that foreign law has the ability to regulate the rebellious architecture of states and control behaviour of states during foreign interactions, but rather stating that international law is merely an instrument to either be misused or used hegemonies state within the global arena.

Furthermore, Resolution 1973 did not allow for regime change or offensive action. Even though Gaddafi’s rebels had many connections to activism that inspired even additional human rights infringements, NATO continued to violate the arms embargo by aggressively providing weaponries to this group of insurgents. NATO also went against the structure of the United Nation resolution via the use of Canadian, American, and British forces on the ground.⁵⁷ For neorealists, therefore, understanding politics were key for the decision by NATO to attack Libya rather than safeguard the lives of innocent citizens whose rights to life were being defied.⁵⁸

⁵⁷ Wang, Marian, Nicholas Kusnetz and Lois Beckett. “FAQ: Key Questions on Libya’s Coming Transition.*

⁵⁸ Fitzpatrick, Meagan. “Canada unfreezing \$2.2B in Libyan assets*”

1.8 Study Methodology

According to Wang, research methodology is a theoretical and logical assessment of techniques employed in area of research, including measurement variables, research design, procedures for data collection, and data analysis processes

1.8.1 Case Study

By using case study approaches, the investigator can go beyond the quantifiable statistical findings and comprehend behavioural situations from the perspective of the actor. When both qualitative and quantifiable data are incorporated, case study is able to show the outcomes and processes of a concept via complete reconstruction, analysis, and observation of the cases under consideration.⁵⁹

Previous research shows the use of case study approach in varied disciplines and fields. Candidates include natural cases in areas of Medicine,⁶⁰ Sociology⁶¹ and Law.⁶² In addition, case study methods have been used in other areas, especially in education, government, and management. For example, there are research works carried out to establish if certain public initiatives were attained or whether the programs were efficient. In education, evaluative studies were performed to analyse how effective educational initiatives and programmes were. In such incidences, focusing to only quantitative approach would conceal some of the valuable information that should be unearthed.

⁵⁹ Tellis, Winston, (1997). Introduction to Case Study. The Qualitative Report, Volume 3, Number 2, July. (<http://www.nova.edu/ssss/QR/QR3-2/tellis1.html>).

⁶⁰ Ibid

⁶¹ Ibid

⁶² Lovell, G.I., (2006). Justice Excused: The Deployment Of Law * 283-324 .

This study will use the multiple-case design whereby there are practical cases that offer many supporting evidence via imitation as opposed to sampling criteria. As said by Yin,⁶³ generalization of case study results, from either multiple or single design, is grounded on theory as opposed to populaces. Multiple-case design supports and enhances the earlier results copying the case via matching of pattern, a method that links several sources of evidence from the same case to some theoretical assertion. Through this design, confidence level can be raised via methodological strength.⁶⁴

The use of case studies within this inquiry is advantageous because data analysis will in many instances be performed within the framework of its application. This means that it will be employed within the surroundings in which the activity occurred. Furthermore, changes pertaining to collective, fundamental and instrumental methods to case study will allow the researcher to analyse quantitative and qualitative data altogether

Moreover, the in-depth qualitative information always spawned in case studies aid in explaining complexities of practical events and in exploring as well as detailing the data in practical events that may not be attained through survey or experimental studies.⁶⁵ For example, a case study for learning approaches can offer access to the numerical data as regards the techniques employed, reasons for use, and the manner in which these strategies are utilized compared to other approaches.

Even with the benefits it offers, case study approached is heavily criticized on the grounds that the researcher is more inclined to biasness in data interpretation and its lack of rigour. More so, grounds for determining generality and reliability suffer scepticism when a small sample is used.

⁶³ Yin, R., (1994). Case study research: Design and methods.

⁶⁴ Ibid

⁶⁵ Ibid.

Case study is frequently dismissed as it only applies when exploring information. Even with these condemnations, many scholars continued to rely on case study approaches, especially in examination of practical events governing social problems and issues

1.8.2 Data Collection

The current examination relied on both secondary and primary data. Secondary materials included journals, books, articles, and trusted academic online materials that are pertinent to the study. On the other hand, primary data was gathered via both quantitative and qualitative method of interviews, key informant, and questionnaires.

1.8.2.1 Primary Data

First-hand information used in this study was obtained from interview questions conducted via telephone conversations and e-mails. Also, the data was obtained via feedback forms (questionnaires) that comprised of open-ended questions relating to the study problem. Lastly, focus groups were present in whereby small groups of elite persons joined the researcher for discussion and offered data concerning area of study.

1.8.2.2 Development of Questionnaire

The study employed the use of an open-ended questionnaire to gather data from selected respondents. This format was chosen as it allows the respondents latitude to respond in their own words and at length according to their understanding of the study objectives and research questions. Additionally, this questionnaire will be unstructured whereby questions will be asked about the study but the sequence of how they are asked will not be accurately determined prior to the interview.

1.8.2.3 Pre-testing of the Questionnaire

With the purpose of enhancing the reliability and validity of study tools, then pre-testing of the questionnaire is a crucial step. During this process, it will be paramount to make sure that the participants understand and respond to study questions in a way that the study wished-for. Therefore, pre-testing of the questionnaire will assist in determining whether the respondents understand the questions and whether they have the information that the questions requires. This process entailed calling upon the participants to fill the feedback forms and will involve asking the respondent to complete the questionnaire and after that ask a few general questions on whether the questionnaire was comprehensive, whether the questions were what they expected, right, very brief, or too long, and how likely or unlikely would respondent be at filling out and returning the emailed questionnaires. The goal of the pre-test was to obtain different pre-test encounters from many participants.

Once the respondents are identified and are willing to participate, an appointment will be made with the pre-test respondent. It will be made clear that this is just a pre-test survey, which is part of the development of the questionnaire. Moreover, it will be conveyed that the goal of pre-testing is to gather the feedback and understanding of the study questions by respondents and also inform that this will assist in improving the instrument before it is sent out to collect actual responses.

Due to time as well as budget constraints, the pre-test will be conducted via telephone as well as e-mails. The telephone pre-test will be done without interrupting the respondent, in order to get the accurate amount of time spent for one to complete the questionnaire.

1.8.2.4 Respondents

The respondents were picked from individuals who understand the questions from an academic perspective, this will include Masters and Bachelor of Arts Students from the University of Nairobi as well as the United States International University Africa who are studying a course relevant to the study. Once these respondents are selected, they will be informed about the study without directly stating the study goal or discussing the questions, they will be informed on why they were selected as well as how the information they provide will be used.

1.8.2.5 Secondary Data

Data acquired from secondary sources were both quantitative and qualitative in nature. It was obtained from interviews, journals, newspapers, data archives, as well as other trusted academic online materials pertinent to the research work. The main reason for using secondary data is because its free and incorporated information about large populaces that would otherwise be difficult and costly to collect. Furthermore, this type of data included information from other time periods save for the nowadays therefore being very beneficial to the study.

1.8.3 Data Analysis

Thematic approach was applied to sort and analyse the data obtained; based on the developing issues discussed in this research. Data analysis depicted in textual format constituted the recovery of data from trusted online materials together with journals, books, and newspaper articles as applied to the study. This entailed looking for materials in form of unstructured documents that satisfied the need for data within the research.

1.8.4 Data Presentation

The data obtained in the current study was represented in narrative form and quotes that offered additional understanding of the study problem via the application of examined case studies. The textual presentation allowed data to be expressed in several sentences and paragraphs. It also included footnotes for citation purposes of the materials used on the study to gather data.

Additionally, presenting data in tabular form allowed for quick visualization of the failures and success of global interventions by defense coalitions in within global arena by use of countless case studies. Tables utilized had a logical organization of the data in rows and columns, and included footnotes for any information cited.

1.8.5 Ethical Considerations

Because the research approach mainly demanded the use of secondary information to analyse data and test the hypotheses, there were a number of ethical considerations that greatly impacted the study approach.

But all kind of publications including books, magazines, and journals were consulted and consequently informed the University of Forward thinking by the current study was cited accordingly to keep away from plagiarism issues and credit the various authors when necessary.

1.9 Chapter Outline

The entire research work has five chapters. Chapter one reviews the background information about humanitarian interventions and the manner in which they turned out to be a norm in the global arena, including its rise within a rebellious global network. In this chapter, the researcher also looked into the Gaddafi administration, America's attack into Iraq in the name of

humanitarian assistance while keeping in line with the study objectives. The section examined the theory of neorealism and its linkage in the interpretation of how defense coalitions concentrate on advancing their selfish interests at the expense of humanitarian interventions. Chapter two drew attention on different case studies involving defense alliance during global interventions and if such humanitarian measures were deemed failures or successes. Further, the study had case studies in which events with fit features of states that call for a humanitarian assistance but the global arena did not take any measure, examining how such defense alliances decide attain sovereignty and clearly don't force themselves other states.

Chapter three thoroughly reviewed the intervention of NATO into Libya, exploring what inspired NATO to intervene in the state. Besides, it reviewed the United Nation resolutions that were approved by the United Nation Security Council together with intervention's expectations under these declarations, and the ultimate outcomes. Finally, the chapter analysed the impression created by Gaddafi's rule on BIS, multinational corporations, the US, World Bank, and other G-8 countries that are perceived to be dominant actors within the currency markets and suffered threats of concerning the idea of countries embracing the ideology of shifting from the global banking system that supports them. The fourth chapter examined the ramifications on Africa continent following the Libyan attack. The chapter looked into the issue of neo-colonialism whereby countries in Africa are still governed by powerful states through a rebellious system in which foreign law is ineffective.

Chapter Two

International Interventions and National Interest

2.0 Introduction

In the recent past, the focus has been on defining the doctrine of sovereign state to justify international mediation when massive infringement of human rights or genocidal events occur within a state. This comes after the tragic events in the former Yugoslavia and Rwanda took place in early 90s in which UNSC responded late to stop the genocide crimes among the minority groups.⁶⁶ In order to respond to these events, the government of Canada took a step forward to form the ICISS in 2001 that necessitated a change in the manner in which the global society reacted to the issue of mass atrocities⁶⁷. The fighting that had exploded in these states posed a challenge to the world to assume a more moral obligation to mediate and to stop potential future violations of human rights and massacres.⁶⁸

Genocide convention reports that it is the obligation of global society to act if genocidal event takes place anywhere across the globe.⁶⁹ But the absence of national interests on part of US following the Rwandan genocide resulted in the lack of any humanitarian assistance. Also, the reports that emerged during this genocide revealed a complete lack of understanding of African disputes by the western world and hence state officers choose not to term the ongoing Rwandan killings genocide. This failure to act showed the absence of pressure from the civilians that would have called for a change in policies, America's lack of selfish interests, and failure of the foreign society to carry out a humanitarian intervention in order to safeguard civilian lives

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Carpenter. (2013, July). Bahrain emerging Washington's next Middle East Crisis*

⁶⁹ UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, p. 277*

from atrocities⁷⁰. Considering that Belgium was a Belgian colony, it had close political ties with Belgium. Immediately the Cold war exterminated, Belgium was asked to explain why it kept a large and well-equipped national army. Belgium responded by presenting itself as the peacekeeping specialist in Africa, but it only wanted to preserve its status.⁷¹

Afterwards, 10 peacekeepers from Belgium were murdered, just a day after the commencement of the genocide. The public opinion of Belgium that had no prior interest started to push for the “lads to be taken back home”⁷². Boutros-Ghali, United Nation secretary General remarked that Belgium was badly affected by the Somalia Syndrome which stated that “withdraw at the first experience with severe trouble”. Following the tragedy with the dead peacemakers from Belgium, the only moment when the state expressed interest in Rwanda was when US, Belgian, and French armies entered Rwanda to release expatriates between April 7th and 10th.⁷³ The immediate and successful rescue mission of the foreign individuals showed how easy it would have been for foreign community had it been serious to stop the massacre.⁷⁴ The Belgian soldiers understood the architecture of the genocide and had the ability to stop and prevent further killings. But they were discouraged by “Somalia’s shadow” in which it so much concerned about coming to be less highly respected and gratifying local voters.

⁷⁰ Power, Samantha. 2001. ‘Bystanders to genocide: 84-108.

⁷¹ African Rights. 1995. *Rwanda: Death, Despair and Defiance*. London: African Rights.

⁷² Ibid.

⁷³ Melvern, Linda. 2000. *A people betrayed*.

⁷⁴ Ibid

2.1 Yugoslavian Attack by NATO

The NATO military operation in Yugoslavia and Iraq had similar features to the strategic assumptions behind “Operation Libya”. The American-NATO militaries caused civil war in Yugoslavia, and the purpose of this conflict was to create ethnic and political divisions, that finally resulted in a divided nation.⁷⁵ The obvious notion of maintaining peace, protection of human rights, and promotion of democracy were all used as justifications for the bombing that saw many innocent lives lost. This goal was attained via secret training and funding of armed paramilitary forces in Kosovo-by use of Kosovo Liberation Army between 1998 and 1999- and in Bosnia using the Bosnian Muslim Army between 1991 and 1995. In the two cases involving Bosnia and Kosovo, mainstream media disinformation that incorporated outright fabrications and lies were employed as evidence to back up America-European arguments that Belgrade had conducted atrocities, hence defending a military defense on grounds of humanitarian intervention and to paint the public opinion to concur with the rationale behind this fight.⁷⁶ The decision by NATO to attack Kosovo came from the US wanting to maintain its hegemony in Europe, while European countries were looking to ensure their own security via this clear charitable intervention.

“The FRY, a body formed after the split of the earlier Yugoslavia that constituted Montenegro and Serbia, acted contrary to attempts by Kosovars from Albania to restore part of freedom for their provinces, included in Serbia in 1989. With mounting information that Slobodan Milosevic, the president of FRY, was pushing racial and ethnic Albanians to disappear from Kosovo in huge numbers via violence. After botched discussions with the Kosovo Liberation Army and Federal Republic of Yugoslavia, the US convinced NATO, a regional

⁷⁵ Chossudovsky, M. (2011). Operation Libya: The US-NATO attempted coup d’etat *

⁷⁶ Ibid.

defense alliance, to set a prolonged plan of bombings against the FRY. In March 24, 1999, an “Operation Allied Force” was started. This establishment came without the issues being presented on the United Nation Security Council under Chapter (7) of the UN Charter that gets the foreign legal administration started in order to respond to issues that threaten national peace and security. This movement progressed for two and a half months resulting in 6000 injured and 500 Kosovar and Serbian deaths due to NATO’s actions.⁷⁷ The strikes came to an end after an agreement was signed that involved the governments of Serbia and FRY, a special military of NATO, and KFOR; this agreement authorized the use of a foreign intervention in Kosovo with the backing of the United Nation.⁷⁸ The attack by NATO seemed to have gone against international statute that is laid out in the United Nation Charter since the Charter states that any regional engagement ought to be carried out after getting the authority of Security Council.⁷⁹”

“Tony Blair, prime minister of Britain, and Bill Clinton, the American president, as a reaction to the condemnations of the NATO act on the grounds that it violated the terms of United Nation Charter, posited that the bombing by NATO was from within in line with the humanitarian whims of the UN charter. They maintained that its acceptable to conduct an armed intervention in another country provided the intention of such act is to safeguard the population from violations of human rights. From this viewpoint, the safeguard of human rights defended the otherwise international law’s central principle of respect for national sovereignty. In international relations, the attack by NATO in Kosovo was considered a crisis. In fact, the foreign secretary from Britain, Robin Cook labelled it similar to the collapse of the Berlin wall.⁸⁰”

⁷⁷ Ibid

⁷⁸ Ibid.

⁷⁹ Article 53.1. The Security Council later adopted Resolution 1244*

⁸⁰ Ken Booth, ‘Introduction: Still Waiting for the Reckoning’ (2000) 48*.

“The bombing by NATO raised many questions with regard to foreign law. If human rights triumph the Charter terms or if the advancement of human rights defend the violation of the UN charter on forceful action, do we have any limits on the kind of force that can be applied in the foreign arena.⁸¹ And so, if the abuse of human rights by the Serbs needed instant mediation, why was there airstrikes during NATO campaign, and why did this forceful act last for a considerable amount of time. This was so apparent that the strategy had failed because no peace was coming about and human rights abuses continued. This caused tensions in the friendship between China and NATO via the faulty bombarding of Chinese embassy in Belgrade, and resulted in the deaths of many Kosovar refugees.

This NATO campaign led to destruction of public infrastructure among the Serbs. Even though it exerted much pressure on president Milosevic, the movement failed in its aim of neither reducing the massive movement of refugees from Kosovo nor overthrowing the president. Though the plan finally reached at by Milosevic with NATO allowed for the return of the Kosovars and foreign presence in Kosovo, it came along with much violence; the most fierce being vengeful invasions against Serbs in Kosovar land.⁸²

Forces loyal to Ali Abdullah Saleh, former president, and Houthi forces were in-charge of much of the state, such as Sanaa, Yemen’s capital city, in September 2014. In 2015, Houthi-Saleh forces were struck by the Saudi-led coalition all for Abdu rabbu Hadi, Yemen president. Two years later, Houthi militaries executed Saleh after disputes arose in Sanaa. In 2018, war began between UAE and Yemeni government militaries. In the entire country, the general public

⁸¹ Charlesworth, H. (2019). *International Law: A Discipline of Crisis*.

⁸² Ibid.

suffered lack of basic services such as education, judicial systems, a spinning economic hurdles, health, and deteriorated governance.⁸³

The conflict that involved armed forces hit and continues to hit hard the innocent citizens. The alliance has carried out many bombings that compromised the lives of many civilians and destroying public properties in breach of the fighting laws, by use of equipment marketed by the UK and US, even the commonly illegal cluster bombs. More so, Houthi militia groups initiated defensive rockets into Saudi Arabia, utilized illicit antipersonnel landmines, and recruited children. The two sides have threatened, attacked, and harassed Yemen journalists and activists. UAE-backed Yemeni forces, Houthi forces, the United Arab Emirates, and government-affiliated forces have forcibly disappeared or arbitrarily detained scores. Houthi militaries have taken captives. Aden armies tortured, beat, seized, and raped migrants.⁸⁴

Even with these clear killings in Yemen, the world desisted from imposing any resolutions. The United Nation Security Council took a substantial amount of time following the commencement of the Yemen rebellion prior to the passing of Resolution 2014. The declaration failed to authorize any R2P act within the country but a political resolution process spearheaded by Yemeni was cheered. These were at odds with Libya in which claims of genocidal acts and an almost instant approval of a resolution was made by the UNSC that resulted in prolonged intervention.⁸⁵

The failure to utilize any type of public-spirited action including R2P in Bahrain, Yemen, and Syria thus shows the discriminatory nature of R2P and defense alliances that casts much

⁸³ Roth, K. (2019, January 17). World Report 2019*.

⁸⁴ Ibid.

⁸⁵ Nasser,A. (2019) The Unfolding UN Failure in the Yemen War.

doubts of the credibility of the use of the norm in any given moment in the global arena with an intention to safeguard the human rights of innocent citizens. The big question of alliances as per Hillstrom is “who” intervenes “where”. The selectivity characteristic of humanitarian intervention in Bahrain was brought about the idea that it was a friend of the western world and any act inconsistent to the then current ruling would led to giving more powers to the Shiite majority. Therefore, this would relocate the power in the area to Iran. Also, both Yemen and Bahrain are amongst the trustworthy partners of the America in the Middle East.⁸⁶

“It’s so obvious that when a defense alliance intervenes in a certain state there always motives behind it. This is evident in Libya where NATO intervened but failed to offer similar continental moral obligation in Syria in spite of the fact that Syria had applied organic weaponries on its people. Evidently, the American NATO analysed which rogue countries with the global arena it would subdue via armed force. In Middle East region, Syrian military is one of the biggest, well trained, and better equipped. Besides, it has both organic and chemical weaponries, and its rebellious forces are among the largest across the globe. Conversely, Muammar Gaddafi maintained the military forces of Libya poorly trained, fragmented, and ill-equipped.⁸⁷ More so, the strategic location of Libya made it easy for NATO to invade the area whereby it borders both Tunisia and Egypt from each side, and by bad luck Gaddafi lacked strong coalitions within the global arena to the level that Arab League backed the creation of a stringent imposed NFZ on Libyan state by the North Atlantic Treaty Organization. When compared to Syria, Libya neighbours the most volatile cocktail countries like Turkey, Lebanon, Jordan, Israel, and Iraq who were strong partners to the country; an attack by any coalition would have faced revenge.”

⁸⁶ Hillstrom, (2011). The Libyan no fly zone: 82.

⁸⁷ Nafm, M. (n.d.). Why Libya, But Not Syria?-44067.

2.2 NATO's Attack in Iraq

The America-NATO defense coalition tried to justify its action in Iraq on several grounds and the link relating to humanitarian intervention was so weak. The UNSC strongly opposed this attack, and even the government of Iraq did not approve it as well. Therefore, the Iraq war implies that the US's role in the world has shifted away from nonthreatening hegemony as multilateralism, independent and certainly no more maintain peace in the global arena and, in Middle East at minimum, America has turned out to be a partisan actor, not a stabilizer.⁸⁸

According to the international law, the root cause of the attack in Iraq , in periods concluding 2003, much attention was on the principle of “pre-emptive self-defense” shown by the Bush regime in its 2002 statement to the Congress addressing national peace and security. The statement emphasized a developing right under the international statute for the US to utilize armed force defensively against danger created by “rogue states” in possession of weapons of mass destruction.⁸⁹ The principle more attractive to the Bush regime, as echoed by most US civilians through fears, in the aftereffects of the 2001 terrorist attack, Al Qaeda, was that at a given time WMDs would be released against the US by rogue components.⁹⁰ In the end, when trying to explain the legal grounds for its action counter to Iraq, the US failed to stress that the attack was permitted under the foreign law because of the developing right of rebellious self-defense.⁹¹

The conquest in Iraq raises questions on the role of diplomacy during foreign relations. In state relations, the use of armed forces ought to be a last option. In comparison to other cases, the humanitarian situation in Iraq was not that awful and didn't call for urgent armed action to solve.

⁸⁸ Hinnebusch, R. (2007). The US Invasion of Iraq:

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Iraq & the Future of U. S. Foreign Policy*.

Therefore, there is evidence to show that other peaceful approaches were not followed well before the start of the war. Few weeks prior to the attack, Iraqi officers, seem to have made runs of progressively desperate peace proposals to Washington⁹² that unluckily didn't receive any kind of action or response. Therefore, this means that the Iraqi invasion was not eligible to be termed the war of last option.

“It's clear that the emergence of a rebellious global network has permitted defense coalitions to abuse the goal of this foreign deterrence. Such coalitions monopolize any chance to use armed force to either advance other interests that may undermine rogue states or offer military, economic, and political benefits. It's indisputable that defense coalitions push less for human rights of innocent civilians than for state hegemony within these countries they attack pretending to be pushing for intervention.”

2.3 The Abuse of No-Fly Zones by Defence Alliances

The end of the Gulf War in 1991 allowed for the launch of NFZ that evolved as a political construct of the post-Cold war period. Its primary goal was to safeguard the lives of innocent people who were highly susceptible to bombings in times of conflict or wars. Regrettably, as time passed by, the defense alliances have misused it under the idea of R2P in events that call for human assistance.

2.3.1 The Case of Iraq

The first state to apply the NFZ by a defense coalition, NATO, was Iraq, in 1991. Two NFZs were set up over Iraq's airspace under United Nation Security Council Resolution 678 in

⁹² Enemark, C., & Michaelsen, C. (2005). Just War Doctrine and the Invasion of Iraq. 545–563.

which one was established over Southern Iraq to safeguard Shiites and the other one was erected over the northern Iraq to safeguard Kurds from invasions by Hussein's armies.⁹³

Unluckily, the two no fly zones turned out to be ineffective and redundant following the Iraqi attack by American-NATO in 2003. In 1996, the American State Department recognized that the No Fly Zones set up in Iraq was ineffective in offering any protection to the general public from ground invasions by the armed forces in Iraq.

At one go, Turkey had conducted a successful operation against the Kurdistan Workers Party (PKK), Partia karkaren Kurdistan,⁹⁴ and this was done by use of both air and ground militaries. This operation caused deaths of thousands of kurds who perished with the territory of Iraq. All through operations in Turkey, forces in western world like American-NATO, who were tasked with protecting kurds in the No Fly Zone, behaved like silent observers and allowed Turkish invasion thus leaving the kurds unprotected.⁹⁵

Besides, it's so apparent that the America-NATO used the NFZ over Kurd regions to elicit rebellion against Hussein's administration that caused invasion by Hussein's armies over Kurd regions. Consequently, United Nation humanitarian assistance personnel left the place and the United States, following the invasion in Southern region of Iraqi, separately stretched out the No Fly Zones from 32 to 33 parallel. This therefore implies that No Fly Zone within this region did not purpose to safeguard the civilians' lives but to gain much control over the area so as to advance their selfish interests. If the primary goal was really to safeguard the lives of the innocent citizens, then the Turkish airstrikes that compromised the lives of many should have been the major concern.

⁹³ Ibid

⁹⁴ Ekici, D. (2009). Kurdistan Nationalist Movement and the PKK (Kurdistan Workers Party). *

⁹⁵ Park, B. (2014). Turkey-Kurdish Regional Government Relations after the U.S.

2.3.2 The Case of Bosnia

Following the dissolution of Yugoslavia, NATO under the authorization of the UNSC implemented a NFZ over the Bosnian-Herzegovina airspace. Therefore, on October 1992, in response to the UNSC Resolution 781 there was restriction of any military air force over Bosnia which only had an impact on the Serbs because the other factions did not have any air force capability. Furthermore, the UNSC called on member states to monitor the airspace and ensure this was adhered to. The aerial enforcement operation Deny Flight NFZ ended up being very questionable. The eventual costs accredited to this operations duration which was nearly three years was not favourable.

During the time of the operation, NATO conducted multiple aircraft raids and also added in more time to their NFZ enforcement in Bosnia.⁹⁶ Moreover, the actual impact on the progression of the conflict was not felt on the ground. This is because the Bosnian Serb air forces had insignificant impact on the conflict that was occurring at the grassroots level and even with the idea that the NFZ had assisted in facilitating an arms embargo, it brought no further assistance in ending the conflict because ideally the Bosnian factions had not been receiving large numbers of military supplies by air. The purpose of the Deny Flight mission was to show how the UN and NATO are positively involved in the Bosnian conflict with intent to bring an end to it, but the Bosnian Serbs' willingness and ability to consistently disobey the NFZ instead undermined perceptions of NATO resolve.⁹⁷ Therefore, the NFZ cost a lot financially, a little politically and was also unable to achieve much militarily; in hindsight, the operation's major role was that it was mainly the first step towards the direction of an ascending staircase of NATO's contribution towards the conflict in Bosnia.

⁹⁶ Schulman, M. (n.d.). Retrieved from <https://www.historycentral.com/Useofforce.html>.

⁹⁷ Ibid.

Chapter Three

NATOs Invasion in Libya

3.0 Introduction

NATO's invasion in the Libyan Civil War as authorized by UNSC, Resolutions 1970 and 1973 was received with caution by key member states particularly China, Russia and Germany, all of whom did not vote in support, but they also did not actively go against the passed resolutions. The major concern of these key states being that NATO's supposed civilian protection mandate was a façade for regime change in Libya. Given Gaddafi and his lad Saif Al-Islam's dramatic statements together with the members of League of Arab competition for regional and member state involvement, China and Russia did not act on their judgment and allowed the resolutions to be passed.

3.1 Bond between USA and Libya Prior to the Crisis

The United States of America established close economic ties with Libya after the start of the oil boom in 1959. On September 1, 1969, Gaddafi assumed powers in a peaceful coup through RCC due to the weak administrations and institutions, intensifying fraud of the followers of the ruling king, the increasing nationalism and external pressure particularly from the international oil firms that were dissatisfied with the rate of the Libyan regime, the ties between Libya and the US went down very fast.

The Wheelus Air Force Base established at the United Nation in 1954 was closed in early 1970 by the United States. Also, the decision by Muammar Gaddafi to partly nationalize the oild reserves of Libya caused many America's oil firms to lose power, though they managed to avoid

a complete expropriation.⁹⁸ The cooperation between the USSR and Libya created ideological differences in which it proactively backed states and movements, which the government of America strongly rejected and Gaddafi's notion of third universal theory and Islamic socialism, the attempts by Libya to manufacture WMDs, and equally important, the support of overseas terrorist activities by Libya governed links with the United States and hence created much tensions between Libya and the US.

Over the years, the tension kept growing and by 2006, it had reached shocking levels. The increased tension was partly due to several attempts to oust the Gaddafi's administration and direct invasion on Libya in which the United States invaded Benghazi and Tripoli in 1986 as a reaction to terror invasion on a nightclub in Berlin, German that left many American civilians injured and dead. As if not enough, the American president had categorically called Libya as "a rough state", a "soviet satellite" or "mad dog of the Middle East"⁹⁹ The US embargos also banned economic relations completely against Libya ever since 1986 and by United Nations authorizations since 1993. UNSCR 748 passed on March 1992 by United Nation Security Council required for compulsory authorizations against Libya as a reaction to the latter's denial to repatriate to Germany or US, two intelligence agents from Libya thought of being engaged in extremist explosion of Scottish airliner. The resolution was asking the government of Libya to stop all forms of terror attacks, and consequently outlawed arms sales and Libyan air links. More so, all states were required to reduce diplomatic relations with Libya. In 1993, the UNSC voted to make the sanctions tighter by disallowing consignment of certain oil equipment and freezing Libya's foreign bank accounts.

⁹⁸ Yahia H. Zoubir (June 2011) The United States and Libya: the limits of coercive diplomacy*.

⁹⁹ Ibid.

Even with these bans, Libya declined to expatriate the two representatives living in the country. This forced the United States to demand for even more stringent sanctions, potentially involving an oil embargo. But a good number of the states in the global arena were unwilling to impose such a complete embargo because many states depend upon oil imports from Libya.

3.2 Ties between France and Libya Prior to the Crisis

France was one of the states that obtained economic gains from the change of administration immediately Gaddafi assumed the office. Between 1970 and 1976, France sold large quantities of arms to Libya. It also signed an agreement that allowed it to be the major oil supplier and received financial and technical cooperation in return.¹⁰⁰ In 1977, the mutual relationship between the two states reached climax following Libya support to France to liberate a number of French civilians in Chad. However, this bilateral relationship lasted for short time. In the same year in which it peaked, it worsened over French taking part in the chad war and Middle Eastern policy of France. At this time, the French government demanded that Libya should withdraw from Chad in the year 1982. In the end, Libya's claims over its defeat in chad were directed towards France and the US.¹⁰¹ In 1989, the Libyan invasion on a French traveler jet whereby 170 civilians perished, including 54 from France, intensified the tension. In fact, while flying from Chad to France, the "Union de Transports Aeriens" plane 772 was bombed and completely destroyed. Soon after, Libya was blamed by French for attack and six Libyans were imprisoned without appearing in French trial court; this happened in 1999. Later on, a state foundation in Libya agreed to shell out \$170 million to compensate the 2004 invasion. Three years after the attack, Libya was found guilty of the attack by an American court.¹⁰²

¹⁰⁰ Joffe, G. (2001) Libya and Europe, 6:4, 75-92.

¹⁰¹ Ibid.

¹⁰² BBC NEWS, "Libyan Invasion"

After that, Libya allowed its economy to international markets and while carrying out its restoration efforts, its ties with other nations in the global arena improved greatly. The settlement of the Union de Transports Aeriens' flight incident in 1999 in court paved way for improved financial ties. With its interests in global investments, Libya approached France who was willing to aid its local economy. The French interest in economic ties with Libya yielded immediate results with Jacques Chirac, French president, flying to Libya in 2003, immediately after all the sanctions imposed by the UN were lifted, to compensate the fatalities of the Union de Transports Aeriens flight. This decision alleviated the remaining political hindrance thus economic ties. As a sign of this development, the Libyan president, Muammar Gaddafi paid France a visit in 2007. Even with the idea that the government of France faced criticisms, Libya had to sign contracts totaling to € 10 billion. The contracted included 21 Airbus planes, a desalination plant, and an atomic energy plant. Francois Fillon, the then French prime minister, defended the contract as an interest on part of France,¹⁰³ however, the economic relations between the two states was so weak. In 2009, Libyan imports were estimated to be around 3.1 billion dollars and exports from France to Libya totaled 1 billion dollars. The exports from Libya were mainly oil and petroleum products which made it third biggest export market, coming after Germany and Italy.¹⁰⁴

3.3 NATO's Attack in Libya and the Advancement of National Interest

3.3.1 Introduction

Prior to the commencement of Libyan uprising, the nation was considered a dictatorship administration, with Gaddafi determining major of its international ties. The primary goal of

¹⁰³ Nancy Isenson. "France and Italy share strong ties with Libya's Gadhafi.

¹⁰⁴ Ibid

Gaddafi's foreign policy have been elimination of external influence in Africa and Middle East, Arab unity, support for Palestinians, support for many revolutionary causes, Islamic advancements, and incorporation of the Palestinian Territories and Israel into one nation of "Isratine."¹⁰⁵ Prior to this clash, Libya was a member state of the United Nations, Arab League, Africa Union, the Arab Magharibi Union, OPEC, and the CNAS. The "charm offensive"¹⁰⁶ of Libya trying to stabilize the political and economic global ties of the country, was created the last ten years. Libyan government endeavoured to normalize the relations with the US and EU, improve ties to states in North Africa, and to exert more pressure on Africa as a whole. More so, an effort to reform Libyan economy continued, and such efforts were beyond economic reasons, though they had a well-defined political goal as well.¹⁰⁷

At global level, the oil sector in Libya was, after many years of sanctions, out of date and the country needed western investments, expertise, and technology.¹⁰⁸ But still, the Libyan government required an improvement in its economy to reassure its citizens. The elites middle class of Libya understood the problems of the isolated political position in global politics and domestic economy, and called for an improvement and modernization of both the person and overall situation in the country. The general Libyan population would no more accept the cost for support of terrorism, political adventures, and isolation.

Over forty years, of which Gaddafi ruled Libya, citizens were fragmented; while some admired his rule, others demanded and expected better individual opportunities and more political freedom.¹⁰⁹ In the view of this, the economic reformations that took place in the past ten years or so were to rebuild confidence in the general public that things will be okay. With time,

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ Explaining Humanitarian Intervention in Libya and Non ... (n.d.).

¹⁰⁸ Vandewalle. D, (2006) A History of modern Libya, Cambridge, Cambridge University Press.

¹⁰⁹ Ibid.

Gaddafi together with his advisors understood that their rebellious movement via some forms of institutionalization and rationalization had become vulnerable to the pressure for change from the people.

Principally, there needed to be economic reforms to expand the country's wealth and increase private ownership. Also, these restructurings were initial efforts to settle down the domestic condition that was inspired by dissatisfaction over varied issues, and at the same time attempted to meet the needs of the civilians prior to social unrest and demonstrations movements analogous to that witnessed between 1980 and 2000 could still arise.¹¹⁰ The leadership of Libya were the aware of the increasing discontent of the civilians and attempted to face it with keen restructurings that had many hindrances. Unluckily, the growing dissatisfaction with the rate of the reforms and domestic politics, the difference between the promised and actual reforms, as well as the lack of individual freedom contributed significantly to the rebellion that emerged in 2011.

For Libyan government, the presumed civil strikes that had started peacefully with clear intention to call for improved politic and civil rights turned out to be highly violent extending to all famous Libyan cities and quickly leading to the formation of an armed opposition government that called itself NTC, creating a firm grip over the cities of Tobruk and Benghazi. However, by early March, loyal groups re-established control in many parts of the country and few days after were planning to subdue the movement at its base located in Benghazi.

At the heart of increasing revolution, the Amnesty International and United Nation admitted that use of force was actually started by the demonstrators to which the government had to respond through military means but did not deliberately target the citizens or went back to

¹¹⁰ Popular Protest in North Africa and the Middle East (V): Making Sense of Libya Crisis*.

indiscriminate force as mainstream media reported that more than 2000 civilians were killed in Benghazi but HRW reported only 233 deaths in the entire Libya during the same period.¹¹¹

In another Libyan city, Misurata, where the effect of fighting was greatly felt, Human Rights Watch (HRW) documents that out of the 949 civilians that were wounded during the first seven weeks of the revolution, 30 were children or women. At the same time, only 257 of the total city's population, 400,000, were confirmed dead. This fraction was below 0.0006, and this is a proof that Libyan government did not apply indiscriminate force.¹¹²

However, short time after the crisis erupted; the ICC cautioned President Gaddafi that he alongside other government officials had perpetrated crimes against its people. These signals were in consort with the UN approval of two UNSC declarations. Resolution 1970 passed by UNSC on February, froze regime assets and imposed an arm embargo. Resolution 1973 passed on March called for the use of all possible means to safeguard citizens and authorized a NFZ over Libya.

Through UNSCR 1973, the United Nations announced that all non-armed actions of preventing Gaddafi had been explored and hence demanded the United Nations members to advance their interests if not by allowing the use of armed forces on Libyan state, the result being that US, NATO's member, started using aerial assaults on Libya.¹¹³

All peace talks were overthrown and any diplomatic efforts were never successful yet this would have been the most viable option to prevent the destruction of the Libyan infrastructure and further deaths of the civilians. In its place, the Libyan government was banned from showing up at the United Nations where faint human rights groups and NGOs took grip of the mainstream media outright broadcasting exaggerations and falsehoods that helped to authorize aerial strikes

¹¹¹ Ibid

¹¹² HRW. (2011). *Libya: Apparent execution of 53 Gaddafi Supporters*.

¹¹³ Nazemroaya, M. D. (2011). NATO's secret ground war in Libya*

of Libya pretending to be humanitarian assistance while sparing Syria even after being found responsible for the offenses that for which the government of Gaddafi had been accused of.¹¹⁴

Further, it's claimed that the NATO and Pentagon both armed the NTC in breach of international statute and had militaries on the ground right from the beginning. On the other hand, Italy had allowed its armed bases for use by France, US, and Britain before the United Nation approval.¹¹⁵

The humanitarian intervention into Libya by NATO intensified and prolonged the conflict. Besides, there were more victims of the airstrike, the figures that could have been kept low had diplomacy and peaceful talks been prioritized. Furthermore, NATO overstepped its formal duty of safeguarding civilian populated areas and innocent citizens from attack or threats of attack but rather advanced a predetermined goal seeking a change in regime while at the same time increasing weapons proliferation in sahel and Libya, human rights abuses, as well as Islamic radicalism. The death of Muammar Gaddafi on October, 2011, brought an end to this campaign.¹¹⁶

It is clear that Libyan invasion by NATO was driven by both economic and political national interests. Additionally, the arrest warrants issued by the ICC (27 June) against Gaddafi, government officials, and his son, showed that the No Fly Zone was ineffective in preventing killings perpetrated by Gaddafi's armies against citizens

¹¹⁴ Ibid.

¹¹⁵ Hosenball, M. (2011, March 31). US agents were in Libya before secret Obama order. Reuters.

¹¹⁶ Morton, J. S., & Hernandez-Ramos. (2015). The legality of the NATO's intervention in Libya.

3.3.2 NATO's Economic National Interests in Libya

Economically, Libya has the biggest oil barrels, 464 billion, in the entire Africa continent. And with its strategic location, close proximity to Europe, Libya show up as a valuable provider of natural gas and oil to energy markets in Europe.¹¹⁷

Another important area that fuelled Libyan invasion was its currency and loans. As per The International Monetary Funds, the central bank of Libya holds approximately 144 tons of gold in its vaults and is 100% state owned. It's evident that in the periods following the United Nation resolution that authorized America together with its partners to send soldiers into the country, Gaddafi was outright supporting the establishment of a new currency that would compete the euro and dollar. And as a matter of fact, Gaddafi asked Muslim and African nations to become a member of an alliance that would create this gold dinar, the new currency, its main form of foreign and money exchange. These states would market oil and other economic resources to the global market including the US, only for gold dinars. The BIS, multinational corporations, the US and other G-8 countries, IMF, and the World Bank dislike the leaders who seem to be shifting from the global system of banking that supports corporatocracy or who influence their domination over global currency markets. The policies advocated by Gaddafi were also expressed by Saddam Hussein before America sent armies into Iraq.¹¹⁸

Libya is endowed with the largest oil barrel reserves in Africa and with its strategic location, it stands out as an important provide of natural gas and oil to energy markets across Europ.¹¹⁹ The Libyan invasion was not entirely about oil nor human rights. It was on the basis of an entire process of militarizing Africa-US ties and that the evolution of Pentagon's AFRICOM

¹¹⁷ Ibid

¹¹⁸ Perkins, John, 1945-. (2004). *Confessions of an economic hit man*.

¹¹⁹ Joyce, C. (2011, February 25). Ripple in Libyan oil markets make waves worldwide.

was in fierce rivalry with Pan-Africanist programs including those directed by Muammar Gaddafi who was in strong opposition with African Command.¹²⁰ The focus of this intervention might have been on currency and loans. International Monetary Fund reports that the central bank of Libya is fully owned by the government and has approximately 144 tons of gold in its crypts. It's evident that in the periods following the United Nation resolution that authorized America together with its partners to send soldiers into the country, Gaddafi was outright supporting the establishment of a new currency that would compete the euro and dollar. And as a matter of fact, Gaddafi asked Muslim and African nations to become a member of an alliance that would create this gold dinar, the new currency, its main form of foreign and money exchange. These states would market oil and other economic resources to the global market including the US, only for gold dinars.¹²¹

3.3.3 NATO's Political Interests in Libya

In terms of political national interests, the attack in Libya was centered on promoting the values of neoliberalists via a change in administration, and at least about curbing human rights violations. This neoliberal attack challenges the idea that safeguarding citizens was the primary motive for intervention by NATO and shows why this defense alliance took another direction when the protestors perpetrated human rights abuses and eventually called for rebel boots to initiate change in regime.

A number of the hegemonic incentives for this action revolve around the interests of corporatists, specifically from the US, since it entails the establishment of new militia bases that translate to billions of money for armed elites in the US. Therefore, just before Iraqi bombing,

¹²⁰ Forte, M. (2012). Slouching towards Sirte: NATO's war on Libya and Africa*.

¹²¹ Perkins, J. (April 29, 2011). Libya: It's not about oil, it's about currency and loans.

the US set up new military bases in Kuwait, Saudi Arabia, the UAE, Qatar, and Oman¹²². Once again, after the bombing of Afghanistan, the US was busy constructing bases in Tajikistan, Pakistan, Uzbekistan, and Kazakhstan. More so, in the recent Libya bombing saw the US built military bases in Kenya, Burkina Faso, Seychelles, South Sudan, and Niger.¹²³

Multinational corporations, BIS, World Bank, and G-8 countries including the US disliked the leaders who appeared to be shifting from the global system of banking that are in support of the corporatocracy or who undermine their power over currency markets globally. . Gaddafi's policies were in line with those of Saddam Hussein before the US sent troops to Iraq. Simply put, the establishment of the African Monetary Fund in Cameroon and African Investment Bank in Sirte by Gaddafi to displace the International Monetary Fund weaken the hegemonic powers of western world in African continent.¹²⁴ France would also be adversely affected following these changes as the creation of the Nigeria' African Central Bank and AMF would allow for gold-backed currency printing, CFA franc would be brought to an end through which France employs to maintain its neocolonial hold on fourteen colonies in Africa for the past five decades. For that reason, Libyan invasion can be interpreted in the framework of Europe and America battling for their survival within the global arena that would endanger the independent Africa.¹²⁵

Given that liberal understanding of the Libyan conflict does not consider the moral understanding, democratic peace theory can be employed which proposes that differences in features such as religion, education, language, race in a country play a role in disputes. The Libyan intervention by NATO was because of the absence of similarities in political, economic

¹²² Chengu, G. (2015). Libya: From Africa's richest state under Gaddafi, to failed state after NATO intervention.

¹²³ Ibid.

¹²⁴ Muhammad, B. E. (2011). Gold, oil, Africa and why the west wants Gadhafi dead.

¹²⁵ Ibid.

and social beliefs or institutional similarities.¹²⁶ The North Atlantic Treaty Organization guarantees peace and security to its members though it calls for forceful actions against external actors. It is therefore obvious that Libyan intervention was not only on curbing human rights abuses, but also about the support of neoliberal beliefs via an unwarranted change in leadership. The neoliberalists claims challenge the idea that safeguarding citizens was the main driver for the intervention and shows why North Atlantic Treaty Organization diverted attention when the rebellious groups perpetrated human rights breaches and consequently demanded these opposing rebels on action to initiate change in political regime.¹²⁷

The reason NATO attacked Libya was due to the fear that Gaddafi would use chemical weapons against western states and the belief that he would finance terrorists once more as it had been document in State Department report of 1986. To do away with this intimidation, the focus of the intervention turned to a change in regime, but this was clear violation of the mandate of the UN Security Council. This claim can be backed by the notion that North Atlantic Treaty Organization lifted its troops from Libya following the death of Gaddafi even though random hostilities continued in many parts of the country. An implication of this clear mandate violation is that realism still rose above the motives for mediation irrespective of the implementation of the R2P.¹²⁸ Yet, in the same way, the idea that Libyan intervention was primarily from realist intents as opposed to intervention intentions has been further determined from the speediness in the approval of resolution for the humanitarian assistance as compared to those of other war-ridden states like Syria

The process of decision making calling for armed force in Libya was so rapid, and the ultimate goal as well as the strategic purpose remained blurred and were contradicting. Even

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Kumar, K. S. (2012). Institute for defense studies and analysis.

though the ultimate goal of this invasion was cited to be on humanitarian grounds, it can be asserted that the process of making decision which guided the UNSCR 1973 was on the grounds of domestic politics, geo-strategic factors, national interests, and realpolitik calculations. Though these arguments appear convincing, they do not justify the moral interpretation of the attack. There were inadequate efforts in trying to limit the uprising through peaceful means and the period within which the intervention was sanctioned was short. Foreign sanctions directed mainly at an effective road map or the regime itself potentially would have been unique in many ways from the obvious disregard for territorial integrity in internal insurgency and regime change that was about to intensify into massacres. Even with the idea that foreign policy and Gaddafi's personality contributed greatly to the hasty decision, the lack of a veto to the United Nations Security Council's declarations escalated the readiness to intervene within short time frame.

In spite of the notion that the lack of a public-spirited urgency was evident in Libya, the western world kept advocating for a change in regime in the context of humanitarian intervention. After the mission ended in October, it was glaring that the pursuit for a change in administration was the main focus of the intervention rather than the need to safeguard the general public.¹²⁹

3.3.4 The NATO Bombings in Libya

A report by HRW that wrote about the civilian victims in the Libyan airstrike bombing by NATO, reveals that NATO claims it took all appropriate course of actions to reduce further civilian injuries, and these actions appear to be effective: the figures showing the killings of the Libyan civilians from NATO campaign was minimal given the duration and degree of bombing.

¹²⁹ Nuruzzaman, Mohammed. 2013. "The 'Responsibility to Protect' Doctrine

All the same, NATO bombings compromised the lives of at least 72 people, 24 of them being juveniles. Up to now, North Atlantic Treaty Organization has failed to recognize these fatalities or to investigate why and how they happened.¹³⁰

The international law of humanitarian intervention requires that all invasions must be meant only for armed targets. Citizens should be protected from any deliberate invasion. Even though not all civilian fatalities is a sign of breach of international laws, the invasions ought not to cause uneven civilian loss or the attacks should not be defensible. In a number of cases, there are still doubts concerning the manifestation of a licit target at NATO bombing areas where people perished. Far reaching field survey by HRW revealed no possible signs of use of force by Libyan government, including communication equipment, military weaponry, personnel, or hardware in seven of its 8 sites. Therefore, these events raise concerns over whether the areas hit by NATO at the time of the action to immune were just armed targets during the invasion¹³¹. North Atlantic Treaty organization maintain that all of its military targets were part of its goals, and hence candidate for invasion. But to date, there is no information to back up these arguments, even with several requests from the UNCI and HRW to justify its intentions in Libya mission.

The international law on human intervention calls for any party to a military clash to examine reasonable claims of violations of laws of war. This examination would include determining if the target was a credible military goal and if the military force assumed all feasible measures to reduce civilian fatalities.¹³²

As a necessity in international law, in cases of wrongdoing, North Atlantic Treaty organization should promptly and suitably compensate families following the loss of property,

¹³⁰ Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign in Libya. (2015, October 19).

¹³¹ Ibid.

¹³² OSullivan, S. (2018). Military intervention in the Middle East and North Africa: the case of NATO in Libya.

death, and injuries of the civilians. As share of attempts to reduce injuries to the general public in future bombings, North Atlantic Treaty organization needs to look into cases leading to increased civilian victims where possible. Conversely, there are even further human right breaches in the Libyan state. As a requirement by United Nation Security Council resolution, NATO did not offer assistance following Libyan attack to help in smooth changover from the conflict and war. Rather, it moved out of Libya and left those that had assume the office as beneficiaries of the change in administration.

In the said report, the Human Rights Watch looked into eight North Atlantic Treaty Organization bombing sites, uncovered that 24, 20, and 28 children, women, and men had lost their lives, respectively. The HRW had to visit the eight sites in order to carry vigorous research; at times reviewing satellite imagery, collecting photographs of the dead and wounded, inspecting weapons debris, examining death certificates and medical reports, or even interviewing witnesses. Comprehensive questions were presented to North Atlantic Treaty organization and its members who took part in the bombing, not excluding the senior NATO officers who participated in the mission.¹³³

The HRW did not uncover any proof of a lawful armed campaign in two of the eight cases. This is to mean that, in a single or multiple visits to every single campaign site, HRW did not find military hardware, communication equipment, or remains of weapon that shows armed activity or deployment at the areas. In five areas, HRW uncovered only potential indications of a military presence, like coast amidst the rubble or a military-style shirt. In the last case, an officer, thought to be the senior armed commander, along with seven civilians, may have been killed.

¹³³ NATO: Investigate Civilian Deaths in Libya. (2015, April 17).

In the eight cases, different interviews with witnesses such as supervisors offered information of the condition during the campaign. However, they interviews did not show any sign of nearby military action. The satellite pictures snapped prior to the bombings at five of the eight sites showed no indication of armed occurrence that would have considered the areas hit as legal military campaigns.¹³⁴

3.3.5 Libyan Invasion by NATO within International Law

Even though states in the international arena have the duty to intervene to safeguard rights of the general public, a mention to the Judgement by the ICJ in 1986 regarding the Nicaragua incident put emphasis on the rule of non-intervention that involves the right of each sovereign country to carry out its matters without being interfered by external states; although cases of trespass in violation of this principle are widespread, the International Criminal Justice (ICJ) consider it as elements of customary foreign law and as per the international law, respect for integrity is paramount. Furthermore, the report revealed that the principle prohibits all countries or a collection of countries to either mediate indirectly or directly in other state's external or internal matters, and that forbidden assistance must in all respects, be the one that reflects on issues in which every country is authorized, through the tenet of State Sovereignty, to make open decisions. The claim is at odds with North Atlantic Treaty organization's action in Libya in which the intervention focussed more towards helping the opposing rebels to encourage change in Libyan regime than to safeguard the innocent citizens and end the dispute. The involvement by NATO only fuelled the crisis and no rebuilding effort after the mediation existed.

¹³⁴ Ibid.

Paragraph 203 of the international law states that an intervention is wrong only when forceful approaches are applied to such decisions that should be free. Furthermore, the aspect of coercive forms and defines the very principle of unlawful intervention.¹³⁵ More so, the Declaration concerning Friendly Relations and Co-operation among countries adopted in 1970 by the United Nation General Assembly, include a section on the theory of non-intervention which states that:

“No country or group of countries is allowed to indirectly or directly, for whatever reason, intervene in the external or internal affairs of any sovereign state. As a result, military intervention and any other form of attempted threat or interference against state personality or its cultural, political, and economic aspects violates the foreign law.”¹³⁶

Pointing to modern foreign law, the ban pronounced in Article 2(4) of the UN charter is part and parcel of “compelling law”, in which it’s recognized and known by the foreign society as a principle through which no immunity is permissible and that can be altered merely by a succeeding belief of common international statute with the same peremptory feature. Therefore, similar to ban provided in Article 2(4), common *jus cogens* cannot be subcontracted at regional scale. Besides, the prohibition by the UN Charter of the use of or threat of military force is obligatory to both the organizations themselves, and individually or as members foreign organizations like North Atlantic Treaty organization.

Furthermore, putting emphasis on Vienna Convention, Article 52, that posits that an agreement is void if its inferences have been obtained through forceful action in breach of the foreign law principles stipulated in the UN Charter, with Article 2(4) being the common one. The prohibition provided for in Article 2(4) receives two immunities from the law of the United Nation Charter. The first immunity, covered in Article 51 of the declaration, relates to countries that are victimized through aggression:

¹³⁵ Ibid.

¹³⁶ UN General Assembly, *Declaration on Principles of International Law concerning Friendly Relations and Cooperation*

“Not anything in the current UN Charter impairs the collective self-defense or inherent right of a person if an armed invasion takes place against UN’s member state until it all possible measures of ensuring security and peace by the UNSC have been taken. In the practice of self-defense, the member states must inform the Council and will not have an effect on the duty and obligation of the council under the current charter to take any measure of ensuring or restoring global peace and security.¹³⁷”

Resolution 1973 of the United Nation SC revealed that Libyan situation continues to threaten global security and peace.¹³⁸ The resolution also went ahead to authorize members acting via arrangements, regional bodies, or nationally to take all possible actions to safeguard the general public and residents places against threat of invasion, such as Benghazi, and at the same time removing any overseas force from occupying any section of Libyan territory. The composition of the resolution included: freezing assets of designated persons, ban on flights, a NFZ, and arms embargo enforcement.

More so, article 2(4) of the United Nation charter makes provision that allows all members states to refrain from using or threatening to use force in manner inconsistent with the UN purposes, or against the territorial integrity or political independence of any country in international relations. Chapter seven of the Charter provides for the use of self-defense as immunity to the prohibition¹³⁹and UN’s authorization on the use of force to bring back or ensure international security and peace in the global arena.¹⁴⁰

Principally, the Charter (Article 1) clearly states that the role of the United Nation is to restore and guarantee global peace and security, and this conforms to the theory of international law and justice.¹⁴¹ It can therefore be posited that the legality of UNSC resolutions is dependent upon adherence to the international statute. In fact, when looking at Resolution n1973’s

¹³⁷ United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969

¹³⁸ Ibid

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Jadaliyya. (2017, July 10). The UN Palmer Inquiry and Israel's Attack on the Mavi Marmara.

consistency to international law, several problematic aspects become clear. To begin with, there is controversy on whether the Libyan situation was a threat to the global security and peace. Many academicians and researchers point out that there was absence of a non-international military dispute between rebel forces and Gaddafi's regime that had no effect on other countries within the global arena.

In conformity with the UN Charter's about protecting state sovereignty, a dispute constitutes an international conflict when two states are involved that undermine global security and peace. For that reason, it can be maintained that the conflict in Libya should not have been considered a threat the global security that was the basis for action as stipulated in Chapter 7.¹⁴² The Libyan conflict was designated an internal dispute since it involved Gaddafi's regime and rebel groups. According to the UN's Friendly Relations Declaration, 1970, other countries, be it collectively or individually were not supposed to take part in external or internal affairs of a sovereign country.¹⁴³

The main achievement of this conciliation is that it made it possible for member states to take all possible actions to safeguard the citizens, including forceful action, though not all other approaches of resolving the current clash were exploited. The United Nation Charter recommends forceful action after exhausting all other means of resolving conflicts. Other conflict resolution approaches, including varied forms of bans like assets freeze, travel ban, and arms embargo, comprised part of the UNSCR 1973 and other previous resolutions., although this was not allowed adequate time to offer result prior to the authorization of military action.¹⁴⁴

Furthermore, UNSCR 1973 did mention about civilian protection, and the member states involved in this clash tried to quote it to validate the Libyan intervention to conform to foreign

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

statute.¹⁴⁵ It's important to question the motives behind NATO's attack into Libyan ground. Did it seek to safeguard civilians' lives?, And to what degree, on the ground for the declaration was Libyan invasion justifiable?¹⁴⁶ Now, the big question that remains unanswered about military mediation by defense coalitions concerns whether a state's sovereignty, as documented in the international statute by global society, can be violated on the grounds of humanitarian assistance when the lives of its civilians are threatened by its leaders so as to safeguard these people. whereas the use of R2P is a legal justification for humanitarian aid as a principle of customary law at international level, it's crucial to assess if resolution 1973 of the UNSC is in conformity with this principle. In this context, it's necessary to revisit the six norms of the ICSS that should be met to justify an intervention: proper authority, just cause, reasonable prospects, last resort, proper authority, and right intention.¹⁴⁷ The principle of proper authority could be considered as met as per the Libyan resolution. This is for the reason that UN Security Council sanctioned the intervention as per Chapter seven of the United Nations Charter. However, with regard to other R2P conditions, as already indicated, there's as a minimum, a substantial debate whether these conditions were met in the Libyan case.¹⁴⁸

The intervention by military forces has been deemed unfair because its purpose would have been to overthrow Gaddafi's rule; and its impact would include an extended conflict with further civilian sufferings. Other approaches of resolving conflict amicably were unexhausted, and the possibility for a peaceful dispute management through armed means were completely lacking.¹⁴⁹ Therefore, even when R2P was to be utilized as a lawful validation for the mediation sanctioned by UNSC, it can be affirmed that the then factual events in Libya would not amount

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ International Commission on Intervention and State Sovereignty, 'The Responsibility to Protect. Report of the ICSS', 2001.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

to lawfully resort to R2P. One can therefore argue that although UNSC sanctioned Libyan action by NATO, UNSCR 1973 is criminal under the international statute. Therefore, when examining the conduct of the intervening Libyan powers, ie Operation Unified Protector and Operation Odyssey Dawn, Arab League together with NATO, many reports show crimes of the resolution 1973 territories.¹⁵⁰ Such reports demonstrate that the interventionist powers sought to topple Gaddafi's administration.¹⁵¹ Part of this resolution was not to oust Gaddafi's regime, and as per one viewpoint not important to safeguard citizens and bring back global security and peace, this can be perceived as illegal exertion of force.

¹⁵⁰ UN, A/HRC/19/68, International Commission of Inquiry Report, paras. 228, 235; ICC.

¹⁵¹ Ibid.

Chapter Four

The Implications of NATO's intervention in Libya for Africa

4.0 Introduction

Following the fall of Gaddafi administration, Libya has continued to face chaos. As a matter of fact, the state has been divided by powerful militias and competing political factions, presently united around the leadership of the self-styled LNA, the competing government situation in the eastern Al-Bayda, the international supported GNA, and the House of Representatives (HoR). More so, jihadi institutions, capitalized on these disorders, particularly IS and AQIM, setting roots in Libya, whereby they are using as a front base and from which attacks in neighbouring, such as Tunisia in 2016 and 2015 as well Algeria in 2013, were launched.¹⁵²

In 2012, ASL sought to establish an underground network within Libya and to also capitalize on the Libyan resolution to reinforce its operational capabilities and recruit militants in an effort to build a safe haven as well as spread its operational areas to Libya.¹⁵³ it is concluded that a small number of Al-Qaeda members have its operations in the country, and that Salafi jihadists with ideological alignment are controlling dozens of payer halls and mosques in Libya. More so, this terrorist group poses a serious threat to the country's rebuilding process. Today, many jihadists are entering Libya in large numbers manifestly benefiting from its new volatile environment.¹⁵⁴

The value of this country to military groups is evident from an interview with Abu Nabili al Anbari, a leader of Islamic State in Libya in Islamic State's online magazine-Dabiq-in which

¹⁵² The Libyan Security Continuum: The Impact of the Libyan ... (n.d.). Retrieved from https://www.iai.it/sites/default/files/menara_wp_15.pdf.

¹⁵³ The Consequences of NATO's Good War in Libya. (2015, August 7). Retrieved from <https://warontherocks.com/2014/05/the-consequences-of-natos-good-war-in-libya/>.

¹⁵⁴ Ibid.

detailed that Libya provide access to Southern Europe and Africa. The country is too an entry into the African desert extending to many countries in Africa, where the effect of all types of operations by the military forces can hit many countries within the global community. Besides, the presence of natural gas and oil reserves within the state and countries across Europe rely on them to have control over the IS. This elicited influence in the region in which these leverages could result in economic crisis particularly for Italy and the entire Europe.¹⁵⁵

In addition, recruits for militia groups were mainly from Africa, including the Arabian Peninsula, Islamic Maghrib, and Egypt. This is due to its strategic importance and centrality in the eyes of jihadi organization.¹⁵⁶ This therefore demonstrates how valuable Libyan stability was to its immediate African countries. The insecurities within the country spread to other African nations. After NATO left, the vulnerable Libya was left in the hands of jihadi groups and rebel forces. This exposed African countries to a state of increased terrorism and constant conflict both at the international arena and within the region.

Additionally, all forms of violence actions that developed in and from Libya, including the jihadi threats, trafficking weapons, and smuggling of migrants, had an impact on African countries as well. The increased Libyan disruptions following the fall of the Islamic States in the Middle East raises questions given that majority of foreign fighters from North Africa who entered Iraq or Syria and battled with affiliates of Al-Qaeda or Islamic States in Syria, particularly Al-Nusra Front, may choose to move into Libya and strengthen Al-Qaeda or Islamic State's jihadi affiliates in Libya. In fact, these fighters have obtained intensive radical and military training, established strong networks with fellow global jihadists, and acquired first-

¹⁵⁵ Lounnas, D. (October 2018) *The Libyan Security Continuum: The Impact of the Libyan Crisis on The North African/Sahelian Regional System*. p. 63.

¹⁵⁶ *Ibid.*

hand fighting experience in the Middle East. Therefore, this could further undermine the entire region of Sahel and North Africa.¹⁵⁷

The national interest of the member state was achieved after Gaddafi's regime was overthrown by NATO. Western world wanted to survive within the global arena and Gaddafi's administration hindered them. It is thus obvious that whatever happened to Libya after Gaddafi's death and its invasion was not the intention of this international intervention. No efforts have been made to try to restore the state but instead there have been further violations of human rights of the innocent citizens. UNSCR 1973 argue that, besides mediation, the responsibility of NATO to Libyans was to ensure it recovers from its current state. However, the absence of action by defense alliance, NATO, destabilized NATO that has raised security and peace concerns in the immediate African countries.

4.1 Interpretations of the United Nations Mandate

The primary official mission statements by NATO were to prevent the arms and mercenaries from entering Libya. UNSCRs 1973 and 1970 authorized NATO to take all possible actions to prevent the flow of arms into Libya. Ships that had any intention of transferring the restricted area were expected to inform NATO of the consignment as well as the destination in a comprehensive message. NATO would then verify those claims either through surveillance or by capturing the vessel. NATO was to then review and make the decision whether it would or would not intercept. Additionally, if NATO for any reason was restricted access to the vessel, forceful measures could be taken.¹⁵⁸ If arms, mercenaries or any material related to military force were uncovered, or if there was purpose to believe the vessel would be

¹⁵⁷ Iai.it. (2019). [online] Available at: http://www.iai.it/sites/default/files/menara_wp_15.pdf [Accessed 14 Oct. 2019].

¹⁵⁸ UNSC Resolution 1973

utilized to encourage invasions on innocent citizens, whether indirectly or directly, the ship and all accompanying it would not be allowed to proceed to their destination.¹⁵⁹ By September 30, 2011, 2862 vessels were called to return to their origin, and 293 of those vessels entered into; 11 boats were denied access to the ports of Libya as they threatened the general public.¹⁶⁰

NATO's understanding of the UNSC Resolutions was to make sure that the lives of the innocent citizens are protected by all means necessary. It stated that its main goal is to safeguard the citizens and areas of residents that are at risk of invasion being caused by the Gaddafi administration. North Atlantic Treaty Organization emphasized that it will adopt all elements of the United Nation Declaration 1973 and would not add or subtract anything as per the report by Anders Fogh Rasmussen, the then Secretary General of NATO during the earlier stages of the implementation of the UN Resolution 1973.¹⁶¹ In an official press release, the organization stated:

“North Atlantic Treaty Organization will maintain to organize its actions by consulting with international organizations, the US, and other regional actors. We condemn the ongoing killings and violence in Libya committed by the current administration against its civilians that have led to a severe humanitarian condition, especially in cities under blockade. Forces spearheaded by NATO are taking effective measures to safeguard people and residents places at risk of invasion as well as guaranteeing arms embargo and the NFZ sanctioned by UNSC resolution 1973. The country will continue to flex our armed actions to attain maximum results in executing our duty to safeguard the lives of people. up to now, we are devoted to supplying all valuable resources and optimal operational adaptability within our duty. An effective operational measure against lawful campaigns will be ensured and will keep pressurizing until we fulfil the following goals: the administration must allow unhindered, full, immediate, and safe accessibility to all Libyan people who are in dire need of help; all threats of or attacks against people and residential areas have stopped; and the administration has confirmed to withdraw all armed forces, such as mercenaries and snipers, from all residential areas they have besieged, forcibly entered, or occupied in the entire Libyan region. We are devoted to ensuring complete adoption of resolution 1970 and 1973 authorized by UNSC. We reaffirm our support to the Libyan

¹⁵⁹ NATO Fact Sheet – *Operation Unified Protector NATO-led Arms Embargo Against Libya*. October 2011

¹⁶⁰ Ibid.

¹⁶¹ Statement by NATO Secretary General Anders Fog Rasmussen on Libya, *NATO*. 27 Mar. 2011
<http://www.nato.int/cps/en/natolive/news_71808.htm> (accessed 3 Feb. 2013)

national unity, independence, sovereignty, and territorial integrity in performing out duty. We recall our full support for the establishment of an open political action as the sole approach to ending the conflict and maintain lasting peace within the state and a bright future for people in Libya”.¹⁶²

The vague nature of Resolution 1973 caused a number of powerful countries like India, Germany, Brazil, Russia, and China to refrain from involvement of the intervention despite the fact the mandate is backed by Arab League. These powerful states were uncomfortable with the very broad nature of the mandate, which had overtly authorized all possible means to safeguard citizens and all residential areas at risk of invasions¹⁶³ The unclear nature of 1973, especially regarding a desired change in regime did not necessarily sit well with these member states, this was regardless of the fact that multiple states had already called for Gaddafi to step down.¹⁶⁴ The actions within Resolution 1973 implied that there would be limited application of armed action during Libyan invasion by the NATO. However, the statement of “all necessary measures,” evidently showed that these supposed limited military instruments could end up changing into something else and most likely a regime change.¹⁶⁵

The challenge for NATO as a defense alliance was how to operationalize a mandate where a political situation was so imprecise that clarity was unattainable.¹⁶⁶ The initial US-led coalition was met by a lot of difficulties when it started planning and executing the operations within Libya a few days after Resolution 1970 was passed. Evidently, NATO had hit some major hurdles organizing its activities in the air during the first 60 days of Operations Unified Protector

¹⁶² NATO Official Text. *Statement on Libya* 14 April 2011 [herein thereafter: Statement on Libya]

¹⁶³ Riccardo Alcaro, “Opting For Second Best in Libya?” *Instituto Affari Internazionali* (May 2011). [herein thereafter: Riccardo]

¹⁶⁴ Michael W. Kometer, Stephen E. Wright, “Winning in Libya: By Design or Default?*

¹⁶⁵ Kometer & Wright. p. 14

¹⁶⁶ Ibid.

(OUP).¹⁶⁷ In recognition of this difficulty, NATO reorganized and increased personnel to be able to run major airstrike activities.¹⁶⁸

From the beginning, it was believed that the direction to the air element objective would end once the actions set to safeguard people become irrelevant. There was an assembly of NATO Foreign Ministers on April 14, 2011, to discuss the end goal and refined it to incorporate the immediate allowance of access for all lawful humanitarian institutions; the end of hostilities by the administration; and the removal of all military groups that were putting the populated areas at risk.¹⁶⁹ However, NATO's mission tasking according its mandate did not include a specific goal of political change. This therefore shows that the motivation behind NATO's actions were not for the safeguard of the Libyan citizens but rather for the western states' own national interests which were being jeopardized by Gaddafi being in power.

4.2 Effect of NATO's Intervention into Libya in the Region

The effect of Libyan attack by North Atlantic Treaty Organization can be felt in the entire African region. The border between Egypt and Libya is permeable that it continues to bother the Egyptian government. Because of the present instability of Libyan state, there has been a surge in the accessibility and availability of weapons in the area that has led to empowerment of many VNSAs. Many weapons that were supplied into the Gaza Strip and Sinai Peninsula of Egypt comprised of anti-tank guided missiles and man-portable air defense systems. A clear case demonstrating these concerns happened in 2014 when militants based in Sinai hit the military helicopter from Egypt with a ground-to-air missile. United Nation's press and expert reporting

¹⁶⁷ Vernon, M. H. (1986). Air Interdiction: Joint Coordination Issues for the United States Army and Air Force*

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

altogether showed that Libya was the most likely place where these weapons might have been obtained.¹⁷⁰

Several other indications of how Libya's weakening is affecting Egyptian security condition exist. In 2019, Egyptian security attacked a workshop in Cairo where a cell used to manufacture explosive belts and bombs was based. The experts argued that the military groups were linked to Ansar Bayt, a statement confirmed after five days following the issuance of an official communication by the militants. The security sources from Egypt informed the media that Libya was the source for these vast quantities of explosives, and five tons of explosives were seized.¹⁷¹

There have also been concerns on part of Algeria on how the current state of Libya was influencing its security. A grisly indication for this is the In Amenas hostage conflict that resulted in the death of many foreigners. For a long time, the officials from Algeria have expressed their concerns regarding the influence that Libyan invasion by NATO would pose to its territories.¹⁷² Associating the In Amenas hostage with Libya is an evidence of how Libya state had a significant impact on security. The Algerian officials are still worried about AQIM's activities for the reason that it's an outcome of the rebellious groups, GSPC, of Algeria that sees Algeria one of its main targets

As per Liepman and Chibbis, many reports show that AQIM sergeants acquired weapons from Libya. In October 2013, as a follow up on these allegations, soldiers from Algeria found a

¹⁷⁰ Gartenstein-Ross, D. (2019). *The Consequences of NATO's Good War in Libya - War on the Rocks..*

¹⁷¹ Ibid.

¹⁷² The Consequences of NATO's Good War in Libya. (2015, August 7). Retrieved from <https://warontherocks.com/2014/05/the-consequences-of-natos-good-war-in-libya/>.

huge quantity of weapons near the border of Libya that supposedly included landmines, rocket-propelled grenades, 100 anti-aircraft missiles, and several anti-helicopter rockets.¹⁷³

It should not be forgotten that the attack on Libyan soil by NATO affected Mali borders as well. A variety of jihadist groups, including Tuareg separatist and AQIM groups, all Al-Qaeda affiliates, took control of northern Mali after Arab Uprisings sprang up. Eventually, this resulted in an intervention spearheaded by France in 2013. An opportunity for jihadist takeover developed in 2012 when there was a further growth of Violent Non-State Actors (VNSAs). A report by HRW shows that by 2012, VNSAs had unified control of the northern parts of Timbuktu, Kidal, and Gao.¹⁷⁴ Despite the idea that not all of these Violent Non-State Actors were mainly jihadists, jihadi groups became more famous and even embraced an a rigid form of Sharia law

There has been a clear dynamic shift within Mali after Gaddafi's regime was toppled by rebellious forces that received NATO support. For years, Gaddafi has been a great supporter of Tuareg separatism, and his death allowed jihadists to exploit the Tuareg's loss of a leader and hence created a coalition based on convenience as opposed to political ideology. Besides, many Tuaregs went to Libyan state as mercenaries to help Gaddafi to battle against the opposition forces. Following his conquest, a report by NYT uncovered that they assisted themselves to a substantial amount of high-level weapons. Soon after, this report understood that the reappearance of earlier armed forces had revived a historical rebellion and grown into a major problem.

¹⁷³ Ibid.

¹⁷⁴ Mali: War Crimes by Northern Rebels. (2019). Retrieved 14 October 2019, from <https://www.hrw.org/news/2012/04/30/mali-war-crimes-northern-rebels>

4.3 The AU and NATO's Invasion in Libya

African Union raised concerns that UNSCR 1973 had given too much flexibility to Western world that have a tarnished track record of invading and occupying the region.¹⁷⁵ The belief for African Union was that, rather than pushing for change in administration, Libyan people ought to have begun plans for political reforms. The Ad Hoc Committee of the African Union believed that regime change is a decision by Libyan civilians whereby they ought to be given time and chance to elect their leaders and that global players ought to be non-partisan or deviate from making pronouncements that are politically-affiliated which only makes it hard to find an amicable solution or complicate any other efforts aimed at minimizing regional conflicts.¹⁷⁶

African Union believed that promotion of forcible democracy from without a sovereign state via its military and own government was lawful means of protecting the lives of innocent citizens. The decision by NATO to target the home of Gaddafi in Tripoli, increased fears among countries in Africa who believed the actions by NATO were designated under underground neo-colonial motives.¹⁷⁷ Therefore, the same African Union committee reminded NATO to strictly follow the resolution 1973's provisions. Besides the debate about the proportionality and importance of armed action to safeguard civilians in Libya, the procedure of non-selectivity and right intention were also wrangled over among different diplomatic actors in the dispute

In reminiscence of the report by ICSS, clear motives can be gauged basing on three indicators: consent of other states, multilateral action, and popular support. Whereas some people believed the action by NATO necessary and successful within the global arena, leaders from

¹⁷⁵ Ibid.

¹⁷⁶ PSC/PR/2(CCLXXV), 26 April 2011.

¹⁷⁷ Oluka, Benon H. 2011: Uganda: Museveni Attacks West Over Libya,*

African states, even with the idea that some members of UNSC from Africa voted for Resolution 1973, reiterated their doubts, particularly from a realist viewpoint. The African Union Public Service Commission discarded international military action in Libyan intervention. The decision to reject this action was in part due to suspicions over the use of R2P and secret motives advanced by western states; particularly bearing in mind that North Atlantic Treaty Organization (NATO) intervened in Libyan case but not in Bahrain or Yemen. In order to support the allegations that the goal of NATO was to advance national interests, many commenters from Africa argued that Bahrain and Yemen are all friends for the US and hence have no worries for being held liable for their failure to safeguard its civilians. There have also been many doubts that the western states used this Libyan invasion under the name of intervention to advance their interests in getting hold of the vast oil reserves in the country.¹⁷⁸

The Peace and Security Council of Africa Union made a declaration asking the government of Libya to protect its civilians. The pronouncement highlighted not only the need to safeguard the Libyan territorial integrity but also sympathized with the ambitions of Libyans for political and democratic reforms.¹⁷⁹ The United Nations Security Council responded by passing Resolution 1970, and finally forwarded the Libyan situation to the International Criminal Court.¹⁸⁰ Three African members of this Council; Gabon, South Africa, and Nigeria, who had formerly cooperated with other governments in Africa to frustrate the ICC judicial processes in cases involving Kenya and Al-Bashir, cast a vote of affirmation. But the African Union was unwilling to confer full powers to the extra-continental powers during the crisis resolution attempts, and thus embraced another declaration on the creation of Ad Hoc Panel that was put in-charge of seeking a diplomatic action towards the clash.

¹⁷⁸ AllAfrica 2011: Ambiguities Over the Interpretation of UN Resolution 1973 *.

¹⁷⁹ Ibid

¹⁸⁰ S/RES/1970, 26 February 2011.

Furthermore, the African Union Public Service Commission showed its faith that immediate action on African continent needed to be taken to stop the hostilities and initiate political and democratic restructurings including the organization of elections, establishment of an all-encompassing government, and the formation of a constitutional structure.¹⁸¹ Based on this proposal, the AU commission spearheaded by Jacob Zouma, presented a peace plan to the government of Libya in which it received an approval from the then president, Muammar Gaddafi. However, the National Transitional Council found this report plan unconvincing.¹⁸² Even with this opposition, the African Union continued look for a solution to this problem via a negotiated solution with Muammar Gaddafi. But this approach did not last, it was increasingly shelved in few months that followed.

As an approach to conflict resolution, the negotiated approach appeared flexible as it left open the likelihood of additional peaceful involvement with the Gaddafi's administration in the search for a diplomatic resolution. The Arab League encouraged and requested Gaddafi to erect a NFZ over Libya by which the United Nation Security Council responded by permitting the use of all possible means to safeguard the lives of innocent citizens. UNSC's members in Africa strongly supported this sanction, notwithstanding the fact that the Peace and Security Council of African Union had initially turned down any international armed assistance within a sovereign country. The diplomatic mission of the African Union's High Level Committee was hindered following the commencement of the airstrike bombing campaigns. This is because the appointed delegation could not even the area hence aggravating tensions between NATO and African Union further.¹⁸³

¹⁸¹ Ibid

¹⁸² Libya: Gaddafi has accepted roadmap to peace, says Zuma, in: The Guardian, 11 April 2011.

¹⁸³ Ibid

This High level Committee, however, faced criticisms for being an ineffective assembly of congratulatory leaders from Africa who were finally compelled to watch from a distance while the NATO attempted to oust Gaddafi under the façade of humanitarian aid.¹⁸⁴ Specifically, the credibility of African Union to act as an un-biased mediator in the dispute was questioned, designating Gaddafi as the main financier of the international institution.¹⁸⁵ Given the considerable ideological and financial influence Muammar has exercised for many years in Organization of African Union (OAU) and then African Union, it's imperative to raise concerns whether the African Union itself is presently following the criteria of right intention while adopting the R2P on Libyan soil. Even so, leaders from Africa like Paul Kagame of Rwanda openly condemned the African Union's indifferent reaction to the killings that were taking place in Libya. Kagame further remarked that from African viewpoint, many lessons can be learned. The crucial one being that AU should learn to react urgently and excellently to conditions like the Libyan invasion.¹⁸⁶

Furthermore, a number of media commentators from Africa condemned the AU more strongly saying that the Libyan case is a plain indication of the inadequacy of African circus. Exempting Gambia and Rwanda, these commentators demonstrated the sluggish response states in Africa provided to the Gaddafi's brutalities on its civilians.¹⁸⁷ Therefore, the response by the AU to the Libyan conquest was partly shaped by the international dialogue and the prior declarations of AU on civilian's protections that is manifested through its iterative call for safeguarding people in its entire solutions on the dispute.

¹⁸⁴ Ibid.

¹⁸⁵ Sudan Tribune 2011: Libya: African Union Absent From 2nd Meeting on Libya*.

¹⁸⁶ Kagame, Paul 2011: Rwandans Know Why Gaddafi Must Be Stopped, in: The New Times, 24 March 2011, online at <http://allafrica.com/stories/201103240033.html> (9.11.2011).

¹⁸⁷ Ibid.

Up to now, the response by the AU to the crisis would have been much more established if this international dialogue has been the only factor. However, in real-life situations, the role of the AU is instead hesitant, and to discern this indifference, other predictive components must be factored in. Such explanatory variables include the nature of AU's regularly underfunded security and peace that prompted it to depend heavily on diplomatic means of conflict settlement in Libya, and regional factors like the major contribution of Gaddafi in the international organizations.

Also, the perceptions and interests of member states of the African Union was a major contribution, whereby, historically, African governments expressed their fears that the western world may use humanitarian claims to advance its neo-colonial motives. Another fear is the undemocratic architecture of much African administration that often prioritizes regime security over human security and is more likely to pass over solidarity to fellow autocrats. Another anticipated risk that adds to the AU's critical and cautious attitude is that the mediating states would violate their duty to safeguard the public and advance the object of change in rule.¹⁸⁸

The AU has been viewed as not being able to see to the escalating outbursts of conflict and violence in Africa therefore, reducing its plausibility as a custodian for security and peace in the continent or as an organization set to lead Africa in an anarchic international system filled with great geopolitical dynamics. It is questioned as to whether the AU is still relevant today especially when assessing its role during the Libyan crisis. Is it still dominant in the international community being key in conflict prevention, eradication as well as its part in peace building among its member states? Unfortunately, from previous case studies, the AU has been unable to eradicate all conflicts within Africa on its own; instead the UN as well as other foreign states

¹⁸⁸ Human Security - mafiadoc.com. (2019). Retrieved 14 October 2019, from https://mafiadoc.com/human-security_5c156732097c471f288b4651.html

have intervened in order to assist with the elimination of conflict in Libya as well as other states like DRC. This failure by the AU has amplified the worldwide and continental thoughts that the African Union is ineffective in settling problems in Africa today. ¹⁸⁹Therefore, this has paved way for an even greater increase in foreign interventions in the domestic issues of sovereign African countries. However, it is important to note that reforms within the AU leadership as well as greater commitment from member states may contribute greatly in making the AU effective in contributing towards solving the problems being experienced in Africa and will be able to protect Africa from the misuse and manipulation by the more powerful states looking to pursue their national interests through international relations.

¹⁸⁹ Mlambo, Victor H & Dlamini, Mpume. (2019). Conflict and violence in Africa in the 21st century. *Journal of Public Affairs*. 10.1002/pa.1939.

Chapter Five

Summary, Conclusion and Recommendations

5.0 Introduction

This Section sums up the findings of the study on North North Atlantic Treaty Organization on Libyan oil, to investigate and analyze the advancement of political, economic, and military interest through defense alliances, and to capture viewpoints of the global society about the prospects of international interventions and the notion of duty to safeguard. Additionally, it examines the impact of the invasion by defense alliances on neighboring states as is in this case, African states and therefore discussing the AU's role in conflict resolution for its member states. The specific conclusions and recommendations for the case study area are presented in the respective sections of the study.

5.1 Summary

The current study endeavored to answer the question whether Libyan intervention by NATO was fueled by the desire to advance the interests of its members. This study has shown that North Atlantic Treaty Organization's intervention in the case for Libya was selective in nature as it drew much attention on the then Libyan government led by Muammar Gaddafi as grounds for action and it primarily sought to facilitate change in regime of a disobedient administration rather than on the safeguard of the innocent Libyan civilians. The African state's ideologies as supported by Gaddafi threatened the survival of states in the western world and his suggestion for the use of gold dinar would have adversely impacted their economies. Though Libya might have had its affairs regarding its administration, as echoed by international law, such domestic issues did not threaten any international security issues to the degree of needing a military action.

Furthermore, the kind of support rebel forces receives from NATO so as to spearhead a change in regime violated the agenda of its mediation. Thus, the main agenda for these countries was to pursue their own economic and political interests in the country. Given that Gaddafi was frankly agitating for the development of a new currency that would have elicited fierce competition with the euro and the dollar, the change in regime benefitted the west more and was guaranteed survival within the global arena.

Besides, the inability of the UNSC to launch action on Syria, Yemen, and Bahrain is a clear proof of the selective nature of the intervention that is understood in the frame of Europe and America battling to survive that is endangered by an independent Africa continent. Therefore, the main agenda of NATO's intervention had to change to remove such threats.¹⁹⁰ Similarly, this allegation is backed by the idea that North Atlantic Treaty Organization departed from Libyan soil immediately Gaddafi was killed even with the increased violence in many sections of the state¹⁹¹. Therefore, this blatantly shows how UNSC mandate that were meant to protect civilian population were openly abused. UNSC did not seek to agitate for a change in regime or help rebellious groups to oust Gaddafi from office.

Both the international humanitarian community and NATO shares agendas of protecting the people and ensuring access to humanitarian aid. Dialogue is key in any conflict management effort as it improves respective attempts to alleviate the threats to people, be it through promoting adherence to international law or sharing analysis. Another helpful approach in the facilitation of compliant to OCHA guidelines on the use of military assets in Libya would have

¹⁹⁰ Head of International Mechanism on Syria Describes Progress Documenting Crimes Committed by Both Sides, as General Assembly Takes Up Report | Meetings Coverage and Press Releases. (n.d.). Retrieved from <https://www.un.org/press/en/2019/ga12139.doc.htm>.

¹⁹¹ Ibid.

been coordination. This would have ensured that are only applied when required and not when they are politically convenient as evident through the actions of NATO during Libyan attack.

The blurred lines between political, humanitarian, and military agendas in Libya, Pakistan, Afghanistan, and Iraq regarding intervention by NATO defense alliances had a far reaching effect on the general public, consequently hindering attempts to attain the common objectives of protecting lives of the innocent citizens and offering aid as well as minimizing further abuses of human rights.¹⁹² An intensive research carried out by the NYT on the bombings campaign sites in Libyan soil that involved collection of death certificates and photographs, munitions remnants, and medical reports, as well interviews with witnesses, survivors, and doctors, uncovered plausible reports of people murdered by North Atlantic Treaty Organization in many different fights. The casualties, including at minimum 29 children or women, were always in deep sleep at the time the bombs were struck.¹⁹³

In an attempt to mislead, the formerly uncovered evidence showed that, at minimum 40 people lost their lives through NATO actions. When compared, this alleged figure was not high as other disputes where the states from the west have depended upon airstrikes on many incidences. However, this was not verified to be an accurate or complete report. Doctors and supervisors providing services in the interim authorities that opposed Gaddafi mention more victims of the bombings, and they directed the reporters to other areas where fatalities were suspected.¹⁹⁴ In fact, NATO modified its stance fourteen days following the receipt of a lengthy memorandum (27 pages) from the Times that had in-depth information of the 9 different attacks in which reports revealed that allied helicopters had wounded or killed inadvertent victims. NATO's spokeswoman operating in Germany earmarked that reports from the ground showed

¹⁹² Retrieved from: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7119.pdf>

¹⁹³ Ibid.

¹⁹⁴ Ibid.

that blameless citizens may have been wounded or killed, even with all the precision and care. She further stated that North Atlantic Treaty Organization was ready and willing to cooperate with authorities in Libya to do what they thought was lawful.¹⁹⁵

But with time, North Atlantic Treaty Organization completely avoided the duty of launching an investigation to interim authorities of Libya, whose progression to power and survival were eased primarily via the North Atlantic Treaty Organization bombing promotion together with funding of the rebellious groups to facilitate a change in administration. Up to now, there has never been any interest from Libyan authorities to examine the mistakes made by NATO.¹⁹⁶ This ineffectiveness to rigorously analyze the civilian toll minimized the likelihoods that the coalition forces, that depended mainly on air power instead of risk ground soldiers in a foreign clash, will assess their participation in Libyan case to reduce security killings.

5.2 Study Conclusions

The failure by NATO to give close attention to the unplanned fatalities in Libya resulted in many injured citizens who got little or no assistance in the aftereffects of the still-chaotic change in country administration.¹⁹⁷ The consequences of this humanitarian intervention was damaging to African states. The African Union could not persuade the world, Libyans, or Africans that it was a plausible body for peace and security on Libyan soil. In addition, Africa failed to show one stance, and also to offer diplomatic, financial, or military resources needed to ensure the success of AU plans. Africa also failed to even provide accurate information of its strategy and intent to its civilians, by means of which the position of Africa Union has been mistaken, and the African Union itself has had leadership problems. To be honest, the

¹⁹⁵ War, A. (2011, December 19). The Times Investigates: In Libya, Conflicting Reports of Civilian Casualties.*./

¹⁹⁶ Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia*.

¹⁹⁷ Ibid.

weaknesses has not been of importance to anyone and it's possible that NATO, people from Libya, and the new government may be disappointed that African stance was not addressed.

Besides, the blockage of the diplomatic plan of AU shows that the move to increase military action past the intervention in Benghazi to the motive of change in regime, couldn't be considered as a last option. Other negotiated settlement options that could have been used still existed. In fact, an alliance between African union and the United Nations could have benefited themselves and Libya.¹⁹⁸

Sincerely speaking, the decision by NATO to attack Libya was fuelled by realist factors like national interests and self-help under the façade of humanitarian assistance. Therefore, this is a clear proof that defense coalitions such as NATO at many times use the justification of intervention in the pursuit of economic, military, and political interests thus very selective in choosing which state to intervene. If truly the motives of coalitions like NATO were open and in conformity with the safeguard of civilian population, then it would not have hesitated into states like Bahrain, Yemen, and Syria that have features of states demanding the support of R2P defense partnerships.

To put an end, the UN-NATO interaction in Libyan case shows the need to cleanse associations amid regional organizations and the United Nation. But instead of addressing this issue in general, an understanding of the specific dynamics of the issues involves is key so as to come up with most successful method to deal with them. Seemingly, North Atlantic Treaty Organization will respond to UNSC resolutions that require regional bodies to help in adopting such declarations such as UNSCR 1973.

¹⁹⁸ Ibid.

The possibilities of adapting Chapter eight of the United Nation Charter sooner or later are minimal, hence, addressing the gap between practice and law, might melt down to an inspired amendment of the UNSC process, particularly concerning the creations of resolutions like the UNSCR 1973. But the United Nations ought to factor in the need to manage the association between NATO and UNSC, what's equally important is to make sure that North Atlantic Treaty Organization doesn't wind up mocking the legal structure of chapter eight.¹⁹⁹

Many regional bodies try hard to keep looking for a robust cohesiveness in the UN charter order, and not a single one ought to be allowed to be selective in their decision from the tool. Taken together, benefits come with cost.²⁰⁰

5.3 Recommendations

Given the study's findings and the analysis of the manipulation of humanitarian interventions by defense alliances for pursuit of national interests this section makes recommendations that can enhance the strategy and the outcome of operations led by defense alliances in sovereign countries in the global arena when bringing an end to a conflict.

5.3.1 Assessment of International Law and International Interventions

NATO went against international law with its decisive intervention in Libya's civil war. Regardless of the fact that NATO seeks support of its actions from R2P, it still does not receive justification of its actions due to the fact that R2P is to bring an end to a crisis and stop further bloodshed, nowhere within the doctrine is there the justification of regime change particularly if there is no strong evidence suggesting that that particular measure needs to be taken to achieve

¹⁹⁹ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, Chapter VIII, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 14 October 2019]

²⁰⁰ Ibid.

its goal. Contrary to this, R2P mainly supports the use of minimum action to bring an end to the crisis.

Within customary international law, there is no provision whereby foreign states can intervene in order to impose democracy in another sovereign state. This then questions why NATO went above its mandate and influenced a regime change by even offering the rebel forces arms as witnessed when France started arming the rebels immediately after the UN resolution 1973 was passed. Therefore, NATO and other member states supporting the intervention violated resolution 1973 and articles 25,2(7) and 2(4) Charter of UN. It is recommended that defence alliances and members stay within their mandate and act in accordance to international law when performing interventions within the international community.

5.3.2 Assessment of the Institutional Synergy between the Defence Alliances, UN and the African Union

It is important to review the role of all involved actors within the global arena during the authorization of the R2P principle in terms of power to intervene in member states in a conflict situation. The UNSC and the AU were both aiming to get a resolution of the conflict in Libya.

The AU leaned more towards an approach that involved political settlement which would involve more diplomatic negotiations while the UNSC quickly rushed to passing the Resolutions 1970 and 1973 just days apart from each other actioning a NFZ and the utilization of all possible means to safeguard the lives of the civilians. This drove a wedge into the AU roadmap only allowing for NATO to proceed with the airstrike campaigns.

Evidently, the objectives of the involved actors had disparities and therefore it was not possible for there to be conflict resolution in Libyan state. Some NATO member states like Russia and China opted to not vote in support of the resolution due to the unclear nature of the

passed resolutions but also opted to not act upon their judgement and allowed for NATO to act upon them. This showed that some members of the international community could tell that the agenda for NATO's intervention was not R2P but rather change in regime. Consultation between regional organizations and the UN would do better for conflict resolution than sole decisions as witnessed in the case of Libya.

5.3.3 Discreditation of the Responsibility to Protect Doctrine

With respect to how the Libyan intervention was conducted by of the North Atlantic Treaty Organization, R2P has illustrated the dangers that accompany it as an international relations concept. The notion of R2P has evidently proved that it is vulnerable to manipulation and exploitation by powerful states following how the defence alliance member states national interests triumphed the main objective of the action to intervene, which was to protect civilian life and end human rights violations. NATO performed airstrike bombings in areas that were not considered subject targets and led to even more human suffering in Libya. It is estimated that these airstrike bombings either directly or indirectly led to the death of close to 50,000 individuals.²⁰¹

Moreover, R2P has not answered the question of what happens after the intervention. The current conflict-stricken state of Libya shows the unsuccessful nature of this notion within the international community. NATO's exit from Libya left the state to the rebel forces who rose to power and did not provide the previously promised democracy after the end of the Gaddafi regime. The current situation of the very same Libyans who were to be apparently protected by this intervention is much worse than how it was under the Gaddafi regime.²⁰²

²⁰¹ Terry, P. (2015). The Libya intervention (2011): Neither lawful, nor successful.*

²⁰² Ibid.

Alternatively, for R2P to be a functioning international relations notion, the involved actors be they the intervening states through defence alliances, the UN as well as other regional organizations should ensure post-conflict nation building whereby a mission is able to restore the state as opposed to living it in a worse state. Unfortunately, due to the selfish nature of states, it is not likely that they will put down their own national interests to ensure the success of R2P.

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Annex 1

Questionnaire

1. In your opinion, is there a link between international interventions and National interests?

Explain.....
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2. Are defense alliances in accordance with international law when they use military force during humanitarian interventions?

Explain.....
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3. Did NATO member states pursue their own national interests instead of focusing on the protection of human rights during its invasion into Libya?

If so, what interests were they pursuing.....
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4. Do you think African state sovereignty is ignored by western states within the international community during humanitarian interventions?

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5. Do you think the African Union should have had the more prominent role within Libya to end the conflict as opposed to western states?

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6. What implications did NATO's invasion on Libya have on African states?

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7. Having Libya's current state in mind, do you think NATO's intervention can be considered successful?

Should the international community and the UNSC continue offering support to humanitarian interventions by these defense alliances?

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*NATO– North Atlantic Treaty Organization

*UNSC- United Nations Security Council



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