

**ATILIM UNIVERSITY**  
**GRADUATE SCHOOL OF SOCIAL SCIENCES**  
**DEPARTMENT OF INTERNATIONAL RELATIONS**  
**INTERNATIONAL RELATIONS MASTER'S PROGRAMME**

**MULTILATERAL ARMED INTERVENTION IN LIBYA, 2011:  
LEGITIMACY AND MOTIVES**

**Master's Thesis**

**Othman Essa**

**Ankara 2019**



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**Othman Essa**

**Supervisor**

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**Ankara 2019**

## ACCEPTION AND APPROVAL

This is to certify that this thesis titled “Multilateral Armed Intervention in Libya ,2011: Legitimacy and Motives”, prepared by Othman Essa meets with the committee’s approval unanimously as a Master Thesis in the field of International Relations following the successful defense of the thesis conducted in June 25, 2019.

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Othman Essa

## ÖZ

ESSA, Othman. Libya'da Çok Taraflı Silahlı Müdahale, 2011: Meşruiyet ve Gerekçeler. Yüksek Lisans Tezi, Ankara 2019.

2011'de Libya'da barışçıl olarak başlayan protestolar, kısa süre içerisinde protestocular ile Libya hükümetinin güvenlik güçleri arasında açık bir savaşa dönüşmüştür. Bu durum, uluslararası toplumu sivilleri ve sivil nüfusu yoğun olan bölgeleri korumak için Libya'ya askeri müdahalede bulunmaya itmiştir.

2011'de Libya'ya yapılan çok taraflı silahlı müdahale, hem meşruiyeti, hem de müdahalede bulunan ülkelerin motivasyonları açısından bugün hala tartışma konusudur. Koruma sorumluluğu BM Güvenlik Konseyi'nin Libya'daki silahlı müdahaleyi yasallaştırma kararının yasal dayanağı olsa da, BM esas olarak Libya'da rejim değişikliğini gerçekleştirmeye odaklandı. Libya'daki sivillerin uluslararası toplumdan hızlı bir tepki gerektiren, kitlesel cinayet, zorla göç gibi diğer insan hakları ihlalleri riski altında olduğu açıktır. Ancak, Libya'daki BM misyonu, Libya halkının ihtiyaçlarından ziyade ulusal çıkarlarını ön plana koyan müdahaleci ülkeler tarafından kötüye kullanılmıştır.

Libya'ya yapılan silahlı müdahale, Libya devleti açısından olumsuz sonuçlar doğurmuştur. Libya'daki potansiyel katliamlar bir dereceye kadar engellense de, askeri müdahale ne yazık ki Libya'yı başarısız bir devlet ve terör örgütü haline getirmiş, insan ticareti çeteleri, finansal yolsuzluk ve farklı milisler arasında sürekli savaş bugün Libya'nın gerçeği haline almıştır.

### **Anahtar Sözcükler:**

NATO'nun Müdahalesi, Koruma Sorumluluğu, NATO müdahalesinin Meşruiyeti, Arap Baharı, Libya Savaşı 2011.

## ABSTRACT

ESSA, Othman. Multilateral Armed Intervention in Libya, 2011: Legitimacy and Motives. Master Thesis, Ankara 2019.

What appeared to be peaceful protests in Libya in 2011 slipped swiftly into an open war between the protesters and Libyan government security forces, a situation that led the international community to intervene militarily in Libya to protect the civilians and civilian-populated areas.

That multilateral armed intervention in Libya in 2011 is still controversial today, both in terms of its legitimacy and in terms of the motives of the intervening countries. While the responsibility to protect was the legal basis for the UN Security Council's decision to legalize the armed intervention in Libya, the UN mandate in Libya shifted course to pursue regime change instead. There is no doubt that civilians in Libya were at true risk of mass murder, forced migration, and other human rights violations that necessitated a swift reaction from the international community; however, the UN mandate in Libya was deeply abused by the intervening countries, which prioritized their national interests over the needs of the Libyan people.

The outcome of the armed intervention in Libya was a disaster for Libya as a state. While potential massacres in Libya were prevented to some degree, the military intervention unfortunately turned Libya into a failed state and terrorism groups, trafficking gangs, financial corruption, and continuous war between different militias are the reality of Libya today.

### **Keywords**

NATO Intervention, Responsibility to Protect, Legitimacy of NATO intervention, Arab Spring, Libyan War 2011.

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## CONTENTS

<b>ÖZ .....</b>	<b>i</b>
<b>ABSTRACT .....</b>	<b>ii</b>
<b>ACKNOWLEDGEMENT .....</b>	<b>iii</b>
<b>CONTENTS .....</b>	<b>iv</b>
<b>LIST OF SYMBOLS AND ABBREVIATIONS .....</b>	<b>vii</b>
<b>INTRODUCTION .....</b>	<b>1</b>

### FIRST CHAPTER HISTORICAL BACKGROUND

<b>1. HISTORICAL BACKGROUND .....</b>	<b>7</b>
<b>1.1. Libya Political History .....</b>	<b>7</b>
1.1.1. Establishment of modern Libya .....	7
1.1.2. Gaddafi’s Jamahiriya .....	9
1.1.3. Rehabilitation period (1999-2011) .....	13
<b>1.2. The Arab Revolts (Arab Spring), 2011 .....</b>	<b>14</b>
1.2.1. Roots of the Arab revolts .....	14
1.2.2. Revolts in Tunisia and Egypt, 2011 .....	16
1.2.3. The Libyan revolt (2011) .....	18

### CHAPTER TWO

#### THEORETICAL APPROACH TO THE MULTILATERAL ARMED INTERVENTION IN LIBYA IN 2011

<b>2.THEORETICAL APPROACH TO THE MULTILATERAL ARMED INTERVENTION IN LIBYA IN 2011 .....</b>	<b>23</b>
<b>2.1. Liberal Internationalism .....</b>	<b>24</b>
<b>2.2. The “Responsibility to Protect” (R2P) Doctrine .....</b>	<b>29</b>

## CHAPTER THREE

### THE LEGITIMACY AND THE LEGALITY OF THE ARMED INTERVENTION IN LIBYA, 2011

<b>3. THE LEGITIMACY AND THE LEGALITY OF THE ARMED INTERVENTION IN LIBYA, 2011 .....</b>	<b>33</b>
<b>3.1. The Political Circumstances Leading to UNSC Resolution 1970 and UNSC Resolution 1973 .....</b>	<b>33</b>
3.1.1. UN Security Council resolution 1970 .....	34
3.1.2. UN Security Council resolution 1973 .....	35
3.1.3. Negotiations inside the UNSC and the race for resolution 1973 .....	40
<b>3.2. The Legal Principles and The Legitimacy of The Armed Intervention in Libya .....</b>	<b>42</b>
3.2.1. Threatening the international peace and security .....	42
3.2.2. Protection of civilians .....	43

## CHAPTER FOUR

### THE MILITARY CAMPAIGN

<b>4. THE MILITARY CAMPAIGN.....</b>	<b>49</b>
<b>4.1. Establishment of the Western Armed Coalition .....</b>	<b>49</b>
4.1.1. Franco-British leadership .....	49
4.1.2. The tripartite military campaign in Libya, March 19-March 31.....	51
<b>4.2. NATO Leadership in Operation Unified Protector, March 31-October 31, 2011 .....</b>	<b>54</b>
4.2.1. NATO military stalemate and relief of Misurata .....	57
4.2.2. The fall of Tripoli, death of Gaddafi, and end of NATO Operation Unified Protector ....	59

## CHAPTER FIVE

### THE MOTIVES OF THE INTERVENING COUNTRIES

<b>5. THE MOTIVES OF THE INTERVENING COUNTRIES .....</b>	<b>63</b>
<b>5.1. France, The UK, and the US: Repeated History .....</b>	<b>63</b>
5.1.1. Sarkozy's war and France's enthusiastic leadership .....	64

5.1.2. British motivations between American hesitation and French enthusiasm ..... 69

5.1.3. US motives and the “leading from behind” model ..... 71

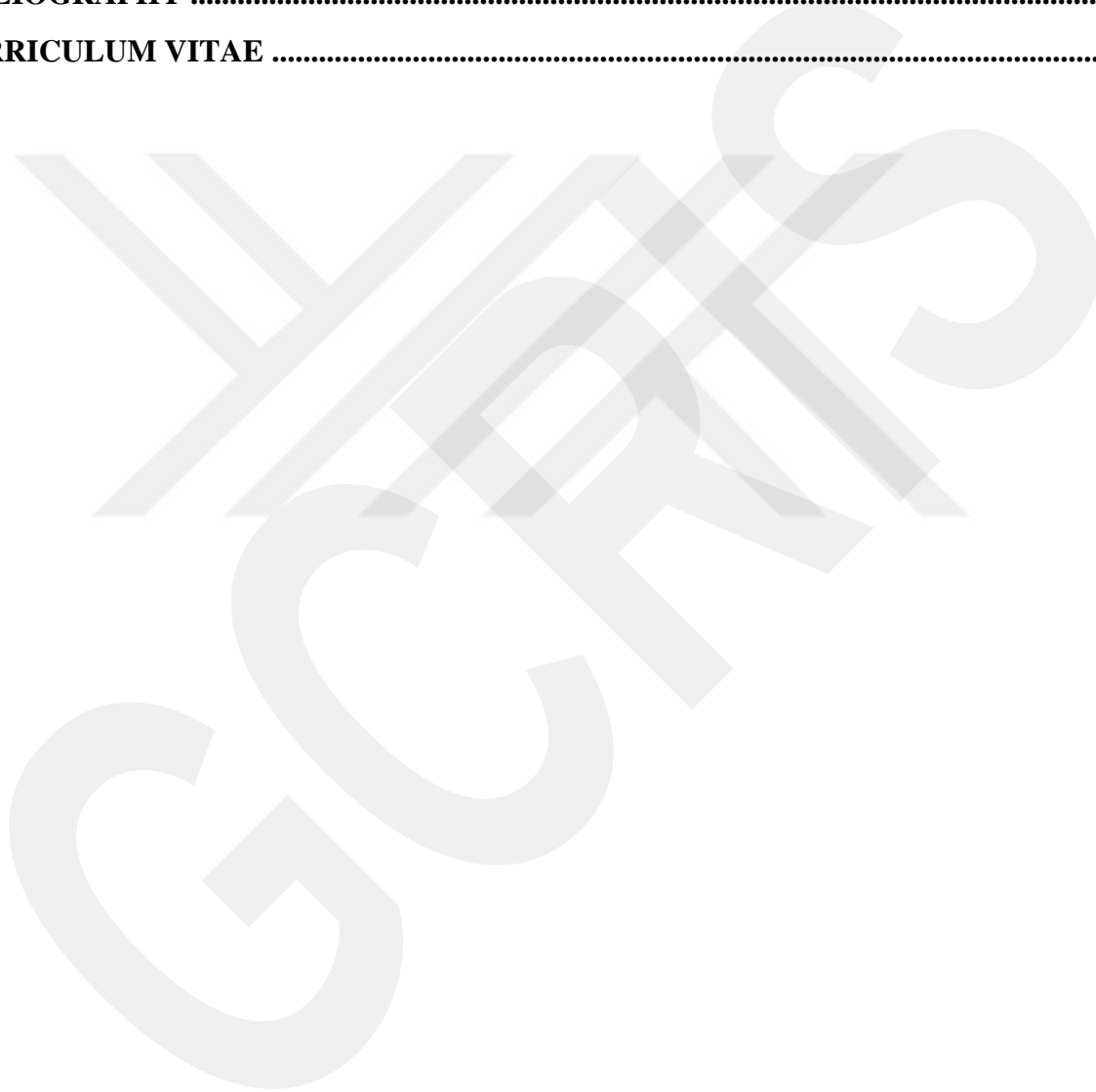
5.2. The Humanitarian Dimension as A Motive of The Armed Coalition Intervention in Libya..72

**CONCLUSION ..... 75**

**BIBLIOGRAPHY ..... 81**

**CURRICULUM VITAE ..... 87**



**ABBREVIATIONS**

<b>AFRICOM</b>	: United States Africa Command
<b>AKP</b>	: Justice and Development Party (Turkey)
<b>AU</b>	: African Union
<b>AWACS</b>	: Airborne Warning and Control System
<b>EU</b>	: European Union
<b>G8</b>	: Group of Eight
<b>G20</b>	: Group of Twenty
<b>GCC</b>	: Gulf Cooperation Council
<b>GPC</b>	: General People’s Congress (Libya)
<b>ICC</b>	: International Criminal Court
<b>ICISS</b>	: International Commission on Intervention and State Sovereignty
<b>IRA</b>	: Irish Republican Army
<b>LAS</b>	: League of Arab States
<b>NATO</b>	: North Atlantic Treaty Organization
<b>NGOs</b>	: Non-Governmental Organizations
<b>NTC</b>	: National Transitional Council (Libya)

<b>OIC</b>	: Organization of Islamic Cooperation
<b>P3</b>	: The US, The UK, And France
<b>R2P</b>	: Responsibility to Protect
<b>RCC</b>	: Libyan Revolutionary Command Council
<b>UAE</b>	: United Arab Emirates
<b>UK</b>	: The United Kingdom
<b>UN</b>	: The United Nations
<b>UNGA</b>	: The United Nations General Assembly
<b>UNSG</b>	: United Nations Secretary General
<b>UNSC</b>	: The United Nations Security Council
<b>US</b>	: The United States
<b>USSR</b>	: The Soviet Union
<b>UTA</b>	: Union de Transports Aériens
<b>WMD</b>	: Weapon of Mass Destruction



## INTRODUCTION

On February 26, 2011, the United Nations Security Council (UNSC) unanimously adopted Resolution 1970, which imposed an arms embargo, a travel ban, and an assets freeze on Libya<sup>1</sup>. On March 17, 2011, the UNSC adopted Resolution 1973, authorizing member states to take all necessary measures to protect civilians and civilian-populated areas in Libya<sup>2</sup>. Two days later, on March 19, coalition forces comprising the United States, United Kingdom, France, Italy, and Canada launched a military operation (Odyssey Dawn) against pro-Gaddafi forces<sup>3</sup>. By the end of March, NATO, under Operation Unified Protector, took overall command of international military operations in Libya<sup>4</sup>.

The international intervention started just one month after the outbreak of the uprising in Libya. From the beginning of the so-called Arab Spring in Tunisia and then Egypt, it was very clear that the situation in Libya would be different. Gaddafi, who had ruled the country with an iron fist for more than 40 years, together with the structure of the Libyan regime and its security institutions and finally the structure of the Libyan tribal society itself, were the all factors that took the Libyan revolution in a different direction. While the revolutions in Tunisia and Egypt succeeded in removing the regimes in both countries relatively peacefully, the choice in Libya was war. I still remember one of Gaddafi's relatives wondering why Mubarak didn't just kill all of the protesters in Tahrir Square. Unfortunately, that was how the Libyan regime was thinking.

However, the quick military response of the international community to the accelerated crisis in Libya as well as the way in which the UNSC resolutions about Libya were adopted and implemented raise many questions about the legitimacy of that armed

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<sup>1</sup> Security Council resolution 1970, *Peace and security in Africa*, S/RES/1970 (February 26, 2011).

<sup>2</sup> Security Council resolution 1973, *Libya*, S/RES/1973 (March 17, 2011).

<sup>3</sup> News Briefing with Vice Adm. Gortney from the Pentagon on Libya Operation Odyssey Dawn, United States Department of Defense, March 19, 2011, <https://archive.defense.gov/transcript.aspx?transcriptid=4786>.

<sup>4</sup> NATO and Libya Operational Media Update, NATO, 25 Oct. 2011.

intervention and the motives of the allied countries involved in the crisis. According to most scholars and specialists, it was the first time that the principle of “Responsibility to Protect” (R2P)\* was used to intervene against the will of a functioning state.

This thesis asks to what extent that multilateral armed intervention in Libya was legitimate, as well as questioning the legality of adopting the UNSC resolutions and the legitimacy of the implementation of those resolutions. Why did countries like the United States, United Kingdom, and France take leadership of that risky process? The main research questions of this thesis are thus the following: How legitimate was the multilateral armed intervention in Libya in 2011, and what were the motives of the allied countries that led that intervention?

This thesis limits its focus to the legitimacy of the intervention and the motives behind it within a targeted period of time, which, for the purpose of this thesis, starts from the outbreak of protests in Libya on February 15, 2011, and ends on the last day of NATO operations in Libya on October 31st of the same year. Within this limited focus, the broader picture of the roots of the uprising in Libya and in other neighboring countries in the so-called Arab Spring, as well as the history of relations between Libya and the Western countries that led the intervention, will also be touched upon.

Since the intervention in Libya in 2011, dozens of books and hundreds of articles and studies have been written on the topic, most, if not all, by non-Libyan authors. One aim of this thesis is therefore to partially address the Libyan side of the story. Another goal is related to the timing of the thesis, after eight years of that war. While the crisis in Libya is not at the top of the agenda of academic research centers, the Libyan people have continued suffering since the start of the war in 2011, as this thesis aims to show. As an officer in the Libyan Ministry of Defense, my aim here is to contribute to the literature on Libyan crisis studies.

This thesis could not have been written without referring to the rich literature on Libya in general and the Libyan crisis since 2011 in particular. Books about Libya’s political and social history were very useful in the writing of this thesis, “*The State and*

*Social Transformation in Tunisia and Libya, 1830-1980*” by Lisa Anderson<sup>5</sup> being one of those significant books. Other books have analyzed the crisis in Libya on political and military levels. On the military level, “*Precision and Purpose: Airpower in the Libyan Civil War*” by Karl P. Mueller and thirteen other authors, published by the RAND Corporation<sup>6</sup>, is a comprehensive and detailed analysis of the military campaign in Libya in 2011. On the political level books, books such as *Hard Choices* by Hillary Clinton<sup>7</sup>, who was the US Secretary of State at the time of the events in Libya, are very important for learning what happened behind the scenes during the crisis and for understanding the evolution of the American stance towards the crisis in Libya. Clinton’s book devotes a special chapter to the Libyan crisis, entitled “All Necessary Measures”.

One chapter of this thesis is devoted to the theoretical framework of the international relations theories used to analyze the case of Libya. Books such as *Theories of International Relations* by Scott Burchill<sup>8</sup>, *Toward Perpetual Peace* by Immanuel Kant<sup>9</sup>, and “*The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*” by Gareth Evans and Mohamed Sahnoun<sup>10</sup> were essential in the building of that theoretical framework.

Academic articles about the Libyan crisis are as important as those books, and in some ways, the articles are more specific than the books. The main subjects of these articles include principles of international law such as sovereignty, the R2P doctrine, and legal procedures of international organizations like the United Nations and the Security

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\* According to the United Nations, the responsibility to protect embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States’ pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing, and crimes against humanity.

<sup>5</sup> Lisa Anderson, “*The State and Social Transformation in Tunisia and Libya, 1830-1980*,” (Princeton: Princeton University Press, 2014).

<sup>6</sup> Karl P. Mueller, ed., *Precision and Purpose: Airpower in the Libyan Civil War* (Santa Monica: RAND Corporation, 2015).

<sup>7</sup> Hillary Clinton, *Hard Choices* (New York: Simon and Schuster, 2014).

<sup>8</sup> Scott Burchill et al., *Theories of International Relations* (Hampshire: Palgrave Macmillan, 2005).

<sup>9</sup> Immanuel Kant, *Toward Perpetual Peace* (New York: Vail-Ballou Press, 2006).

<sup>10</sup> Gareth Evans, and Mohamed Sahnoun, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

Council. Such articles also analyze Libya's crisis in 2011 on political, humanitarian, and military levels. While some scholars such as Alex J. Bellamy and Paul D. Williams, in their article, "The New Politics of Protection?"<sup>11</sup>, and Catherine Powell, in "Libya: A Multilateral Constitutional Moment"<sup>12</sup>, considered the international community's response to the Libyan crisis in 2011 as a victory for human rights and the R2P doctrine, some others like Sarah Brockmeier, Oliver Stuenkel, and Marcos Tourinho, in their article, "The Impact of the Libya Intervention Debates on Norms of Protection"<sup>13</sup>, considered what happened in Libya as a failure of the international community and a severe abuse of humanitarian norms, also reflecting negatively on the norms of civilian protection, with the atrocities of Syria held up as proof of the continued impact of that failure.

In this thesis, both qualitative and quantitative research methods are used. The qualitative method is mainly used in order to understand, explain, and interpret actions, standpoints, and motives of different parties involved in the situation in Libya. The quantitative method is used to analyze the numerical data related to the war in Libya, the numbers of military assets of allied countries, numbers of casualties, and numbers of destroyed targets, which could be very helpful to understand the nature of the war, the main actors of the coalition forces, and the allegations of misuse of UNSC mandate in Libya.

Data collection for this thesis was based on both primary and secondary sources. Primary sources include official statements of the Libyan government, speeches of Libyan officials, statistical data from official sources and other relevant entities, statements and documents of the United Nations and the United Nations Security Council, and statements and documents of the Arab League, African Union, European Union, and NATO.

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<sup>11</sup> Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect," *International Affairs*, 87, no. 4 (2011): 825-850.

<sup>12</sup> Catherine Powell, "Libya: A Multilateral Constitutional Moment," *The American Journal of International Law*, 106, no. 2 (April 2012): 298-316.

<sup>13</sup> Sarah Brockmeier, Oliver Stuenkel, and Marcos Tourinho, "The Impact of the Libya Intervention Debates on Norms of Protection," *Global Society*, 30, no. 1 (November 2015): 113-133.

For secondary sources, books about the Arab Spring and the uprising in Libya, books and articles about NATO intervention in Libya, books about international law and international affairs, journal articles on international law and international affairs, and international media, TV news, newspapers, and websites that covered the events in 2011 were explored.

The thesis is divided into an introduction, five main chapters, and a conclusion. The first chapter provides the historical background, divided into two subsections. The first part provides historical information about Libya, the establishment of modern Libya in 1951, and relations between Libya and Western countries since WWII. The second part offers general information about the causes and the impacts of the region-wide protests in 2011, known as the Arab Spring, and the uprising in Libya.

The second chapter is allocated to a discussion of the international relations theories that will be used to analyze the case of Libya. The first part of this chapter will discuss liberalism as one of the international relations theories, emphasizing liberal internationalism as a subcategory of liberalism. Liberal international theory is chosen here because it is an idea related to liberal intervention for the purpose of spreading democracy and protecting human rights. The second part of this chapter is dedicated to conceptualize the term “Responsibility to Protect” (R2P).

The third chapter will discuss the legitimacy and legality of the UNSC resolutions of 1970 and 1973, the process of adopting those resolutions for Libya, and how the three permanent Western countries in the UNSC (P3) managed that process. What were the legal principles and political circumstances that helped to adopt the resolutions? What was the role of regional organizations like the Arab League, African Union, and European Union in that process?

The fourth chapter will discuss the military campaign, the composition of the allied forces and the political processes forming those allied forces, and the NATO operation rules of engagement in Libya, which generated many questions and allegations of abuse of the UN mandate.

The fifth chapter will discuss the motives and national interests of the main actors in the coalition, the US, the UK, and France, and will analyze whether the humanitarian dimension was a motive of those countries in the intervention.

Lastly, the conclusion will present the outcomes of the armed intervention in Libya in 2011 and the answers to the research questions.

## FIRST CHAPTER

### HISTORICAL BACKGROUND

#### 1.1. Libya Political History

##### 1.1.1. Establishment of modern Libya

During the rule of the Ottoman Empire (1551-1911), Libya was known as Eyalet Tarabulus al-Gharb. In 1911, it became an Italian colony. The Italians renamed it “Libya” in 1934, renewing the historical name of the area from the ancient Greek. The Italian occupation of Libya was ended by the victory of allied forces in North Africa against the Germans and Italians in 1943. From 1943 to 1951, Libya was ruled under the military administration of the UK in the north and France in the south (Fezzan)<sup>14</sup>. In addition to that military administration, the United States and the United Kingdom kept a considerable military presence in Libya, which extended until 1970\*. On November 21, 1949, the UNGA voted to grant independence to Libya (UNGA Res 289)<sup>15</sup>, which was finally declared by the King of Libya, Idris Senussi, in Benghazi on December 24, 1951, proclaiming the United Kingdom of Libya.

Oil discovery in Libya in 1959 was a turning point for the country’s modern history and in the following decade Libya experienced significant economic development in terms of infrastructure, healthcare, education, housing, and people’s daily lives. However, the expansion of the Arab Nationalist Movement led by Nasser in neighboring Egypt, and the Arab-Israeli conflict, brought about the first military coup in Libya in 1969. A group of young army officers under the leadership of First Lieutenant Muammar Al-Gaddafi took over power in Libya and proclaimed the Libyan Arab Republic on September 1, 1969.

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<sup>14</sup> Helen Chapin Metz, *“Libya: a country study* (Washington, D.C: Library of Congress,1989),” 33-34.

\* Wheelus Air Base a United States Air Force (Tripoli), El Adem Airbase Royal Airforce (Tobruk)

<sup>15</sup> General Assembly resolution 289, *“Question of the disposal of the former Italian colonies Libya,”* A/RES/289 (November 21, 1949).

\* The highest governing body consists of twelve army officers.

During the 18 years of King Idris's rule, Libya had kept a balance between its tight relations with the Western powers on the one hand and its relations with the Arab nationalist regimes, especially in Egypt, on the other hand. However, the public reaction against traditionalist regimes after the 1967 defeat finally upset that balance and brought about what seemed to be a new arrangement, not only in Libya but in Egypt as well. With the sudden death of Nasser in 1970 and his succession by Anwar Al-Sadat, Libya and Egypt essentially exchanged their positions on the international stage, Egypt moving closer to the Western camp and Libya shifting towards the opposite side.

The period of Gaddafi's rule, which extended for 42 years, can be divided into three main phases: the phase of the Libyan Arab Republic, in 1969-1977; the phase of *Jamahiriyah*, in 1977-1999; and the phase of rehabilitation, in 1999-2011. In the first seven years Gaddafi maintained his position as head of state and chairman of the Revolutionary Command Council (RCC). To consolidate his power, and taking advantage of his great popularity, Gaddafi removed seven RCC members within the first few years of his rule. Despite the fact that Gaddafi's regime became more authoritarian, significant political and economic achievements helped him to become a popular figure. The political achievements of the new regime included the evacuation of the US and UK military presence in 1970 and 1971, respectively; the expulsion of the rest of the Italian colonists from Libya and the redistribution of their properties to poor Libyan families; the tightening of relations with Arab nationalist states like Egypt and Algeria; and the supporting of Palestinians in their struggle against Israel. In addition, high oil revenues, especially after the international oil crisis in 1973, reflected positively on the standard of living in Libya.

In March 1977, the General People's Congress (GPC)\* adopted the declaration of the "Establishment of the People's Authority"<sup>16</sup> and proclaimed the Socialist People's Libyan Arab Jamahiriya. "Jamahiriya", the term having been coined by Gaddafi, was not typically translated, but was sometimes expressed as "the state of the masses" or

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\* GPC is a national representative body replaced the RCC

<sup>16</sup> Helen Chapin Metz, *Libya: a country study* (Washington, D.C: Library of Congress, 1989), 47.

“peopledom”<sup>17</sup>. What happened on the ground was the undermining of all bureaucratic state organizations. The position of president and all administrative positions in the government—which did not exist anymore—were replaced by so-called popular committees, with the annulment of all existing laws and the confiscation of all bourgeois property. Libya thus entered an age of deep political and economic disorder, which continued for about 25 years. These radical domestic changes coincided with radical changes of Libyan foreign policy, as well, which are the subject of the following section.

### 1.1.2. Gaddafi’s Jamahiriya

During World War II, in his struggles to liberate his country from Italian occupation, Prince Idris Senussi contacted with the British authorities in Egypt, where he was living in exile. Senussi’s forces accordingly fought with the British against the Axis forces, and as an acknowledgment of Senussi’s contributions, British Foreign Secretary Anthony Eden made an announcement in Parliament on January 8, 1942, promising that “His Majesty’s Government is determined that at the end of the war the Senussis in Cyrenaica will in no circumstances again fall under Italian domination”<sup>18</sup>. This was the beginning of a long friendship between Libya and the UK.

In 1953, Libya signed a Treaty of Friendship and Alliance with the United Kingdom<sup>19</sup>. According to that treaty, which was a mutual defense agreement, the British armed forces could maintain and use most of its facilities remaining from WWII on Libyan soil, and in return the British government would deliver financial assistance to the Libyan

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<sup>17</sup> Lisa Anderson, “*The State and Social Transformation in Tunisia and Libya, 1830-1980*,” (Princeton, New Jersey: Princeton University Press, 2014),264.

<sup>18</sup> United Kingdom. *Hansard Parliamentary Debates*, Libya Operation (Senussi Force), Anthony Eden, Vol .377 (1942).

<sup>19</sup> Majesty’s Stationary Office, “Treaty of Friendship and Alliance between Her Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His Majesty the King of the United Kingdom of Libya,” Treaty Series No. 3 (1954).

government. In 1954, Libya signed a similar agreement with the United States<sup>20</sup>. Less important agreements were also signed with France and Italy.

At the same time, Libya had maintained good relations with all Arab countries, joining the Arab League in 1953, refusing to let a British airbase in Libya be used against Egypt during the Suez crisis, and supporting the Algerian resistance against French colonization in 1954-1961. During the Six-Days War, Libya, together with other Arab countries, suspended oil exports to the United States, Britain, and West Germany. All in all, Libya adopted a pragmatic and a balanced foreign policy during the reign of King Idris.

After the 1969 coup, Libya suddenly shifted from the camp of conservative Arab states to the camp of radical nationalist states. This shift inside the regional system coincided with another shifting on the international scene. Although Libya had formerly declared its neutrality in the superpower rivalry, it was announced that Libya would “offer absolute support to the Palestinian cause, and the relations of Libya with other states would be on the ground of the position of these states on Palestinian cause”<sup>21</sup>. The aggressive tendency of the new regime toward Western powers was obvious, and the liquidation of the US and UK military bases in Libya was the beginning of the deterioration of the relations between Libya and the West.

In 1973, Libya sent a letter to the UNSC claiming the Gulf of Sidra as its territorial water and the activities of the US Sixth Fleet as an act of aggression<sup>22</sup>. The US rejected those claims and continued its military activities, which eventually led to the first armed confrontation between the two countries in 1981, when two US F-14 fighters shot down two Libyan Su-22 fighters<sup>23</sup>. The years between 1973 and 1981 were full of actions and

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<sup>20</sup> Ronald Bruce St John, “*Libya and the United States, Two Centuries of Strife*,” (Philadelphia: University of Pennsylvania Press 2002), 70.

<sup>21</sup> “The Libyan Revolution in the Words of Its Leaders,” *Middle East Journal* 24, No. 2 (Spring 1970): 203-19.

<sup>22</sup> Security Council, “Security Council Official Record,” 2415<sup>th</sup> meeting, 22 Feb 1983.

<sup>23</sup> Bernard Gwertzman, , “U.S. Reports Shooting Down 2 Libya Jets That Attacked F-14'S Over Mediterranean,” *New York Times*, August 20, 1981,1.

reactions between the two countries, including trade sanctions, an arms embargo, withdrawal of US oil companies from Libya, and finally, in late 1979 the US designation of Libya as a state sponsor of terrorism.

The Mediterranean was not the only scene of Gaddafi's military adventures. Since the end of the October War of 1973, relations between Libya and Egypt were deteriorating. Gaddafi criticized the cease fire between Egypt and Israel and was later extremely opposed to Al-Sadat's peace plans with Israel. This tension led to a 4-day border war between the two countries in July 1977 and the cutting of all diplomatic relations. The US sided with Egypt in all those clashes and offered Egypt \$200 million of military hardware, and since 1980, a regular American-Egyptian military exercise (Bright Star) has been taking place on Libya's eastern border.

The southern borders of Libya were the third front of confrontation. In 1980, the Libyan army was involved in the Chadian civil war while France and the United States waged a proxy war against the Libyan regime, providing their allies in Chad with high-tech weapons like Stinger and MILAN missiles, as well as intelligence information. On some occasions, the French special forces and French air force were involved directly in the battles. This war ended with a humiliating defeat for the Libyan army in the Wadi Dum battle of 1987, and the capturing of Libyan army commander in Chad. This defeat was the beginning of the Libyan regular army's decomposition, and the end of Gaddafi's expansionist ambitions, as well.

Gaddafi was meanwhile involved in serious terrorist activities under the slogans of anti-colonialism and anti-imperialism. These terrorist activities took different shapes, such as destabilizing neighboring Arab countries that disagreed with Gaddafi's policies, supporting national liberation movements including the Irish Republican Army (IRA), liquidation of Libyan dissidents abroad, and the targeting of Western powers' interests, especially those of the US and UK as the biggest supporters of Israel.

Beginning in 1972, Libya hosted different Palestinian liberation movements among other national liberation movements from Africa, Asia, and Latin America,

offering them training on guerilla war tactics, weapons, and financial support. The Western powers looked at these activities as the sponsoring of terrorism. However, the assassination attempt against Hermann Frederick Eilts, the former US Ambassador to Egypt, in late 1977 was the first time that the US officially accused Libya of being a state sponsor of terrorism. In the summer of 1980, Libyan foreign intelligence assassinated several Libyan dissidents in London, Milan, Rome, Athens, Bonn, and Valletta. That was the first wave of systemized liquidation crimes against Gaddafi's opponents overseas, which would continue for more than a decade. The second wave of terrorist attacks started in 1984 and continued until 1988, including the murder of a British police officer, Yvonne Fletcher, while she was monitoring a protest outside the Libyan embassy in London on April 17, 1984; attacks on El Al airlines counters in Rome and Vienna in 1985<sup>24</sup>; the bombing of a West Berlin night club frequented by American soldiers in April 1986; and finally the infamous bombing of Pan Am 103 over Lockerbie in 1988 and the bombing of French UTA Flight 772 over the desert of Niger 1989.

Ten days after the attack on the West Berlin night club, the US launched operation El Dorado Canyon. Over a hundred American aircraft took off from a base in England and an aircraft carrier in the Mediterranean, attacked Tripoli and Benghazi, and destroyed several targets including Gaddafi's compound, training camps belonging to terrorist groups according to the US, some Libyan army bases, and the main intelligence headquarters in Tripoli.

However, the response of the US to the Pan Am 103 attack (known later as the Lockerbie case) took a different shape. Like many other world leaders, Gaddafi never expected the collapse of the Soviet Union, which had been the main supporter of the Libyan regime. In the new world order after the decomposition of the USSR, international organizations like the United Nations and the United Nations Security Council had increased influence. After an extended period of investigation, the US, France, and the

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<sup>24</sup> Robert D. Mcfadden, "Terror In 1985: Brutal Attacks , Tough Response," *New York Times* , December 30, 1985, <https://www.nytimes.com/1985/12/30/world/terror-in-1985-brutal-attacks-tough-response.html>. Accessed October 27, 2017.

UK were convinced that Libya was behind the Pan Am 103 and UTA 772 attacks. Through the UNSC, these three countries requested full cooperation from the Libyan authorities in the legal procedures for and investigations of the Pan Am 103 and UTA 772 cases. The Libyan refusal of that request led the UNSC to adopt Resolution 748<sup>25</sup> on March 31, 1992, imposing an embargo of flights to and from Libya, an embargo of supplying aircraft or aircraft components and military equipment to Libya, and a reduction of the diplomatic presence in Libya. With the continued refusal of Libya to extradite the suspects in those terrorism cases, in 1993 the UNSC imposed more sanctions on Libya, including an assets freeze. These UNSC sanctions isolated Libya completely, paralyzed the regime both inside and outside of Libya, and affected the economic situation of the country deeply, which was reflected tragically in the daily lives of ordinary people.

### **1.1.3. Rehabilitation period (1999-2011)**

In late 1998, Libya agreed to extradite the two suspects in the Lockerbie case after collective mediation conducted by South Africa, Saudi Arabia, and United Nations Secretary General Kofi Annan. Accordingly, the Security Council adopted Resolution 1192<sup>26</sup>, in which it welcomed the Libyan initiative and promised to suspend the sanctions against Libya immediately after the handover of the two suspects, which eventually happened in April 1999. However, the complete lifting of the sanctions was delayed until 2003, after comprehensive reconciliation between Libya and the Western powers, according to which Libya paid more than \$3 billion as compensation to the victims' families.

The September 11 attacks on the United States was another occasion for the Libyan regime to cooperate with the US, this time against a shared enemy; Islamic jihadists. The Americans were surprised by the amount and the accuracy of the intelligence information provided by the Libyans. Nevertheless, full-scale normalization

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<sup>25</sup> Security Council resolution 748, *Libyan Arab Jamahiriya*, SC/RES/748 (March 31, 1992).

<sup>26</sup> Security Council resolution 1192, *On Lockerbie case*, SC/RES/1192 (August 27, 1998).

between Libya and Western countries was delayed until 2003. Right after the American invasion of Iraq, Gaddafi opened a direct dialogue with US officials with the purpose of surrendering his weapons of mass destruction (WMD) materials. On December 19, 2003, five days after the capture of Saddam Hussein, Libya officially agreed to dismantle its WMD program. The normalization process between Libya and the Western powers reached its height with the intensive visits of high-ranking Western officials to Libya: British Prime Minister Tony Blair in March 2004, French president Jacques Chirac in November 2004, and lastly US Secretary of State Condoleezza Rice in 2008.

The rehabilitation of the Libyan regime on the international level coincided with political and economic domestic reforms. At the political level, Saif al-Islam, the elder son of Gaddafi from his second marriage and his potential successor, was the leader of the reforms. Human rights were the most concerning area for the regime, with political reforms including the release of political prisoners, including Islamic activists, and the return of others from exile; the easing of the security grip on public life; relative freedom of speech; the opening of dialogue with the Libyan opposition; and the compensating of political prisoners and victims' families. At the economic level, reforms shaped the involvement of the private sector in economic activities, together with rehabilitation of the oil industry and the return of international oil companies, and the rebuilding of crumbling infrastructure, including huge housing projects, new airports, and an ambitious railway project.

## **1.2. The Arab Revolts (Arab Spring), 2011**

### **1.2.1. Roots of the Arab revolts**

The Arab world seemed to be resistant to the dramatic changes of the post-Cold War era. Except for the collapse of the Siad Barre regime in Somalia and the disappearing of the People's Democratic Republic of Yemen (South Yemen), which had been deeply dependent on Soviet assistance, the influence of the Soviet Union's dissolution on the political structures of the Arab world was limited. It is true that the new world order deeply

affected nationalist Arab countries like Iraq, Syria, and Libya; however, these countries were able to continue, and in some cases could to adopt themselves to the changes.

The widespread wave of democracy across Eastern Europe, Latin America, Asia, and Africa during the 1990s did not arrive to the Arab world. Both Arab camps, whether traditionalist or radical nationalist, maintained their old autocratic style of leadership. However, this political status quo could not last. The 9/11 attacks opened a broad debate about the nature of the Arab world's political system and the role of its authoritarian regimes in terrorism. Shortly after the 9/11 attacks, high-ranking American officials including National Security Advisor Condoleezza Rice, Secretary of State Colin Powell, and President Bush himself declared that the US would support the demands for democracy, human rights, and free speech around the world, including the Islamic world<sup>27</sup>.

The initial results of the new American policy in the Middle East first came to light through limited democratic reforms in countries like Egypt and Tunisia. In 2005, Egypt held its first multi-candidate presidential elections. Despite Hosni Mubarak winning 88% of the votes, this step was considered as the beginning of further political reforms. In the same year, the Egyptian parliamentary elections allowed the biggest opposition movement, the Muslim Brotherhood, to win 25% of assembly seats. Tunisia experienced a similar situation; although Tunisian law had allowed for multi-candidate elections since 1999, relative political improvement was observed in the 2004 presidential elections. Alongside these formal political reforms, values such as human rights, freedom of expression, and freedom of the press were relatively improved across the region in the 2000s, with the appearance of pan-Arab TV networks like Al Jazeera and the spread of Internet services.

Contrary to common belief, the Arab world had already experienced several revolts, whether in the colonial age or in the post-colonial era. After the wave of independence in the 1950s and 1960s, countries like Egypt, Tunisia, and Algeria saw multiple protest movements as an expression of disappointment in the performance of the

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<sup>27</sup> George W. Bush, "State of the Union address," January 29, 2002.

post-colonial national governments. These protests occurred in Egypt in January 1977, in Tunisia in December 1984, and in Algeria in October 1988. However, excluding the Sudanese example of revolts that succeeded in overthrowing the regime twice, in 1964 and in 1985, the other Arab revolts did not result in regime changes, or in other words they did not aim to change the regimes; rather, they aimed to reform them. Many other revolts or protests in the Arab world came in the context of the growing Islamic movements in the decades of the 1980s and 1990s: Syria in 1980, Algeria in 1991, Egypt in the 1990s, and Libya in the 1990s.

### **1.2.2. Revolts in Tunisia and Egypt, 2011**

When an uprising took place in Tunisia in late December 2010, no one could have expected that those protests would lead to the toppling of the regime of President Zine El Abidine Ben Ali. In 2008, similar protests had started in the same neglected southern provinces, and had been brutally suppressed. What happened differently this time? Among many factors that helped this revolution to succeed, the international environment was the most crucial. For many years, the Arab authoritarian regimes had compensated the lack of their domestic legitimacy through external support, either from former colonizer states or from new allies like the US. However, ideas about supporting such regimes had changed after 9/11, as mentioned above. The mystery of Ben Ali's escape, under the pressure of the Presidential Security Chief or as response to his advice, and the neutrality of the army raised many questions about Ben Ali's last hours and the reality of him losing international support. This brief analysis does not intend to diminish the value of the Tunisian revolution; rather, this is an attempt to explore the role of the international dimension in the politics of the Arab world.

There is no doubt that Tunisia was ready for a democratic transition more so than any other Arab country. The founder and president of the Tunisian republic, Habib Bourguiba, was an autocratic leader like other Arab leaders but succeeded at putting Tunisia on the track of a modern state by establishing a high-quality education system and

maintaining active civil society organizations like the Tunisian General Labour Union, which had been inherited from the colonial era. The virtue of his successor, Zine El Abidine Ben Ali, lay in maintaining Bourguiba's heritage rather than destroying it, contrary to what happened in Libya under Gaddafi. In addition to maintaining Bourguiba's republican values, Ben Ali succeeded in achieving a high rate of economic growth that created a wide-ranging educated middle class. Of course, these achievements were not enough for him to stay in power. The high rate of elite corruption, especially in his last decade in power, when his second wife and her family controlled most of the business networks in the country, together with a high rate of unemployment within the highly educated class and the widespread nature of social media networks all became a preface to the coming revolution. The old political system could not follow the accelerated social and technological progress in Tunisian society.

Despite Arab countries having common political and social issues, every country has its own local features. The political society in Egypt was deeply disappointed after the 2010 parliamentary elections, when the opposition lost all its gains in the 2005 election. The reduction of American pressure on the regime during the Obama administration may explain that relapse of the democratic reforms. However, the unfair election was last on the extensive list of Egyptian problems. Poverty, population explosion, high unemployment rate, corruption, and violence of the police and other security institutions were the most important concerns of the Egyptian people. The brutal murder of Khaled Saeed, a blogger and anti-corruption activist in Alexandria, by the police in June 2010 was the pinnacle of the daily police violence crimes against the people, which included torture, rape, and bribery. That incident ignited social media networks and gained much attention from human rights organizations inside and outside the country, but the police were not the only corrupt sector in Egypt. The entire Egyptian administration was corrupted and dysfunctional, with the government facing serious failures of delivering basic services including food supply, education, healthcare, and public transportation<sup>28</sup>.

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<sup>28</sup> Lisa Anderson, "Demystifying the Arab Spring Parsing the Differences between Tunisia, Egypt, and Libya," *Foreign Affairs* 90, no. 3 (May/June 2011):4.

While aging president Hosni Mubarak was reluctant to make any real political reforms, his son Gamal was gaining further political positions when his father appointed him as the head of the policies committee of the ruling party in 2002 and then deputy secretary general in 2006. Those steps were considered preparation for Gamal Mubarak to be a potential successor of his father. The Egyptian army, a source of support behind the Egyptian presidents since 1952, was very suspicious of Gamal Mubarak's political rise as well as the opposition protesting publicly against those succession intentions, formally ignored by the regime<sup>29</sup>.

In the opening parliament speech on December 19, 2010, Mubarak seemed to underestimate the opposition when he commented on their formation of the so-called parallel parliament after the controversial 2010 elections by saying "let them have some fun". Gamal Mubarak expressed a similar attitude during a press conference when replying to a question about the idea of opening a dialogue with so-called social media opposition groups like the "6<sup>th</sup> April" or "Kefaya" movements. The Tunisian revolution was a model here and it showed the Egyptians how to finish the work: just take to the streets and do not give up. They succeeded on January 25, 2011; 18 days were enough to end 30 years of the authoritarian regime.

### **1.2.3. The Libyan revolt (2011)**

The day after Ben Ali escaped, Gaddafi addressed the Tunisian people through Libyan state television, blaming them for overthrowing Ben Ali. For most Libyans, the failing was different. While bad economic situations were largely behind the revolts in Tunisia and Egypt, which was not the case in Libya, most experts predicted that Gaddafi could not avoid the fate of the two neighboring regimes. Throughout history, Libya had been influenced by its neighboring countries, Tunisia and Egypt, and the local societies

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<sup>29</sup> Michael Wahid Hanna, "The Son Also Rises: Egypt's Looming Succession Struggle," *World Policy Journal*, 26, no. 3 (Fall, 2009), 103.

were mixed on both sides of the borders, factors that supported the above-mentioned prediction. Libyans also had additional complicated reasons to revolt.

Since the coup in 1969<sup>30</sup>, the eastern part of Libya, known as Barqa or Cyrenaica—King Idris’s home—had maintained its opposition to the new regime, which can explain the full support of all eastern provinces including Benghazi during the first few days of the uprising. Secondly, to consolidate his power, Gaddafi worked for decades to replace emerging state institutions with a coalition of tribes and a widespread network of kin and clan relationships. More urban societies like those in cities such as Misurata and Tripoli found themselves outside of this sociopolitical formula, as did non-Arabs like the Amazigh and Tabu. Thirdly, after 42 years, Libyans were fed up of being ruled by this strange and unstable man, and they were hopeful for a new modern state. In conclusion, the clan and regional factors had and still have the upper hand in driving the Libyan cause.

The day after Ben Ali’s escape, the Libyan government started its preparations to contain the expected protests in Libya, although those preparations looked confused and rash. Gaddafi met with social media activists, promised them free press, and paid about \$60,000 to each. The government also paid about \$400 for each Libyan family, which was refused by many of them. On military and security levels, the Security Brigades\* and other security forces maintained high levels of preparedness and active movement of military vehicles took place in the capital and other big cities; the revolutionary guards militia was also called up for service. On the other side, the opposition and social media activists determined February 17 to be a “day of rage” in Libya, which marked the anniversary of the deaths of 11 Libyan demonstrators in front of the Italian consulate in Benghazi in 2006, protesting cartoons of the Prophet Muhammad.

As a proactive step to abort the protests, on February 14, the security forces arrested Fathi Terbil, the attorney of families of the victims of the Abu Salim prison massacre\*\*<sup>31</sup> during their monthly protest in Benghazi. Contrary to what the government

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\* Security Brigades or *Al-Katiba* are a special military forces established by Gaddafi in 1980 for his personal protection stationed in all Libyan cities commanded by close Gaddafi's relatives' officers.

\*\* Abu Salim prison massacre, in 1996 the security forces killed about 1200 political prisoners in Abu Salim prison in Tripoli.

had planned, though, this move accelerated the protests instead of aborting them. The following four days were crucial to the fate of the Libyan revolution. On February 15, thousands of protesters took to the streets of Benghazi and other eastern cities. In Benghazi thousands of ordinary people gathered in Hurria Square in front of the Benghazi Court House while younger people attacked the security brigade (Katiba). After four days of clashes, the special forces of the Libyan army, which had defected earlier that day, intervened and took control of the Katiba headquarters, and with that Gaddafi lost control of Benghazi and all the eastern provinces. Additionally, most of the Libyan regular army in those provinces joined the revolution. Within days, the peaceful protests turned into a real war between supporters and opponents of Gaddafi. In the western provinces the situation was no better, except where the regime had strength, maintaining its main military forces and most of the loyal tribes. Nevertheless, by February 20, the regime had lost control of the third and fourth largest Libyan cities, Misurata and Al-Zawiya, together with other smaller towns such as Zintan and Zuara. The protests also arrived at the capital on February 20, where they were brutally suppressed: according to medical sources, the morgues in the capital received more than 200 bodies on February 20 and 21. The worst, however, was yet to come<sup>32</sup>.

In his address to the Libyan people on February 20, Saif Al-Islam stated that if the protests didn't stop the Libyans should expect the worst. He was followed by his father on February 22, who stated that they "we have not used any force yet"<sup>33</sup>, and that was true, as in the following few days, a huge wave of armed forces was directed towards the rebel cities. They captured Al-Zawiya on March 5, seized Misurata, and advanced swiftly towards Benghazi. At the same time, with intensive media coverage and shocking press reports and images coming from Libya, the international community started its procedures to end the escalating violence. The UNSC adopted its Resolution 1970 on February 26

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<sup>32</sup> Philippe Kirsch, Asma Khader, and Cherif Bassiouni, "*Report of the International Commission of Inquiry on Libya*," (New York: The United Nations Department of Public Information 2012), 6.

<sup>33</sup> Reuters, "FACTBOX-Quotes from Gaddafi's television address", February 22, 2011. <https://af.reuters.com/article/libyaNews/idAFLDE71L2I620110222>. Accessed May 23, 2019.

and Resolution 1973 on March 17, followed by coalition air strikes, which were ended by the murder of Gaddafi on October 20, 2011, and the end of 42 years of his rule.

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## **CHAPTER TWO**

### **THEORETICAL APPROACH TO THE MULTILATERAL ARMED INTERVENTION IN LIBYA IN 2011**

Like any other issue of world politics, to understand and interpret the case of Libya, it is important to apply to international relations theories as a theoretical framework. Although there are arguments about the validity of these theories as a reference to understand and interpret world politics, even with their shortcomings, they remain the only available scientific way to analyze such events.

Realism and liberalism are the mainstream international relations theories. Realism, with its concepts of international anarchy, balance of power, state as the main actor of international politics, and non-intervention policy, is not an explanatory tool to interpret the Libyan case. First, the international anarchy concept in realist theory is inconsistent with the Libyan case. Second, according to realism, the state is the main actor of international politics, but the main actors in the Libyan case were international and regional organizations such as the United Nations, the League of Arab States (LAS), NATO, and others. Third, realism promotes national interests over human values. Fourth, realism upholds a policy of non-intervention. Liberalism, with its ideas of advocating democracy and values of human rights, thus seems to be more appropriate as a theoretical framework for the Libyan crisis. It is important to state here that this thesis does not aim to criticize or prove any of the international relations theories, or to judge any of the parties of the Libyan war. The aim is simply to research through international relations theories the arguments, justifications, and standpoints of the parties involved in the Libyan crisis. In addition to these international relations theories, this chapter also contains a brief explanation of the R2P doctrine.

## 2.1. Liberal Internationalism

US President Woodrow Wilson's Fourteen Points speech in January 1918 was considered a watershed of the international liberal order and one of the most influential political speeches of the 20<sup>th</sup> century. On the other side of the world, months after Wilson's speech, Egypt and Tunisia experienced protests against the colonial authorities while Libyans declared the Tripolitania Republic in the western part of the country<sup>34</sup>. Wilson's principles of international peace, right of self-determination, free trade, and international association to keep peace and security in the world are at the core of liberal internationalist thought. However, liberal internationalist thought is rooted deeper in history. Immanuel Kant was one of the earliest theorists of liberal internationalism with his theories of peace among liberal states and pacific union or pacific federation<sup>35</sup>. Later, in the 19<sup>th</sup> century, famous British politicians and statesmen like Henry John Temple (1784-1865) and W. E. Gladstone (1809-1898) adopted liberal internationalist thought.

Individualism and freedom are the core of liberal thought. Liberalism has advocated for the political freedom of individuals, democracy, equality before the law, human rights, private property, free trade, and market capitalism<sup>36</sup>. On the international level, liberal thought concentrates on the values of international peace, cooperation among nations, international organizations, and international law. According to Kant's theory of perpetual peace and federation of free states, war cannot happen between liberal states, and the liberal states can expand and formulate what he called a pacific federation. The implementation of Kant's ideas came in the shape of the wide coalition of the liberal states in Europe and North America in the aftermath of WWII and the foundation of international

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<sup>34</sup> Lisa Anderson, "Demystifying the Arab Spring Parsing the Differences between Tunisia, Egypt, and Libya," *Foreign Affairs* 90, no. 3 (May/June 2011):2

<sup>35</sup> Michael W. Doyle, "Liberalism and World Politics," *The American Political Science Review* 80, no. 4 (Dec 1986): 1156.

<sup>36</sup> Scott Burchill et al., "*Theories of International Relations*," (Hampshire: Palgrave Macmillan, 2005), 55.

organizations, especially after the major wars, primarily the League of Nations after WWI and the United Nations after WWII<sup>37</sup>.

In the aftermath of WWII, defeated countries like Japan, the western part of Germany, and later South Korea all adopted liberal political systems. These countries saw remarkable economic prosperity and political stability, explained by liberal thinkers as a sign of the supremacy of liberal theory over other political theories. The end of the Cold War and the collapse of the Soviet Union were considered as a victory of the liberal states and liberal values as well over the other types of political theories. However, liberalism as a domestic political system differs from liberalism as an international political system, or as a tool of the foreign policy of liberal states.

Most theorists of international relations agreed that the concept of liberal internationalism is ambiguous, with a variety of definitions “sometimes used to narrowly denote ‘missionary’ liberal foreign policies, sometimes to indicate more broadly the application of liberal principles and practices to international politics, and sometimes simply the foreign policies of liberal states”<sup>38</sup>. According to Scott Burchill, “liberals believe that democratic society, in which civil liberties are protected and market relations prevail, can have an international analogue in the form of a peaceful global order”<sup>39</sup>. However, the concentration in this chapter will be on two significant concepts related to liberal internationalism theory: the concept of expansion and the concept of intervention. The last argument will address US liberal internationalism and its impact on the Middle East.

First, in the concept of expansion, according to Kant in “Toward perpetual peace”, the republican liberal state tends toward perpetual peace and will federate with other liberal states for the purpose of peace, and this federation or union will extend further and

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<sup>37</sup> Tony Smith, “*Why Wilson Matters: The Origin of American Liberal Internationalism and Its Crisis Today*,” (Princeton; Oxford: Princeton University Press, 2017), xiii.

<sup>38</sup> Beate Jahn, “*Liberal Internationalism Theory, History, Practice*,” (Hampshire, New York: Palgrave Macmillan, 2013), 13.

<sup>39</sup> Scott Burchill et al., “*Theories of International Relations*,” (Hampshire, New York: Palgrave Macmillan, 2005), 81.

further<sup>40</sup>. When Kant explained his theory about the expansion of liberal states in the late 18<sup>th</sup> century, there were only two liberal states, the United States and France, but in 1946 the number of liberal states had increased to 20, and in 2011 it became 95<sup>41</sup>. The core of that liberal community is the US and Europe, and its armed branch is the North Atlantic Treaty Organization (NATO). NATO as a political and military organization experienced similar expansion, from a 12-member state in 1949 to a 28-member state in 2009, in addition to acquiring significant allies outside of NATO, like Japan and South Korea. The significant rise of liberal states occurred after the end of the Cold War, when the world experienced a huge wave of democratization that included Eastern Europe, Asia, Latin America, and Africa. The only exception to that democratization wave was the Arab world and some other Muslim countries, as mentioned in the previous chapter.

The immunity of the Arab countries to democracy was a subject of debate among the intellectual elites in the Arab world and in the West as well. Was it Islam and its values that were behind that refusal? Or the support of the Western powers for the autocratic regimes in the region to maintain their national interests, especially regarding the oil supply? Or the Arab-Israeli conflict, or all of these causes together? In this argument of the spread of democracy and liberal values in the post-Cold War era, it is important to mention the emergence of the concept of what Fareed Zakaria called illiberal democracy. The main argument of Zakaria's article is related to the difference between constitutional liberalism and democracy as a process of fair and free elections. According to Zakaria, liberal values can flourish under autocratic regimes, and free elections can produce illiberal government<sup>42</sup>. In the Arab world's few free election experiences, political Islamic movements won the elections every time, such as in Algeria in 1991, Egypt in 2012, and Tunisia in 2012. This can explain the fear of the Western powers as sponsors of liberal values that any democratization in the area could produce illiberal states, and Islamic ones in particular. In conclusion, according to the concept of expansion in liberal

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<sup>40</sup> Immanuel Kant, *Toward Perpetual Peace*, (Neo York: Vail-Ballou Press 2006), 80.

<sup>41</sup> Monty G. Marshall, Gabrielle C. Elzinga, *Global Report 2017 Conflict, Governance, and State Fragility*, (Vienna: Center for Systemic Peace, 2017), 31.

<sup>42</sup> Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (Nov/ Dec. 1997): 22-43.

internationalist thought, Western states will encourage the transformation of the Arab countries toward liberal values and will resist any illiberal democratization in the region.

The second significant subject related to this thesis is the intervention doctrine of liberal internationalism theory. Although liberal internationalism emphasizes the peaceful nature of the relations between liberal states, its assumption of the relations between illiberal states is different. According to Kant, republican states are justified in allying themselves against states that threaten the peace<sup>43</sup>. However, he was more cautious regarding intervention without legitimate cause: “no state shall forcibly interfere with the constitution and government of another state.”<sup>44</sup>. Other liberal internationalists were more explicit about the intervention doctrine, like Thomas Paine in *Rights of Man* when he promised to assist the French revolutionaries to invade and establish freedom for all of Germany<sup>45</sup>. Liberal theorists in the 20<sup>th</sup> century were more determined about the intervention doctrine. According to Doyle, “liberal republics also are prepared to protect and promote—sometimes forcibly—democracy, private property, and the rights of individuals overseas against non-republics which, because they do not authentically represent the rights of individuals, have no rights to noninterference”<sup>46</sup>. A similar idea of intervention is given by John Rawls in his book, *The Law of Peoples*: liberal states are “less likely to engage in war with non-liberal outlaw states, except on grounds of legitimate self-defense (or in the defense of their legitimate allies), or intervention in severe cases to protect human rights”<sup>47</sup>. Before finishing this argument, it is important to distinguish here between regime change intervention, to replace an illiberal regime with a liberal one, and humanitarian intervention, to protect civilians from imminent genocide or mass violation of human rights.

Third, US internationalism and its impact on the Arab world will be examined. Except for some short periods of isolationist policy, the US since Wilson’s presidency had

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<sup>43</sup> Immanuel Kant, *Toward Perpetual Peace* (New Haven and London: Yale University Press, 2006),70.

<sup>44</sup> *Ibid.*,70.

<sup>45</sup> Thomas Pine, *Rights of man* (London: Penguin, 1984), 174.

<sup>46</sup> Michael W. Doyle, “Liberalism and World Politics,” *The American Political Science Review* 80, No. 4 (Dec. 1986):1162.

<sup>47</sup> Johan Rawls, “*The law of peoples*,” (Cambridge and London: Harvard University Press,2002),49.

maintained its traditions of liberal internationalism. The aftermath of the major wars was the time of the flourishing of American liberal internationalism, but Wilsonian liberal internationalism in the post-World War I era, which saw the establishment of the League of Nations as an attempt to avoid another world war, actually failed with the outbreak of WWII. The second version of US liberal internationalism emerged after WWII, during Roosevelt's presidency, with the establishment of the United Nations, and it continued during the Cold War era. American foreign policy during that era was more realistic and pragmatic; on the one hand, the US maintained its liberal traditions with liberal allied countries, and on the other hand it maintained the balance of power and competition with the communist camp. In the Middle East the US became the successor of Great Britain, and according to the arrangement of the post-war era the world was divided between its two superpowers. During that period the US supported allied autocratic and even theocratic regimes in the Middle East and elsewhere in the world to keep its balance against the Soviet Union. Moreover, the US was willing to be involved in bloody military coups and severe interventions to keep that balance, as seen in the coup against Mossadegh in Iran in 1953 and the coup in Chile in 1973. The huge military and financial support to the Afghan Mujahideen movement against the Soviet Union is the most obvious example of the realpolitik order followed by the US during the Cold War. Liberal values like democracy and human rights were the last of the US foreign policy priorities during the confrontation with the Soviet Union.

In his speech in Westminster in June 1982, Ronald Reagan predicted the decline of the Soviet Union and the entire communist world, and he declared US intentions to support democracy and freedom all around the world<sup>48</sup>. In fact, he announced the birth of the third version of American liberal internationalism, or in other words the American hegemony in the post-Cold War era. After the collapse of the Soviet Union in 1991, George Bush Senior announced what he called "the new world order". According to him, the new world order was a collective struggle of diverse nations to achieve peace, security,

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<sup>48</sup> Roland Regan, "Address to Members of the British Parliament," London, June 8, 1982, Presidential Library & Museum, <https://www.reaganlibrary.gov/research/speeches/60882a>. Accessed October 4, 2018.

freedom, and rule of law all around the world. As mentioned above, Americans maintained their traditions of liberal internationalism; however, with the passage of time a sort of unity emerged between American liberal values and national interests, and the double standards of policies using the allegation of violations of human rights as a threat to anti-American countries showed how valuable liberal norms could become just another American foreign policy tool. One of the liberal internationalism crises in the era of American hegemony is the gap between the idealistic ethical norms of liberal thought in the late 18<sup>th</sup> century and the practicing of liberal powers today.

On November 6, 2003, at the 20<sup>th</sup> anniversary of the National Endowment for Democracy, which had been established by former president Ronald Regan, George W. Bush said that the US “commitment to democracy is also tested in the Middle East, which is my focus today and must be a focus of American policy for decades to come”<sup>49</sup>. This speech was 8 months after the US invasion of Iraq, and since then the Arab world had witnessed unprecedented political and social disorder, civil wars, conflicts, terrorism attacks, and international interventions. There is no doubt that the people of these regions had suffered through long periods of dictatorship, absences of human rights, and bad economic conditions, and they were demanding more political freedom, dignity, and economic prosperity, but the ultimate demands of people after wars are peace and security. In conclusion, what is happening now in the Arab world is related to liberal internationalism’s traditions of expansion and intervention, but while the people of the region aimed to establish their own version of democracy, the Western world was working to reconstruct the region to embrace all Western values.

## **2.2. The “Responsibility to Protect” (R2P) Doctrine**

The R2P doctrine came as a reaction of the international community to the horrific genocide and ethnic cleansing in Rwanda and the former Yugoslavia in the 1990s. At the

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<sup>49</sup> George W Bush, “Speech to the National Endowment for Democracy” Washington DC, November 6, 2003, <http://news.bbc.co.uk/2/hi/americas/3248639.stm>. Accessed October 4, 2018.

UN Millennium Assembly in September 2000, former UNSG Kofi Annan appealed to the international community to build an international consensus on how to respond to mass killings and massive violations of human rights<sup>50</sup>. As a response, the Canadian government established the “International Commission on Intervention and State Sovereignty” (ICISS), which conducted wide debates with governments officials, international organizations, NGOs, and academics all around the world for about one year and then delivered its report to the UNSG under the title of “Responsibility to Protect” in 2001, which was adopted by the UNGA in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (A/RES/60/1).

The main idea of the R2P doctrine according to the UN resolution is that “each state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity”. In the event that the state is unable or unwilling to protect its population from the mentioned crimes, the international community has the responsibility to protect them through the United Nations by every possible peaceful means, and by force through the UNSC as a last resort. According to the ICISS report, the committee changed the term from “the right of humanitarian intervention” to the “responsibility to protect” to highlight the obligatory nature of humanitarian intervention.

The conflict between state sovereignty and the right of humanitarian intervention was always the subject of debate among specialists. Sovereignty is one of the strongest principles of international law, while humanitarian intervention became an urgent need with the progress of human rights norms. In his 2001 Nobel Peace Prize Lecture, Kofi Annan said, “The sovereignty of states must no longer be used as a shield for gross violations of human rights”<sup>51</sup>. In its report, the ICISS delivered a new understanding of state sovereignty: “sovereignty implies a dual responsibility: externally—to respect the sovereignty of other states, and internally—to respect the dignity and basic rights of all

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<sup>50</sup> Kofi Annan, *The United Nation Secretary General report 2000*, (New York: The United Nations Department of Public Information 2000), 48.

<sup>51</sup> Kofi Annan, “Address to the Nobel Peace Prize ceremony”, lecturer , Oslo, December 10, 2001, UN News Center, <http://www.un.org/apps/news/story.asp?NewsID=2368#.Wm2FkvyYNdg>. Accessed October 26, 2018.

the people within the state”<sup>52</sup>. However, with all these strong arguments of the R2P doctrine, it is still surrounded by great caution, especially during its implementation, and for that reason the ICISS stipulated six criteria for military intervention: “right authority, just cause, right intention, last resort, proportional means, and reasonable prospects”. The ICISS also added responsibility to prevent, i.e. to avoid military intervention, and responsibility to rebuild the peace after a military intervention. This is a general overview of the R2P doctrine and more discussion about its implementation in the Libyan crisis will be conducted in the following chapters.

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<sup>52</sup> Gareth Evans, and Mohamed Sahnoun, “*The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*,” (Ottawa: International Development Research Centre, 2001), 8.



## CHAPTER THREE

### THE LEGITIMACY AND THE LEGALITY OF THE ARMED INTERVENTION IN LIBYA, 2011

#### **3.1. The Political Circumstances Leading to UNSC Resolution 1970 and UNSC Resolution 1973**

The swift international response to the Libyan crisis in 2011 was remarkable. While the Tunisian protests and the overthrow of Ben Ali surprised everyone, the world was more responsive to the subsequent situations in Egypt and Libya. However, there were many other reasons for the fast reaction to the Libyan crisis in particular. The geographical location of Libya on the southern shore of the Mediterranean, Libya's huge supply of natural resources (oil and gas), the controversial history of the Libyan regime, and finally the obvious intentions of the regime to use any available force to suppress the protests were the main reasons for the swift response of the international community to the Libyan crisis.

The reactions came first from the LAS on February 22, after Gaddafi's inflammatory speech, when the LAS council suspended the participation of Libya in its meetings and other LAS activities<sup>53</sup>. The suspension of the Libyan participation in LAS activities was the first step in a swift and complicated process that led eventually to UNSC Resolutions 1970 and 1973. That initial reaction from the LAS was also followed by widespread international statements condemning the violence of the Libyan regime against the peaceful protests.

On the same day, February 22, the UNSC held an emergency meeting, issuing a press statement that expressed "grave concern at the situation in Libya" and condemned "the violence and use of force against civilians"<sup>54</sup>. These tandem actions from the LAS

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<sup>53</sup> League of Arab States, statement League of Arab States, statement No.126, February 22, 2011.

<sup>54</sup> Security Council, "meetings coverage and press releases," "Security Council Press Statement on Libya," February 22, 2011.

and UNSC became the center of the international community's mechanism to deal with the Libyan crisis, followed by a wave of statements from other regional and international organizations and several states as well, condemning the escalating violence in Libya. The legal process that legitimized the armed intervention in Libya depended on domestic, regional, and international factors, which all interacted and integrated together to later become the multilateral armed intervention in Libya.

### **3.1.1. UN Security Council resolution 1970**

In its emergency meeting on February 26, 2011, the UNSC unanimously adopted Resolution 1970, which imposed a variety of sanctions on Libya and referred some high-ranking Libyan officials to the International Criminal Court (ICC). This swift action of the UNSC and the rare consensus inside the Security Council on the Libyan crisis can be understood in light of a particular set of domestic, regional, and international circumstances.

First, the domestic conditions inside Libya must be considered. As mentioned before, within a few days, the peaceful protests in Libya had turned into a real war in which heavy weapons, including heavy artillery and air strikes, were being used, and all the world was watching horrific images coming from Libya via international TV networks and social media, as well. This explosion of the Libyan situation deeply affected the internal construction of the Libyan regime itself, where high-ranking officials including ministers, diplomats, and army officers defected from the regime, and it is important to note here that the Permanent Representative of Libya to the UN, Abdel Rahman Shalgam, commended the United Nations for “a swift, decisive, and courageous resolution to stop the bloodshed in Libya”<sup>55</sup>. This position of the Libyan representative to the UN against his own government was rare, and it was influential on the Security Council resolutions, as many of the UNSC members mentioned his letter to the UNSC during their speeches. In conclusion, the unprecedented escalation of violence in Libya during the first days of

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<sup>55</sup> Security Council, “Security Council 6490<sup>th</sup> meeting Friday,” 25 February 2011.

the uprising raised real concern within the international community about massacres and bloodshed. Moreover, the scale of the violence caused a significant split of the regime's internal structure, which damaged the legitimacy of the regime and weakened its standing in the international scene.

Secondly, the regional conditions paved the way for an intervention. The most influential regional organizations in the Libyan situation were the LAS and the African Union (AU). As mentioned before, the LAS had held its meeting about Libya on February 22, suspended Libya from all LAS activities, and called on the international community for help to stop the escalation in Libya. On the African level, the Peace and Security Council of the AU at its 261<sup>st</sup> meeting, held on February 23, 2011, about Libya, "condemned the violence of the Libyan government against the peaceful protesters"<sup>56</sup>, and called for no further escalation in Libya. This position of these two regional organizations, together with the OIC, had a great impact on the UNSC members to adopt Resolution 1970 and Resolution 1973 later on, and paved the way for the armed intervention in Libya.

### **3.1.2. UNSC resolution 1973**

The Libyan regime escalated its violence after UNSC Resolution 1970 and the situation grew worse. On the ground, on February 27, the revolutionists in Benghazi, the second largest city in the country, established the National Transitional Council (NTC), which later became the new legitimate representative of the Libyan people. The establishment of the NTC was crucial in the Libyan crisis, where the NTC presented itself as the legitimate authority in Libya and controlled the eastern part of the country and other important cities in the west. In addition, the head of the NTC was the Justice Minister of the Libyan government, and the head of the NTC's army was the Interior Minister, which added more credibility to this new political body at domestic and international levels. Despite international recognition of the NTC coming late, except for France's recognition

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<sup>56</sup>African Union, "communiqué of the 261<sup>st</sup> meeting of the peace and Security Council," 23 February 2011.

on March 10 and Qatar's on the 28<sup>th</sup>, most Western and pro-Western countries established significant relationships with the NTC, and most of the Libyan embassies, including the Libyan permanent mission to the United Nation, joined the NTC, considering it the only legitimate authority in Libya. In such difficult circumstances, the regime was facing the second wave of UNSC sanctions.

The preparation of further sanctions against the Libyan government started when the Libyan armed forces headed towards Benghazi, the stronghold of the rebellion. The first sign came from the NTC statement on March 5, which called on the international community to fulfill its obligation to protect the Libyan people<sup>57</sup>. On March 12, the council of the LAS held an extraordinary meeting in Cairo at the ministerial level and adopted Resolution 7360, calling on “the Security Council to bear its responsibilities towards the deteriorating situation in Libya, and to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya”<sup>58</sup>. The Gulf Cooperation Council (GCC), in its meeting on March 7, had preceded the LAS in calling for the UNSC to impose a no-fly zone over Libya<sup>59</sup>, followed by the OIC. The position of the Gulf states toward the Libyan crisis had a significant impact on LAS Resolution No. 7360; in that meeting, only 11 members of the LAS were present. Six of those were GCC members, and with the revolutionary environment in Cairo—the home of the LAS headquarters—just days after tumbling Hosni Mubarak, it was hard for resistant countries like Algeria and Syria to stop the decision, although the LAS itself had an old tradition of supporting a non-interference policy, especially in LAS member states.

The question is why the Gulf states supported that tough line against Gaddafi while at the same time supporting the governments of Bahrain and Oman against their protestors. There were many reasons for that paradoxical position. The first reason is the traditional

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<sup>57</sup> Security Council, “update report no. 1, Libya,” 14 March 2011.

<sup>58</sup> League of Arab States, “resolution of League of Arab States council no 7360,” March 12, 2011.

<sup>59</sup> CNN Arabic, “Gulf Cooperation Council Calls for No-Fly Zone Over Libya,” *CNN Arabic*, March 8, 2011.

division of the Arab world between left and right camps: while the Gulf states were representing the right on the regional political map, Libya was one of the extreme left states. The second is the standing of the Gulf states as pro-Western countries, and it is very likely that it was the UK and France who persuaded the Gulf countries to support the idea of a no-fly zone over Libya. The third is the personal sensitivity of the Gulf state leaders to Gaddafi's character, and his long history of insulting and harassing Gulf state leaders personally<sup>60</sup>. The last reason is the attempt of the Gulf states to contain the wave of the Arab Spring in their own countries by conducting domestic political and economic reforms on the one hand and supporting the Arab Spring on the other hand, especially in far countries like Libya.

The race between Gaddafi's forces advancing towards Benghazi and the sponsors of the no-fly zone idea was furious. In its ministerial meeting on March 10, NATO agreed to increase its military presence in the central Mediterranean, and the NATO defense ministers discussed the possibility of imposing a no-fly zone. NATO Secretary General Anders Fogh Rasmussen, in a news conference after the meeting, declared that any possible intervention in Libya would be guided by three principles: "demonstrable need, a clear legal mandate, and solid support from the region<sup>61</sup>". Fulfillment of the first condition for NATO intervention in Libya ironically came from Gaddafi himself when he said just hours before the adoption of UNSC Resolution 1973, while his forces were advancing swiftly towards Benghazi, that they would show no mercy and no pity to the traitors in the city<sup>62</sup>. The second condition for intervention was met just one day after the NATO meeting, when the LAS adopted Resolution 7360, calling on the international community to impose a no-fly zone over Libya to protect civilians. The third condition was met when the UNSC adopted Resolution 1973.

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<sup>60</sup> Alex J. Bellamy, and Paul D. Williams, "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect," *International Affairs* 87, no.4 (2011): 842.

<sup>61</sup> NATO, NATO and Libya, "NATO ready to support international efforts on Libya," March 10, 2011. <https://www.nato.int/cps/en/natolive/71679.htm>. Accessed October 29, 2018.

<sup>62</sup> Maria Golovnina, Patrick Worsnip, "U.N. okays military action on Libya," *Reuters*, March 17, 2011.

On March 1, the EU Council President called for an emergency meeting about the developments in Libya to be held on March 11. This emergency summit came under pressure from France and the UK, who were leading the efforts to convince EU and NATO members to take military action against the Libyan regime. “The British and ourselves are wondering what happens if peaceful civilians ... are being targeted by aircraft and helicopters shooting directly at the crowd. David Cameron and I wondered: should we simply stand by ... or react ... we cannot stand by and watch civilians being massacred”<sup>63</sup>, These were efforts that were resisted by Germany: “The German chancellor noted there was no legal basis for a no-fly zone and said she would reconsider only if a legal basis were established”<sup>64</sup>.

The Anglo-French struggle for military action in Libya again faced German resistance in the G8 ministerial meeting on Paris on March 14-15, 2011, associated this time with the Russian refusal<sup>65</sup>. However, the Libyan crisis was at the top of the G8 Paris meeting agenda. Another significant thing happened on the sidelines of the Paris meeting when US Secretary of State Hillary Clinton met the executive manager of the Libyan NTC (i.e. the rebels’ prime minister), Mahmoud Jibril, for about 45 minutes without any public statement. According to Clinton, this meeting was an attempt to identify the potential future leaders of Libya<sup>66</sup>.

On the other side of the Atlantic, a different type of debate was going on inside the Obama administration. According to Hillary Clinton, the US was wary of becoming involved in another Muslim country after Afghanistan and Iraq, and any possible US intervention would need to have regional support and more insurance about the future of Libya after Gaddafi<sup>67</sup>. In a senior-level meeting at the White House on March 9, the

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<sup>63</sup> Ian Traynor and Nicholas Watt, “Libya no-fly zone plan rejected by EU leaders,” *the guardian*, March 11, 2011, <https://www.theguardian.com/world/2011/mar/11/libya-no-fly-zone-plan-rejected>. Accessed October 30, 2018.

<sup>64</sup> Ibid.

<sup>65</sup> John Irish and Tim Hether, “France fails to get G8 accord on Libya no-fly zone,” *Reuters*, March 15, 2011, <https://www.reuters.com/article/us-g8-libya-idUSTRE72E0BX20110315>. Accessed October 30, 2011.

<sup>66</sup> Hillary Clinton, “*Hard Choices*,” (New York: Simon and Schuster, 2014), 295.

<sup>67</sup> Ibid. 295.

opponents of military intervention in Libya had the upper hand, led by Defense Secretary Robert Gates and National Security Advisor Tom Donilon. The argument of the Pentagon was that the US had no core national interests in Libya, and even if the US decided to intervene, the no-fly zone idea suggested by France and the UK would not be enough to stop Gaddafi's forces from advancing toward Benghazi<sup>68</sup>.

For about two weeks, France and Britain struggled to obtain an international mandate to impose a no-fly zone over Libya, while the US was strongly opposed to those plans. According to Gérard Araud, the French Ambassador to the UN during the Libyan crisis, on the morning of March 15, Susan Rice US Ambassador to the UN, phoned him and said, "You are not going to drag us into your sh...y war". Surprisingly, late that night, Rice called him again to report that the US would not only support intervention but wanted UN support for more than a no-fly zone<sup>69</sup>. It seemed that the dramatic turnaround of the American stance was due to the close view of the situation in the region by Secretary of State Hillary Clinton and the confirmations of many Arab leaders that they would not only support intervention in Libya, but that they would be a part of that intervention. According to Clinton, the decision of the LAS on March 12, calling for a no-fly zone over Libya to protect civilians, was a turning point in the US stance towards the conflict in Libya<sup>70</sup>. On March 15, the National Security team met again to discuss Libyan conflict updates<sup>71</sup>. The outcome of that meeting was in favor of a broad military intervention in Libya to remove Gaddafi from power, and the Americans were behind the idea of "all necessary measures" in addition to a no-fly zone to guarantee the removal of Gaddafi in a short time with the minimum number of casualties, which was the idea of the Pentagon at first.

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<sup>68</sup> Ibid. 298.

<sup>69</sup> Jo Becker and Scott Shane, "Hillary Clinton, 'Smart Power' and a Dictator's Fall," *New York Times*, February 27, 2016,

<sup>70</sup> Hillary Clinton, "*Hard Choices*," (New York: Simon and Schuster, 2014), 299.

<sup>71</sup> Josh Rogin, "Inside the White House-Congress meeting on Libya," *Foreign Policy*, March 18, 2011.

### 3.1.3. Negotiations inside the UNSC and the race for resolution 1973

Just after the White House meeting, Obama directed Susan Rice, the US Ambassador to the UN, to “push for a military operation in Libya beyond the imposition of a no fly-zone”<sup>72</sup>. The next two days were a real race between Gaddafi’s forces, advancing swiftly towards Benghazi, and the three permanent Western members of the UNSC (P3), working to obtain a UNSC mandate to intervene. The other two permanent UNSC members, Russia and China, were very significant for any voting about Libya, but China had no tradition of using the veto alone outside of its own geopolitical area (Taiwan, East and Southern East Asia), so the only real obstacle remaining was Russia. To avoid a Russian veto, Hillary Clinton called the Russian foreign minister, Sergey Lavrov, on March 16, and told him that US did not want another war and its main goal was to “protect civilians in Libya”. Lavrov responded that “the Russians had no interest in protecting Qaddafi or seeing him slaughter his people”<sup>73</sup>.

The Russian abstention on Resolution 1973 is still confusing. The news addressed a rare split between Dmitry A. Medvedev, the Russian president at the time, and his Prime Minister, Vladimir V. Putin<sup>74</sup>, when Medvedev criticized—albeit not by name—Putin’s statement that “it reminds me of a medieval call for a crusade,”<sup>75</sup> talking about the Western intervention in Libya. However, the reasons for the Russian abstention were deeper than this. First of all, the abstention seemed like a Russian admission that Libya was in the geopolitical realm of interests of Western Europe and US. It is true that Libya had kept a strong relationship with the Soviet Union, but after that, the relationship between Libya and the Russian Federation was less significant and in no way comparable to the Russian relationship with Serbia or Syria, where Russia used its veto repeatedly against Western allies. Moreover, Gaddafi had criticized Russia on many occasions for its abandonment

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<sup>72</sup> Ibid.

<sup>73</sup> Hillary Clinton, “*Hard Choices*,” (New York: Simon and Schuster, 2014),302-303.

<sup>74</sup> Clifford J. Levy and Thom Shanker, “In Rare Split, Two Leaders in Russia Differ on Libya,” *New York Times*, March 21, 2011.

<sup>75</sup> Vladimir Putin, “UN Libya resolution defective, reminds of Medieval call for Crusade,” YouTube video, 2:05, Mar 21, 2011, <https://www.youtube.com/watch?v=BvP3BW21VWU>. Accessed November 12, 2018.

of its old allies in the region. Secondly, Russia was more concerned about its responsibility in the event that Gaddafi's forces committed a massacre against the civilians in Benghazi, which was very likely according to Gaddafi's rhetoric, although in his answer to press questions about the Russian abstention, President Medvedev said "Let me say again that everything that is happening in Libya is a result of the Libyan leadership's absolutely intolerable behavior and the crimes that they have committed against their own people"<sup>76</sup>. The last point for Russia was the stance of the LAS, which called for a no-fly zone over Libya. As the Russian Ambassador to the UN, Vitaly Churkin, mentioned during his explanation of the Russian abstention, "the League of Arab States turned to the Security Council with a request that it take immediate measures to ensure the protection of the civilian population in Libya, including the establishment of a no-fly zone in Libyan airspace. We gave that request our full attention"<sup>77</sup>.

The securing of the Russian abstention was not the end of the P3 difficulties with the vote: they still needed at least 9 of the total 15 UNSC votes to pass the resolution. The so-called telephone diplomacy didn't stop during the 48 hours preceding the UNSC session. Obama phoned Jacob Zuma to guarantee South Africa's vote, while David Cameron ensured the Nigerian one. Lebanon, as the only representative of the Arab countries in the UNSC during the crisis, sided with France—it was time for that small country to take its revenge upon Gaddafi for the disappearance of Imam Musa al-Sadr\*—and the UK submitted the draft of Resolution 1973.

On March 17, the UNSC adopted Resolution 1973 with 10 votes in favor "Bosnia and Herzegovina, Colombia, France, Gabon, Lebanon, Nigeria, Portugal, South Africa, United Kingdom, United States of America" and the abstention of 5 votes "Brazil, China, Germany, India, Russian Federation". One last point to note about the vote is the abstention of Germany, a traditional Western ally. From the beginning of the crisis, German Chancellor Angela Merkel resisted the appetite of her French and British partners

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<sup>76</sup> Dmitry Medvedev, "Dmitry Medvedev on the Situation in Libya," President of Russia," March 21, 2011.

<sup>77</sup> Security Council, "The situation in Libya, Security council meeting," S/PV.6498 (March 17, 2011).

for war in Libya, both at EU and at NATO meetings. In fact, that stance was consistent with the German non-intervention policy since WWII, and in his explanation of his country's abstention, the German Ambassador to the UN said that "Germany fully supports the package of economic and financial sanctions in the resolution just adopted. Decisions on the use of military force are always extremely difficult to take... We should not enter into a militarily confrontation on the optimistic assumption that quick results with few casualties will be achieved"<sup>78</sup>.

### **3.2. The Legal Principles and The Legitimacy of The Armed Intervention in Libya**

Among all paragraphs of UNSC Resolution 1973, which included a no-fly zone, enforcement of the arms embargo, a ban on flights, and an assets freeze, the fourth paragraph of the resolution raised much controversy among international law and international relations scholars. In that paragraph, the UNSC authorized the UN member states "to act individually, or through regional organizations to take all necessary measures to protect civilians in Libya"<sup>79</sup>.

#### **3.2.1. Threatening the international peace and security**

SC Resolution 1973 was issued under Chapter VII of the United Nations charter, "determining that the situation in the Libyan Arab Jamahiriya continued to constitute a threat to international peace and security"<sup>80</sup>. However, the United Nations charter contains many other articles that guarantee the sovereignty and territorial integrity of states, and other articles to establish the principles of non-interference in the domestic matters of other countries. Article 2(4) of the UN charter prohibits member states from violating the sovereignty or territorial integrity of other countries, while Article 2(7) of

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\* Musa al-Sadr is a Lebanese Shi'a religious disappeared in mysterious circumstances in Libya on 1978, after a dispute with Gaddafi.

<sup>78</sup> Security Council, "*The situation in Libya, Security council meeting,*" S/PV.6498 (March 17, 2011).

<sup>79</sup> Security Council resolution 1973, "*The situation in Libya, Security council meeting,*" S/RES/1973 (March 17, 2011).

<sup>80</sup> Ibid.

the charter prevents the UN from intervening in matters within the domestic jurisdiction of any state excluding the application of enforcement measures under Chapter VII.

With the steady evolution of the concept of human rights since WWII, the concept of state sovereignty has become more consistent with those changes. In the 2005 World Summit, the UNGA adopted Resolution 60/1, which states in Article 139: “In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”<sup>81</sup>. The UNSC consolidated the UNGA resolution by unanimously adopting Resolution 1674 in 2006<sup>82</sup>, which considered protection of civilians as one of the UNSC’s responsibility for the maintenance of international peace and security. On that previous legal basis, the UNSC adopted Resolution 1970 and Resolution 1973, acting under Chapter VII of the UN charter.

### **3.2.2. Protection of civilians**

In paragraph 4 of the resolution, the UNSC authorizes member states to take all necessary measures to protect civilians. Norms of civilian protection had been evolving since the 1990s, in the wake of the Rwandan and Bosnian atrocities, and they reached a high point when the UN member states adopted the R2P doctrine at the World Summit in 2005 and the UNSC adopted Resolution 1674 on the protection of civilians in 2006. There is unanimity among international law and international relations scholars that the UNSC mandate to use force with the purpose of protecting civilians against a functioning state in

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<sup>81</sup> Ibid.

<sup>82</sup> Reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

the Libyan case was unprecedented<sup>83</sup>. This act indicated the transformation of the world order from the old Westphalian principle of state sovereignty as a right to state sovereignty as a responsibility<sup>84</sup>. Regardless of the failure of the R2P principle in Syria, the adoption of the UN General Assembly and the UNSC of the R2P doctrine showed an international consensus about the legitimacy and the morality of civilian protection. However, the Libyan case sparked controversy about the implementation and the abuse of humanitarian intervention<sup>85</sup>.

In its report, the ICISS determined a set of principles and criteria for humanitarian military intervention, and three of these criteria will be discussed and analyzed in the following paragraphs to reach a conclusion as to what extent the international intervention in Libya was legitimate, undertaken by the right authority, for just cause and with the right intention,<sup>86</sup>. First, the right authority, according to the ICISS report, is “the UNSC as the legitimate body to authorize military intervention for human protection purposes, and if the UNSC fails to deal with the case then the General Assembly is the alternative authority<sup>87</sup>”. In the Libyan case, the UNSC unanimously adopted Resolution 1970, which invoked R2P and imposed sanctions on the Libyan government as the first step for further procedures if the Libyan authority did not respond. The unanimity inside the UNSC reflects its unity regarding the situation inside Libya. The subsequent split inside the UNSC on Resolution 1973 somewhat reduced the legitimacy of the resolution but never eliminated it<sup>88</sup>.

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<sup>83</sup> Alex J. Bellamy and Paul D. Williams, “The new politics of protection? Côte d’Ivoire, Libya and the responsibility to protect,” *International Affairs* 87, no.4 ( April 2011): 825.

<sup>84</sup> Catherine Powell, “Libya: A Multilateral Constitutional Moment,” *The American Journal of International Law*,” 106, no. 2 (April 2012): 298.

<sup>85</sup> Sarah Brockmeier, Oliver Stuenkel and Marcos Tourinho, “The Impact of the Libya Intervention Debates on Norms of Protection,” *Global Society*, 30,” no.1 ( November 2015): 114.

<sup>86</sup> Gareth Evans, and Mohamed Sahnoun, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*,” ( Ottawa :International Development Research Centre, 2001), XII.

<sup>87</sup> Ibid .

<sup>88</sup> Andrew Wedgwood and A. Walter Dorn, “NATO’s Libya Campaign 2011: Just or Unjust to What Degree?” *Diplomacy & Statecraft*, 26,” (June 2015): 346.

Secondly, for “just cause”, some voices were still repeating that there was no real threat to the civilians in Libya during the uprising and that the Western media had amplified the events for the geopolitical purpose of changing the Libyan regime. However, regardless of the political objectives of Western countries, the regime itself never hid its intention to use all available means to suppress the uprising, and its violent history showed what the regime was capable of. In a famous speech in 2011 Gaddafi declared that he would burn everything to stay in power, and then, according to the International Commission of Inquiry in Libya, “in Tripoli, doctors informed the commission that between 20-21 February 2011 over 200 bodies were brought into morgues”<sup>89</sup>, and similar situations happened in most Libyan cities, such as Benghazi, Misurata, Al-Zawiya, and elsewhere. Moreover, and according to eyewitnesses, after the failed attempt of Gaddafi’s forces to recapture Benghazi on the morning of March 19, the heavy artillery and tanks started shelling the crowded city indiscriminately, thousands of the city’s residents fled toward the Egyptian border, and the city was facing a fate similar to what would be seen in Syrian cities later. The next morning after the first wave of coalition force air strikes, hundreds of Libyan government heavy weapons were seen destroyed around the city. Whatever the motives of the countries behind the intervention were, it does not change the real need to protect civilians in Libya<sup>90</sup>.

The third norm was the “right intention”. According to the ICISS report, the main purpose of an intervention must be protecting civilians regardless of any other motives of the intervening states<sup>91</sup>. In the very early stages of the Libyan crisis, many Western leaders called on Gaddafi to leave power, including Barack Obama on February 26<sup>92</sup>, Nicolas Sarkozy on February 25<sup>93</sup>, and David Cameron. In addition, many of the UNSC members

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<sup>89</sup> Philippe Kirsch, Asma Khader, and Cherif Bassiouni, “*Report of the International Commission of Inquiry on Libya*,” (New York: The United Nations Department of Public Information 2012), 6.

<sup>90</sup> Lesley Connolly, “Issues of Legality and Legitimacy the Responsibility to Protect and NATO’s intervention in Libya,” *Journal of Political Inquiry* 19, (Fall 2015): 48.

<sup>91</sup> Gareth Evans, and Mohamed Sahnoun, “*The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*,” (Ottawa :International Development Research Centre, 2001), XII.

<sup>92</sup> Jeff Mason, “U.S. says Libya has spoken, Gaddafi must leave now,” *Reuters*, February 26, 2011,

<sup>93</sup> Nicolas Sarkozy, “Libya: Nicolas Sarkozy calls for Col Gaddafi to step down,” *The Guardian*, February 25, 2011.

were suspicious from the beginning about the intentions of P3 and the political agenda behind Resolution 1973<sup>94</sup>; unfortunately, these suspicions would be confirmed soon. “What is happening in Libya differs from the aim of imposing a no-fly zone, and what we want is the protection of civilians and not the bombardment of more civilians”, LAS Secretary General Amr Moussa stated hours after the beginning of the “Odyssey Dawn” operation<sup>95</sup>, The LAS Secretary General’s statement was followed by similar statements from Russia, China, India, Brazil, and South Africa, all accusing the Western powers of changing the regime course in Libya. The P3 leaders themselves confirmed this assumption in their joint statement after their meeting in Berlin on April 15, 2011: “Our duty and our mandate under the U.N. Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Qaddafi by force. But it is impossible to imagine a future for Libya with Qaddafi in power”<sup>96</sup>.

The dilemma of the overlap between the protection of civilians and other political agendas always exists during humanitarian interventions, especially the question of regime change. There is a hazy line between changing a regime as a political object of the intervening states and changing a regime in order to protect civilians<sup>97</sup>. In this context, Edward Luck, Special Advisor to the Secretary General for R2P, tried to explain the difference between regime change as a political goal and regime change as a means of protecting civilians. “I should say that it isn’t the goal of the responsibility to protect to change regimes. The goal is to protect populations. It may be in some cases that the only way to protect populations is to change the regime, but that certainly is not the goal of the R2P”<sup>98</sup>. All in all, the intentions of the sponsors of UNSC Resolution 1973 were

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<sup>94</sup> Alex J. Bellamy and Paul D. Williams, “The new politics of protection? Côte d’Ivoire, Libya and the responsibility to protect,” *International Affairs* 87, no.4 ( April 2011): 846.

<sup>95</sup> Maria Golovkina, and Michel Georgy, “Western powers strike Libya; Arab League has doubts,” *Reuters*, March 20, 2011.

<sup>96</sup> Barack Obama, David Cameron A and Nicolas Sarkozy, “Libya’s Pathway to Peace,” *New York Times*, April 14, 2011, <https://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>. Accessed December 28, 2018.

<sup>97</sup> Alex J. Bellamy and Paul D. Williams, “The new politics of protection? Côte d’Ivoire, Libya and the responsibility to protect,” *International Affairs* 87, no.4 ( April 2011): 848.

<sup>98</sup> Bernard Gwertzman, “Will Syria Follow Libya? Interview with Edward C. Luck, Special Advisor to the UN Secretary-General,” *Council on foreign affairs*, September 1, 2011.

complicated. It is certain that protection of civilians was not the only object of the P3; their actions were driven by a set of objectives and motives including geopolitical interests, the spread of Western values, and even taking revenge on Gaddafi for his alleged terrorist operations against those three countries. Lastly, unlike the NATO intervention in Kosovo, which was not legal due to its lack of international authorization but seemed legitimate in meeting the norms of protecting civilians<sup>99</sup>, NATO's intervention in Libya was legal, but its legitimacy had been damaged by the abuse of the international mandate.

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<sup>99</sup> Vesselin Popovski, and Nicholas Turner, "Legality and Legitimacy in International Order," *United Nation University Policy Brief*, (November 2008): 1.



## **CHAPTER FOUR**

### **THE MILITARY CAMPAIGN**

#### **4.1. Establishment of the Western Armed Coalition**

The process of establishing a Western military alliance to intervene in Libya has never been easier than the process of adopting UNSC Resolution 1973, but complicated and tough negotiations were conducted between NATO member states for the purpose of arranging its military operations in Libya. As mentioned in the previous chapter, NATO increased its military presence in the Mediterranean and conducted 24-hour surveillance missions on the Libyan coast to implement UNSC Resolution 1970. Due to the tight timeframe, and because of France's desire to play a leadership role in the Libyan campaign, which was resisted by Turkey, a significant NATO member state, France and the UK took the lead together, backed by the US with its unique military capabilities to carry out the risky mission. This urgency was also due to the imminent fall of Benghazi, which had become a key point of the Libyan war under these circumstances.

##### **4.1.1. Franco-British leadership**

When France and the UK signed a defense and security cooperation treaty in November 2010<sup>100</sup>, they never thought that they would be applying it so soon. After securing the United Nations mandate, Sarkozy called for an emergency meeting or war summit in Paris on March 19 to put the final touches on the expected military operation in Libya. The Paris emergency meeting included British Prime Minister David Cameron, US Secretary of State Hillary Clinton, UN Secretary General Ban Ki-moon, LAS Secretary General Amr Moussa, European Council President Herman Van Rompuy, High Representative of the European Union for Foreign Affairs Catherine Ashton, and the prime ministers of Germany, Canada, Norway, Italy, Denmark, Belgium, Spain, Poland,

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<sup>100</sup> "Treaty between the United Kingdom of Great Britain and Northern Ireland and the French Republic for Defense and Security Cooperation," London, 2 November 2010.

Qatar, Greece, and the Netherlands, together with foreign ministers from Morocco, Iraq, Jordan, and the United Arab Emirates.

NATO was the logical option to lead the campaign in Libya, but despite Sarkozy bringing France back into NATO's integrated military structure in 2009, the French opposed the NATO command of the military operations in Libya. The French argument was that NATO operates by consensus decision-making, and with clear Turkish objections to the military operation plans in Libya, all the efforts of France and other Western allies to adopt UNSC Resolution 1973 would be in vain. Moreover, according to the French, NATO leadership could have deprived the coalition of the participation of valuable Arab partners. The Turkish standing towards military intervention in Libya was skeptical from the beginning, although Sarkozy visited Ankara on February 25, 2011, for the preparations of the G20 summit in France later that year<sup>101</sup>, and he discussed the Libyan issue with Turkish officials. However, he did not invite Turkey to the Paris summit on Libya on March 19, on the grounds of the Turkish refusal of any Western military intervention in Libya<sup>102</sup>.

European partners were surprised by the unilateral French recognition of the Libyan NTC on March 10. Sarkozy also surprised his American and British allies when he told Hillary Clinton and David Cameron that French fighter jets were heading to Libya, just before the meeting at the March 19<sup>th</sup> summit<sup>103</sup>. Due to the critical situation in Benghazi, Sarkozy had responded to Libyan NTC officials' appeals to send the French jet fighters towards Libya even before the beginning of the Paris summit. The French planned that the fighters would start the strikes immediately after the meeting, and that was what happened. Though France faced anger from its allies and partners, especially from the

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<sup>101</sup> Sebnem Arsu, and Steven Erlanger, "Sarkozy Is Criticized on a Visit to Turkey," *New York Times*, February 25, 2011.

<sup>102</sup> Ayla Jean Yackley, "Turkey opposes any NATO operation in Libya," *Reuters*, March 14, 2011, "<https://www.reuters.com/article/us-libya-turkey-idUSTRE72D49D20110314>. Accessed 23 11 2018". Accessed November 23, 2018.

<sup>103</sup> Hillary Clinton, "*Hard Choices*," (New York: Simon and Schuster, 2014), 304.

Italian Prime Minister, Silvio Berlusconi<sup>104</sup>, the US and UK nevertheless joined the French operations in Libya hours later.

#### **4.1.2. The tripartite military campaign in Libya, March 19-March 31**

At 14:45 GMT, just after the Paris summit, President Sarkozy announced the beginning of the French military operations in Libya from the Élysée Palace<sup>105</sup>, Hours later a French military spokesman confirmed the beginning of Operation Harmattan, the codename of the French participation in the multilateral operations in Libya. About 20 French warplanes including Rafale planes, Mirage 2000-5 planes, Mirage 2000D planes, C135 tankers for air refueling, the E-3F AWACS\*, and transport airplanes were engaged in this first mission over Libya to enforce the no-fly zone and target the Libyan ground forces around Benghazi<sup>106</sup>, destroying their first targets at 16:45 GMT. On the American side, during a visit to Brazil President Barack Obama said that he authorized the US army to take limited military action in Libya as a part of the broad international coalition<sup>107</sup>, followed by a pentagon statement about launching operation Odyssey Dawn<sup>108</sup>, just as the British by launched Operation Ellamy<sup>109</sup>.

At 19:00 GMT, at least 5 US ships and submarines and one British Trafalgar class submarine launched about 110 Tomahawk missiles to destroy the Libyan air defense system along the Libyan coast, to pave the way for the allies' warplanes in further operations. In addition, 15 US ground attack airplanes including F15, F16, and AV-8B Harrier II planes targeted the remains of the Libyan government forces 10 miles south of

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<sup>104</sup> Ibid. 305.

<sup>105</sup> Lindsey Hilsum, *Sandstorm: "Libya in the Time of Revolution,"* (New York: Penguin, 2012), 211.

\* Airborne Warning and Control System.

<sup>107</sup> Barack Obama, "Remarks by the President on Libya," The White House Official Site, March 19, 2011, "<https://obamawhitehouse.archives.gov/the-press-office/2011/03/19/remarks-president-libya>". Accessed 27 November 2018.

<sup>108</sup> "Coalition Launches 'Operation Odyssey Dawn,'" US Department of Defense, March 19, 2011, "<http://archive.defense.gov/news/newsarticle.aspx?id=63225>". Accessed December 12, 2018.

<sup>109</sup> "Libya update," GOV.UK, March 20, 2011, "<https://www.gov.uk/government/news/libya-update--2>". Accessed December 12, 2018.

Benghazi after the initial French attack earlier that afternoon <sup>110</sup>, and hours later three B-2 Spirit bombers attacked Ghardabia Airbase near Sirte, destroying 45 Libyan aircraft shelters. Despite the fact that the French issued the first shot in the Libyan campaign, the US, because of its unique military capabilities, was in the lead during the first days of the campaign, both in terms of coordination between different allied forces and in terms of the size of the participating forces. General Carter F. Ham, the commander of the US Africa Command (AFRICOM) from its headquarters in Stuttgart, Germany, was the supreme commander of the operation theater in Libya, while Admiral Samuel J. Locklear III, the commander of the US Naval Forces Europe-Africa, was the tactical commander from the command ship of the US Sixth Fleet's USS *Mount Whitney*, as US Joint Task Force commander<sup>111</sup>.

From the second day of the campaign, other allies started joining the operations: Italy and Denmark on March 20; Spain, Canada, and Belgium on March 21; and the Netherlands, Norway, Qatar, and the United Arab Emirates a few days later. During that time, debates continued between the US, the UK, France, Italy, and Turkey to resolve campaign leadership disputes and the limitation of the military action. As mentioned previously, Sarkozy did not invite Turkey to the Paris summit on March 19, while Turkey never hid its reservations about any military intervention in Libya. Even after UNSC Resolution 1973 had been adopted, the Turkish point of view preferred a more humanitarian nature for any potential intervention in Libya. The Turkish interpretation of UNSC Resolution 1973 involved enforcing a no-fly zone, excluding any targeting of the Libyan government's ground forces. However, the dispute between Turkey and France looked older and deeper, since Sarkozy had blocked Turkey's entry negotiations with the European Union in 2007<sup>112</sup>, and the French parliament had recognized the Armenian genocide in 2001. In addition, Libya was a part of the Ottoman Empire, and with Turkey's growing regional interest since the AKP's rise to power, Turkey sought a bigger role in

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<sup>110</sup> Karl P. Mueller, ed., "*Precision and purpose : airpower in the Libyan Civil War*," (Santa Monica: RAND corporation, 2015), 123.

<sup>111</sup> Ibid. 114.

the Libyan dispute by using its veto in NATO. Another remarkable stance among NATO members was the German refusal to participate in the Libyan campaign, its preference to abstain during NATO discussions, and later Germany's withdrawal of its maritime forces in the Mediterranean from NATO command<sup>113</sup>.

It was not only Turkey that was disappointed by France's behavior. Italy, the former colonial power in Libya, was very angry as well and threatened that it would close its military airbases and its airspace if NATO did not take command of the Libyan campaign. Different motives pushed the allies in this situation of disagreement about the Libya campaign's leadership; the US wanted to hand the mission over to NATO and take the backseat (a "leading from behind" strategy), while France was insisting on its command of the operation, justifying that by the potential Turkish block from inside NATO, which was exactly what happened when Turkey blocked the NATO participation in Brussels on March 21<sup>114</sup>, Turkey had its reservations about the military intervention in general, but it was more sensitive about the French leadership of the operation. Italy also saw the French role as a violation of its historical right as a former colonialist ruler of Libya and considered it a threat to its huge oil and gas investments in Libya. Nevertheless, after hard talks and intensive phone calls between Obama and Erdoğan and between Obama and Sarkozy, the disputing parties reached a sort of compromise: Turkey would not block the NATO decision, whether it participated in the campaign or not, and France agreed to transfer the operational command to NATO and establish the so-called Libya Contact Group as a political body under French leadership concerned with the Libyan political issue, to make up for France's loss of military operation leadership. According to that agreement, NATO began being involved in the operations as of March 24; however,

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<sup>113</sup> Madelene Lindström, and Kristina Zetterlund, "Setting the Stage for the Military Intervention in Libya Decisions Made and Their Implications for the EU and NATO," (Stockholm: Swedish Ministry of Defense, 2012), 27.

<sup>114</sup> Don Melvin, "Divisions strain NATO push for Libyan airstrikes," *Washington post*, March 21, 2011, "<http://www.washingtonpost.com/wp-dyn/content/article/2011/03/21/AR2011032101089.html>". Accessed December 26, 2018.

the formal transformation of the military operations to NATO command was delayed until March 31<sup>115</sup>.

The results of the tripartite operations in Libya from March 19 until March 31, 2011, were devastating for the Libyan government's military capabilities. The allied forces succeeded in establishing a no-fly zone within the first 72 hours of the operations, destroyed the whole Libyan air defense system\* and most of the Libyan air force, and pushed the Libyan government forces attacking Benghazi 100 miles south of the city, all without any casualties among the attacking forces, except one US F-15E fighter jet that crashed near Benghazi due to mechanical failure according to the US army\*. By March 28, coalition forces had performed a total of 1602 sorties, 62% of them by the US, which included 735 strike sorties, half of them by US<sup>116</sup>. Meanwhile, in the first three days of the operations the French performed only 55 sorties<sup>117</sup>; they claimed that they increased it up to 150 to 200 sorties daily in the following days, but that number that looked to be beyond their actual operational capabilities at the time.

#### **4.2. NATO Leadership in Operation Unified Protector, March 31-October 31, 2011**

On March 31, 2011, NATO Secretary General Anders Fogh Rasmussen declared that "NATO took sole command of international air operation over Libya"<sup>118</sup>. Two days earlier, in London, representatives of 40 Western and Middle Eastern states, in addition to representatives of international and regional organizations, agreed to transfer the military

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<sup>115</sup> "NATO and Libya Operation Unified Protector," NATO, last updated March 27, 2012, "<https://www.nato.int/cps/en/natolive/71679.htm>". Accessed December 29, 2018.

\* Although the Libyan air defense system was very old and mostly out of use, the allied forces due to lack of intelligence information dealt with it as a functioning one.

<sup>116</sup> Karl P. Mueller, ed., "*Precision and purpose : airpower in the Libyan Civil War*," (Santa Monica: RAND corporation, 2015), 135.

<sup>117</sup> "Libye : point de situation opération Harmattan n°3," France Ministry of Army, Marc 25, 2011, "<https://www.defense.gouv.fr/actualites/operations/libye-point-de-situation-operation-harmattan-n-3>". Accessed December 31, 2018.

<sup>118</sup> "Press briefing," NATO, last updated April 7, 2011, "[https://www.nato.int/cps/en/natolive/opinions\\_71897.htm](https://www.nato.int/cps/en/natolive/opinions_71897.htm)". Accessed December 31, 2018.

\* Both of its crew rescued.

operation in Libya to NATO command, establishing at the same time the so-called Libya Contact Group to deliver political leadership on the Libyan crisis. Accordingly, the chain of command was as follows: the North Atlantic Council became the political leadership of Operation Unified Protector, with Admiral Samuel J. Locklear of the US Navy as Commander of the Allied Joint Force Command Naples, Lieutenant General Charles Bouchard of the Royal Canadian Air Force as Commander of the Combined Joint Force Command Naples, and US Air Force Lieutenant General Ralph J. Jodice II as Air Component Commander located at Izmir, Turkey, and later relocated to Poggio Renatico, Italy.

The major change after NATO took over the command was the withdrawal of the US strike aircraft from the battle scene, which caused a sudden reduction of allied air operations over Libya. On the other hand, four new allied members joined the operations by delivering naval assets, which were Turkey, Greece, Bulgaria, and Romania. With that, the number of allied countries rose to include the 14 NATO member states of Belgium, Bulgaria, Canada, Denmark, France, Greece, Italy, the Netherlands, Norway, Romania, Spain, Turkey, the UK, and the US and 4 non-NATO allies of Jordan, Qatar, Sweden, and the UAE. Germany and Poland were the notable absentees from the NATO allies.

Despite the fact that the US had gathered that broad coalition, the political differences between allied countries and the variety of interpretations of the UN mandate in Libya determined the type of each coalition member's participation. The types of participation can be divided into three categories. Combat military participation included enforcement of a no-fly zone, a naval blockade, and the targeting of the Libyan government's ground forces, that category including France, the US, the UK, Italy, Canada, Denmark, Belgium, Norway, and the UAE. Secondly, noncombat military participation included air patrol missions and naval blockade or one of the two, a category that included Turkey, Qatar, the Netherlands, Spain, and Sweden. The third category was symbolic participation. Bulgaria participated with one frigate from May 1 to May 31; Greece participated with one frigate, although it provided 4 crucial airbases to the coalition

air forces, one of them just 300 km away from the Libyan shore<sup>119</sup>, Romania also participated with one frigate, and Jordan participated with 6 F-16 Fighting Falcons, but those were dedicated to protecting the humanitarian operations conducted by Royal Jordanian Air Force transport aircraft and never participated in actual operational flight<sup>120</sup>.

In addition to the main role of the US, the UK, and France in the Libyan military campaign, two other countries had relatively pivotal participation in the campaign: Italy and Qatar. However, Berlusconi was reluctant to agree to intervene in Libya because of his tight personal relationship with the Libyan leader, although his foreign minister, Franco Frattini, and defense minister, Ignazio La Russa, were more supportive of the Western allies' plans for Libya. The Italians preferred to keep their participation in the Libyan campaign silent, possibly for two reasons: the huge Italian economic interests in Libya, and political sensitivity because of the Italian colonial history in Libya. The Italian participation in the Libyan campaign had two levels: delivering airbases and facilities to the coalition forces, and direct military action<sup>121</sup>.

At the first level, Italy had opened its airspace to the coalition since the first day of the campaign, and within a few days made seven of its airbases available to Operation Unified Protector and hosted more than 200 coalition airplanes; three of those airbases were in Sicily, about 500 km from the Libyan shore. Moreover, the main command of the Libyan campaign was located in Italy, with the Joint Force Command of Operation Unified Protector in Naples, the Combined Air Operations Center in Poggio Renatico, and the Maritime Command of the coalition forces located in Naples. On the operational level, despite the fact that Italy joined Operation Odyssey Dawn early on March 20, the Italians refrained from assaulting Libyan government ground targets until April 28, after hard discussions inside the Italian parliament and between cabinet members about the nature of the Italian military contribution. Nonetheless, the Italian participation in the Libyan campaign was huge: the Italian air force delivered about 40 combat aircraft involving

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<sup>119</sup> Suda air base Crete.

<sup>120</sup> Karl P. Mueller, ed., *Precision and purpose : airpower in the Libyan Civil War*, (Santa Monica: RAND corporation, 2015), 345.

<sup>121</sup> *Ibid.* 206.

about 4800 personnel from seven bases. In addition to the air force contribution, the Italian navy delivered 16 maritime vessels with 3500 crew members, including the Italian aircraft carrier *Giuseppe Garibaldi* with 12 combat aircraft. In total, Italian aircraft performed about 1900 sorties<sup>122</sup>, statistics that make the Italian contribution rank second after the US in terms of size of contributed forces.

The second remarkable contribution came from Qatar. In this case, it was not about the size of the contributed forces, but rather the type of the contribution. First of all, Qatar contributed 6 Mirage 2000 fighters, which at the time represented two-thirds of the Qatar Emiri Air Force fleet, and 2 C-17 transport airplanes, which made Qatar's contribution larger than any other coalition member's in proportion to its total air force assets. Secondly, although the Qatari aircraft never performed any strike missions because of their nature as air defense, the Qatari C-17 transport airplanes initiated an airlift route as of April between Souda Airbase in Crete and the Benina airport in Benghazi, 500 km apart. In addition to relief materials, they supplied highly sophisticated military equipment including French-made anti-tank MILAN missiles<sup>123</sup>, sniper rifles, and communication equipment. This equipment was accompanied by members of the Qatari Special Forces for the purpose of training the rebels, all of which happened in the early stages of Operation Unified Protector and reflected positively on the performance of the rebel forces, especially in the city of Misurata, which was then being besieged brutally by the Libyan government forces<sup>124</sup>.

#### **4.2.1. NATO military stalemate and relief of Misurata**

While Benghazi was the focus of Operation Odyssey Dawn, Misurata became the main concern of Operation Unified Protector in its early days. Misurata is the third largest city of the country, and it was the only city in the western part of Libya outside of the

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<sup>122</sup> Ibid. 245.

<sup>123</sup> Ian Black, Chris McGrail, and Harriet Sherwood, "Libyan rebels supplied with anti-tank weapons by Qatar," *the guardian*, April 14, 2011.

<sup>124</sup> David Roberts, "Behind Qatar's Intervention in Libya Why Was Doha Such A Strong Supporter of The Rebels?" *Foreign Affairs*, September 28, 2011.

Libyan government's control, except for some small towns in the far west in the Nafusa Mountains. After the failure of the Libyan government forces to recapture Benghazi, their concentration was turned to Misurata, where thousands of soldiers supported by volunteers besieged the city brutally, controlling vital locations in the city center while their heavy artillery and tanks were shelling the port (the city's only life line), while the city's neighborhoods were controlled by opposition fighters. Unfortunately, the city was facing that critical situation during the transition period between US Operation Odyssey Dawn and NATO Operation Unified Protector, which was a complicated process. As a result, NATO found itself in a real military stalemate during the early days of its command.

It took two weeks until NATO started focusing on the Misurata situation, and it took another month until the city passed its critical situation. In addition to the command and control difficulties that faced Operation Unified Protector in its early phase, there were two other reasons for the NATO military stalemate: first, the sudden US withdrawal of its strike aircraft, which represented half of the coalition air assets, and second, a change of the tactics of the Libyan government forces, which replaced its conventional military vehicles with civilian ones similar to those used by rebels and also started hiding forces in populated areas and inside buildings, which made targeting them from the air more difficult and riskier for the civilians.

That military stalemate led the extreme wing of the NATO coalition, France and the UK, to increase their military efforts by increasing the number of strike warplanes, incorporating new types of air assets such as attack helicopters and unmanned combat aerial vehicles (drones), and sending military equipment and military advisors for the purpose of more coordination with the rebel forces. At that point, the NATO campaign had in fact surpassed its international mandate of civilian protection and was working as air support for the rebel forces, having moved into the offensive phase since the beginning of June 2011. France and the UK also succeeded in convincing the Obama administration

to rejoin the air operations in Libya with the deploying of armed Predator drones in late April 2011<sup>125</sup>.

#### **4.2.2. The fall of Tripoli, death of Gaddafi, and end of NATO Operation Unified Protector**

By the beginning of June, NATO resumed its military initiative accompanied by the remarkable progress of the NTC forces on the ground, especially on the western front, in Misurata, and in the Nafusa Mountains. The NATO air strikes and the advancing NTC forces were not the only difficulties of the Libyan government; a very tight blockade of the Libyan coast deprived the government of fuel supplies and some other important goods. Considering that Libya was importing 80% of its gasoline needs, the provinces that remained under government control were suffering from severe shortages of fuel. Banks were also suffering from a shortage of cash, and with the continuous defection of high-ranking military and civilian officials from the regime and tight diplomatic isolation, Gaddafi was growing weaker than he looked<sup>126</sup>.

After months of planning in Doha, Dubai, and Paris, combined with contacts with some high-ranking military officials inside the close network of Gaddafi's forces, the NTC forces in the western mountains and Misurata started their attack on the capital in mid-August 2011. They were supported by heavy NATO bombarding of the government forces' command and control nodes, and within a few days the NTC forces arrived to the capital, surprised by the sudden withdrawal of the defending forces. On August 20, the capital fell almost peacefully, except for some resistance of volunteers in pockets of some city neighborhoods. According to locals, Gaddafi had left the city two days earlier for an unknown place. Even with the capital under control of the NTC forces, the resistance of Gaddafi's forces continued in Sirte, Sabha, and Bani Walid. The types of targets destroyed

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<sup>125</sup> Thom Shanker, "Obama Sends Armed Drones to Help NATO in Libya War," *New York Times*, April 21, 2011.

<sup>126</sup> "Libya: Senior Officers defect from Gaddafi army," BBC, May 30, 2011, "<https://www.bbc.com/news/world-africa-13596475>". accessed January 5, 2019.

by NATO in Tripoli during the attack show the significant role of NATO's contribution in the Tripoli operations. During the three days of Tripoli operations, between August 19 and August 21, NATO destroyed 60 targets in the city including six command and control nodes<sup>127</sup>. That type of simultaneous military operation illustrated the high level of coordination between the NATO and NTC forces, and to what extent the NATO warplanes worked as an air cover for the NTC ground forces' attacks.

The swift and smooth seizure of control of Tripoli by NTC forces surprised everyone, including the operation leaders themselves, although several factors had aided them in their victory in the capital: the uprising of the city's inhabitants against the regime, the complicity of some military officials within Gaddafi's inner network with the NTC forces, the exhaustion and weakness of the regime after five months of bombardment and the tight naval blockade, and finally the intensive NATO strikes during the operation, which caused the loss of control over the military units defending the city. Just after taking control of the capital, major political and diplomatic improvement took place for the NTC with international recognition coming from all directions. Nonetheless, NATO continued striking the remainder of Gaddafi's forces, especially in Sirte, Gaddafi's hometown, for another two months, only ended by the death of Gaddafi, his son, and his defense minister on October 20, 2011<sup>128</sup>.

While the NATO campaign in Libya was a small-scale military campaign compared to other campaigns such as the American invasion of Iraq or the war in Afghanistan, its political and geopolitical impacts on the country and the whole region were nevertheless huge. In the period between March 31 and October 23, 2011, in the Libyan military campaign, NATO conducted about 26,000 sorties, including about 9500 strike sorties<sup>129</sup>. Adding to that the Operation Odyssey Dawn sorties, the total number

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<sup>127</sup> "NATO and Libya," Operational Media Update, NATO, last modified October 25, 2011, "[https://www.nato.int/cps/en/natohq/news\\_71994.htm](https://www.nato.int/cps/en/natohq/news_71994.htm)". Accessed January 7, 2019.

<sup>128</sup> Tarik Kafala, "Gaddafi's quixotic and brutal rule," BBC, October 20, 2011, "<https://www.bbc.com/news/world-africa-12532929>". Accessed January 7, 2019.

<sup>129</sup> "NATO and Libya," Operational Media Update for October 23, 2011," NATO, "[https://www.nato.int/nato\\_static/assets/pdf/pdf\\_2011\\_10/20111024\\_111024-oup-update.pdf](https://www.nato.int/nato_static/assets/pdf/pdf_2011_10/20111024_111024-oup-update.pdf)". Accessed January 9, 2019.

reaches about 28,000, including about 10,000 strike sorties during the whole period of the war. The number of casualties from both Libyan sides of the conflict from the breakout of the uprising on February 15, 2011, to the end of the battles in October 2011 was about 10,000 deaths according to the Libyan Ministry of Martyrs and Missing persons <sup>130</sup>.



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<sup>130</sup> Ian Black, “Libyan revolution casualties lower than expected, says new government,” *The Guardian*, January 8, 2013.



## **CHAPTER FIVE**

### **THE MOTIVES OF THE INTERVENING COUNTRIES**

The Western intervention in Libya in 2011 cannot be separated from the context of the Western world's continuous wars during the 20<sup>th</sup> and 21<sup>st</sup> centuries in the name of bringing liberal values to the illiberal world, where national interests mixed with liberal values motivated countries to wage wars individually or in coalitions. On the one hand, there are common political and economic interests of the Western liberal countries as a block to wage such wars, and on the other hand, they wage wars because of their geopolitical competition with other illiberal great powers such as Russia and China. The Libyan war in 2011 also cannot be separated from the context of the new political order of the Middle East, or the Arab world, to be more accurate, after the 9/11 attacks, which started with the American invasion of Iraq in 2003 and is still continuing today.

Nevertheless, within that general framework of the Western liberal countries' agenda, there are specific motives for each country that appeared in the extreme enthusiasm of some countries to intervene in Libya, such as France, and in the reluctance of some others, such as the US and Italy. This chapter aims to identify, explain, and analyze the motives of the leading countries involved in the Libyan war: France, the UK, and the US.

#### **5.1. France, The UK, and the US: Repeated History**

It was not a coincidence when these three allied countries, which had defeated the Axis forces in the Libyan desert during WWII and taken control of the country, would come together after 70 years and fight again in the same place, maybe for different reasons this time, but definitely for the same objectives. After the Western countries lost or relinquished Libya during the height of the Cold War after Gaddafi's coup in 1969, relations between Libya and the country's former Western allies continued to deteriorate, reaching the brink of confrontation several times during the 1980s and 1990s. Even when

both sides sought to reform relations during the 2000s, after the US invasion of Iraq, a climate of distrust continued between them. When the Arab Spring protests broke out and reached Libya, it looked like a rare opportunity for Western powers to get rid of an old enemy and bring back their former ally. However, the diversity of Western countries' stances toward the Libyan crisis in 2011 necessitates more analysis regarding the motives of each individual country's decisions.

### **5.1.1. Sarkozy's war and France's enthusiastic leadership**

The French enthusiasm to intervene militarily in Libya in 2011 was remarkable, as some years ago France had strongly opposed the US invasion of Iraq. Along with Russia, France had threatened to block any UNSC resolution about Iraq<sup>131</sup>. While Jacques Chirac, the France president during the Iraq War, and his successor, Nicolas Sarkozy, the main architect of the armed intervention in Libya, came from the same right-wing political party, their stances towards these two similar issues were completely different. Was it the geopolitical factors, the political circumstances, or differences between the two presidents' behaviors that drove their different attitudes?

Of the six countries that neighbor Libya, four of them are former French colonies\*, while the other two, Egypt and Sudan, were under British protection. In addition, the southern part of Libya (Fezzan) was under French military administration from 1943 until 1956. Contrary to the withdrawal of the British Military Administration in the north, the withdrawal of the French Military Administration from Fezzan was delayed until 1956, five years after the independence of Libya. The France motives for intervening in Libya can be divided into two categories. The first is related to French geopolitical national interests, while the second is related to personal issues between French President Nicolas Sarkozy and the Libyan leader Muammar Al-Gaddafi.

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<sup>131</sup> John Tagliabue, "France and Russia Ready to Use Veto Against Iraq War," *New York Times*, March 6, 2003.

\* Tunisia, Algeria, Chad, and Niger.

Securing stability in the Mediterranean has always been regarded as a European mission, especially when the US looked reluctant to react due to its own long-term wars in Iraq and Afghanistan<sup>132</sup>. Libya and other North African countries are very essential for their European neighbors on the national security level. First, immigration and terrorist issues are at the top of the European national security agenda, and second, a continuous oil and gas supply is always vital for Europe, as a security issue even more than as an economic issue. With the situation deteriorating in Libya, the Europeans felt the dangers of potential waves of immigration and terrorism coming through Libya towards the southern European shores, and with the weak political position of Italy, the closest European country to Libya but a former colonizer, at the beginning of the crisis, France and the UK set themselves as the leaders of the European efforts to intervene in Libya.

First among the French motivations to intervene militarily in Libya were French national security concerns, a matter that France shared with all other European Mediterranean countries. In his 2008 French White Paper on Defence and National Security, Nicolas Sarkozy, in the section on military intervention, considered the region from the Atlantic to the Gulf of Oman as the main sphere of potential risk for French national security<sup>133</sup>, which requires sufficient French military presence in the Mediterranean. In the same intervention section, Sarkozy mentioned France's need to be ready to contribute to international efforts to maintain international peace and security, including the responsibility to protect<sup>134</sup>. This national security approach proves that the military intervention in Libya was not Sarkozy's last-hour decision but rather a constant strategic direction of French foreign policy.

After the toppling of the regimes in Tunisia and Egypt, which had been allied with France, the country took very quick diplomatic steps to maintain its influence in the Arab world. According to a classified report from Hillary Clinton's leaked emails, France's

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<sup>132</sup> Karl P. Mueller, ed., *Precision and purpose: airpower in the Libyan Civil War*, (Santa Monica: RAND corporation, 2015), 184.

<sup>133</sup> Nicolas Sarkozy, *The French White Paper on Defense and National Security*, (New York: Odile Jacob, 2008) 67.

<sup>134</sup> Ibid, 69.

proposed no-fly zone over Libya to protect civilians was not entirely based on noble objectives; one of the objectives was maintaining the French influence in the region<sup>135</sup>. When the protests took place in Tunisia in mid-December of 2010, France was accused of complicity with Ben Ali's regime. In fact, that was in line with the constant French foreign policy of supporting authoritarian regimes in the Arab world at the expense of any democratic transformation that might bring Islamic parties to power, considering the authoritarian regimes in the Arab world to be closer to Western liberal values.

When the Tunisian revolution succeeded in overthrowing Ben Ali and the protests crossed the Tunisian borders into the whole of the Arab world, France found itself outside of the dramatic changes in the region and so made a strategic political redeployment in the Arab world, for the purpose of strong and direct involvement in the accelerated events occurring in its southern neighbors. The first step was the forced resignation of the French foreign minister, Michèle Alliot-Marie, who had been spending the Christmas holiday with her family in Tunisia during the revolution and was accused of using the private jet of a Tunisian businessman considered to be close to Ben Ali<sup>136</sup>. Moreover, she offered help to Ben Ali to restore order. In fact, Sarkozy and his party sacrificed the foreign minister for the whole French government's mistake of supporting Ben Ali's regime and underestimating the protests in Tunisia. The announcement of Alain Juppé\*, a veteran French politician and expert on international affairs and Arab world issues, as the new foreign minister showed the intention of France to catch the Arab Spring train before it was too late.

However, while analyzing the French motivations for intervening in Libya, it is important to distinguish between France's decision to intervene in Libya and the way in which France applied that decision, which seemed very enthusiastic and very swift. French foreign policy has long maintained a tradition of preserving independence from its ally,

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<sup>135</sup> Brad Hoff, "Hillary Emails Reveal True Motive for Libya Intervention," *Foreign Policy*, January 6, 2016.

<sup>136</sup> Kim Willsher, "French foreign minister resigns," *The Guardian*, February 27, 2011, "<https://www.theguardian.com/world/2011/feb/27/french-foreign-minister-resigns>". Accessed January 13, 2019.

\* He served as a foreign minister during the Bosnia crisis 1993-1995.

the US, a tradition that powerfully emerged after the Suez Canal crisis in 1956, when the US objected to tripartite aggression against Egypt. This autonomous foreign policy reached its peak with the French withdrawal from the NATO integrated military command structures in 1966, during de Gaulle's presidency. In 2003, Jacques Chirac reassured everyone that de Gaulle's principle of independent French foreign policy continued, by opposing the US plans to invade Iraq. This also represented French resistance to American hegemony during the post-Cold War era<sup>137</sup>. In 2011, regardless of Sarkozy's Atlantic trends that emerged in his decision for France's reintegration into NATO's military command structures in 2009, France now played a different role in the situation in Libya, covering for the US political and military withdrawal during the crisis, which explained the nature of the US-French leadership competition inside the Western camp. The US reluctance to be involved in the Libyan crisis motivated France to take the empty seat of leadership and achieve its ambition as a major world power.

Three main French motives can thus be concluded: first, France's constant strategic policy of considering North Africa and the Middle East among the most significant regions for its security and stability; second, France's attempts to make up for its bad position regarding the Tunisian and Egyptian revolutions; and finally, the reluctant Obama administration, which gave France the opportunity to take leadership. However, there were additional factors affecting Sarkozy's decision to intervene in Libya in such a way, related to the complicated history of Franco-Libyan relationships and the volatility of the relationship between Gaddafi and Nicolas Sarkozy.

The relationship between Libya and France was warm in the beginning of the 1970s due to the moderate French position toward the Arab-Israeli conflict. In the beginning of the 1970s, the Libyan government purchased about one hundred Mirage fighter jets from France, some of them being contributed in the 1973 Arab-Israeli war. This warm relationship started deteriorating in the beginning of the 1980s due to Libyan military involvement in the Chadian civil war, where France delivered weapons and

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<sup>137</sup> Luis Simon, "The Spider in Europe's Web? French Grand Strategy from Iraq to Libya," *Geopolitics* 18, no. 2 (January 2013): 414.

intelligence information to the government of Chad to resist the Libyan intervention. On some occasions the French army was directly involved in battles against Libyan troops, a confrontation that led to Gaddafi's involvement in many terrorist activities against French interests, including the explosion of French UTA Flight 772 over the Niger desert in 1989. In 2004, Libya started reforming its relations with Western countries, including France. After Sarkozy won the presidential election in 2007, he started his risky friendship with the Libyan leader. It has since become clear that Gaddafi was a part of Sarkozy's election campaign funding.

After being elected president in 2007, Sarkozy was strongly involved in the Western efforts for the Libyan regime's rehabilitation, visiting Tripoli on July 25, 2007, a day after the release of six Bulgarian nurses accused by Libyan authorities of infecting Libyan children with HIV, the release having come after vigorous efforts by Sarkozy's wife at the time, Cecilia. In that visit, the two countries signed agreements on military, education, and civil nuclear energy cooperation<sup>138</sup>. Sarkozy's visit to Tripoli was followed by Gaddafi's visit to Paris on December 10, 2007. However, the honeymoon between the two leaders didn't last long as Gaddafi's eccentric behavior cast a shadow over the relationship. Cecilia Attias, Sarkozy's ex-wife, mentioned in her book *Une envie de vérité* that Gaddafi had assaulted her during her trip to Tripoli to release the Bulgarian nurses, and she had told him that he should not stand close to her, warning him that he would face the international community if anything happened to her<sup>139</sup>.

In December 2007, Sarkozy hosted Gaddafi in Paris for almost one week, humiliated daily by Gaddafi's crazy demands for significant contracts that never materialized<sup>140</sup>, Sarkozy felt that he had been deceived by Gaddafi by ignoring the promises of huge contracts, including a Rafale jet fighter deal, after Sarkozy took the risk of rehabilitating the Libyan leader. In the wake of that visit, Sarkozy started to step away

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<sup>138</sup> Salah Sarrar, "Sarkozy meets Gaddafi, defense partnership sealed," *Reuters*, July 25, 2007.

<sup>139</sup> Tony Todd, "Sarkozy's ex-wife 'berated' Libya's Gaddafi," *France 24*, last modified October 7, 2013, <https://www.france24.com/en/20131003-france-cecilia-attias-sarkozy-libya-gaddafi-nurses-doctor-execution-hi>. Accessed February 5, 2019.

<sup>140</sup> Christopher Dickey, "Why Sarkozy Went to War," *Newsweek*, April 3, 2011.

from his new friend, concluding that he was dealing with a crazy man, as he would comment many times later<sup>141</sup>. The Gaddafi-Sarkozy story may not supply the motives for one of the world's greatest powers to wage a war, but it can somewhat explain Sarkozy's enthusiasm to intervene militarily in Libya.

Many studies have focused on the Libyan oil and gas sources as a motive for the French military intervention in Libya<sup>142</sup>, which cannot be ignored. However, that is just a part of the French desire to be more influential in the Libyan future, and the future of all Middle Eastern and North African countries.

### **5.1.2. British motivations between American hesitation and French enthusiasm**

Although the UK was in the lead position in the 2011 armed intervention in Libya, it played a more conservative role than its main ally, France, even if they shared similar motives besides geographical location, which was more significant to France as a Mediterranean country than to Britain.

Britain and France are the main military powers in Europe, viewing themselves as the European national security protectors, which can be understood from British Deputy Prime Minister Nick Clegg's declarations on March 2, 2011, that "North Africa is just 14 miles from Europe at its closest point";<sup>143</sup>, he added that this region is vital to British and EU interests on several levels including immigration, anti-terrorist efforts, energy, environment, trade, and investment<sup>144</sup>. In the same line, the British Prime Minister stated on March 14 that the crisis in Libya would turn Libya into a failed state, which posed a

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<sup>141</sup> Natalie Nougayrède, "La guerre de Nicolas Sarkozy," *Le Mound*, October 20, 2011.

<sup>142</sup> STRATFOR Team, Energy Source Group, "France, U.K. Have Differing Motives for Intervening in Libya," *Forbes*, March 29, 2011. And, Lesley Connolly, "Issues of Legality and Legitimacy the Responsibility to Protect and NATO's intervention in Libya," *Journal of Political Inquiry* 19, (Fall 2015): 47.

<sup>143</sup> Jason W Davidson, France, "Britain and the intervention in Libya: an integrated analysis," *Cambridge Review of International Affairs* 26, no.2 (May 2013): 323.

<sup>144</sup> *Ibid.* 323.

threat to Britain in the form of refugees and potential terror activities<sup>145</sup>. Statements of high-ranking and other British officials confirmed that immigration, terrorism issues, and economic interests were behind the UK's decision to intervene militarily in Libya, but these were not the only impulses driving British decision makers to involve themselves in such a military adventure.

Similar to his terrorist activities against France, Gaddafi had a dark history in Britain. It had continued for about two decades, starting with the assassination of Libyan opponents on British soil and support for the IRA\*, and ending with the explosion of Pan Am Flight 103 in 1988 over Lockerbie. In this context, David Cameron stated the following to the House of Commons on March 18, 2011: "In this country we know what Colonel Gaddafi is capable of. We should not forget his support for the biggest terrorist atrocity on British soil. We simply cannot have a situation where a failed pariah state festers on Europe's southern border"<sup>146</sup>. These statements of the British Prime Minister confirmed his Deputy's statement and clarified two main facts: first, that the UK was working in favor of European national interests besides its own, and second, that the British never forgot Gaddafi's terrorist history, especially his backing of the IRA and the bombing of Pan Am Flight 103 over Lockerbie, described as the biggest terrorist atrocity on British soil. Although Cameron mentioned Gaddafi's terrorist history to explain what Gaddafi was capable of, he was also showing that the British had never forgotten Gaddafi's actions, even though they had normalized their relations with him several years ago.

In conclusion, security issues along the southern border were still the main concern of the Europeans, including Britain, which together with France represented the European military leadership in Libya. Other factors included the insurance of the oil and gas supply from North Africa to Europe, and lastly the historical dimension, whereby Britain and

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<sup>145</sup> David Cameron, "Statement from the PM on Japan and the Middle East," Gov.UK , March 14, 2011, "<https://www.gov.uk/government/speeches/statement-from-the-pm-on-japan-and-the-middle-east>". Accessed May 5, 2019.

<sup>146</sup> Ibid.

\* Irish Republican Army.

France were always a part of the region's history and will certainly be a part of its future, as well.

### 5.1.3. US motives and the “leading from behind” model

Although that the United States exerted much pressure on Arab regimes during 2000s for further democratic reforms, and it was behind the big geopolitical changes in the region starting from the Iraq invasion of 2003. However, the Obama administration seemed reluctant to undertake any military intervention in Libya in 2011. The reluctance of the Obama administration to intervene in Libya demonstrates Obama's strategy to withdraw from Iraq and Afghanistan and not become involved in another war in the Islamic world. In a high-level national security meeting in the White House, Defense Secretary Robert Gates, opposing any military intervention in Libya, argued that the US had no core national interests in Libya<sup>147</sup>. Although Barack Obama and Secretary of State Hillary Clinton were considered senior supporters of the liberal international order, US national interests are the main factor in any decision for military intervention. Taking into account that the Mediterranean and the North African region are the responsibility of their European allies in addressing their own national security concerns, the Americans found themselves free of that risky mission in Libya.

In his speech on March 18, 2011, preparing the public opinion in the US for military intervention in Libya, Obama stated that “We have made clear our support for a set of universal values, and our support for the political and economic change that the people of the region deserve<sup>148</sup>”. However, it was not enough to make a decision to intervene, according to Hillary Clinton; the American stance toward the intervention in Libya started to change after the LAS declared its support for imposing a no-fly zone over Libya to protect civilians. According to Mrs. Clinton, she also persuaded Obama to

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<sup>147</sup> Hillary Clinton, *Hard Choices*, (New York: Simon and Schuster, 2014), 299.

<sup>148</sup> Barack Obama, “Remarks by the President on Libya,” *The White House Official Site*, March 18, 2011, “<https://obamawhitehouse.archives.gov/the-press-office/2011/03/18/remarks-president-situation-libya>”. Accessed March 5, 2019.

intervene because Europe would lead the campaign, which would meet Obama's condition of limited US participation for any military intervention in Libya<sup>149</sup>.

In conclusion, the US was behind the recent geopolitical changes in the Arab world, including the Iraq invasion of 2003, which is in line with the long history of US military interventions. However, the messy situations in Iraq and Afghanistan made the Obama administration more reluctant to become involved in another uncertain war, in addition to the US having fewer national interests in Libya compared with European states. However, the European commitment to lead the military operation and thus the limited US military role in any military operation in Libya\* made America more willing to participate in the military operations in Libya.

## **5.2. The Humanitarian Dimension as A Motive of The Armed Coalition Intervention in Libya**

R2P was the "just cause" of the military intervention in Libya, but was the humanitarian issue among the motives of the leading countries of the armed intervention? Under the right intention norm, the ICISS report stated that the main purpose of the intervention must be protecting civilians regardless of any other motives of intervening states<sup>150</sup>, which reflected the admission of the international community of the low likelihood of humanitarian issues being the sole motive for any military intervention and the states involved in interventions needing other motives to intervene militarily for the purpose of civilian protection. That mixture of national interests and humanitarian values was obvious in the coalition leaders' statements during the crisis.

In his statement in the House of Commons on March 18, 2011, the British Prime Minister said "The choice we have made is to play our part in joint international action to

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<sup>149</sup> Hillary Clinton, *"Hard Choices,"* (New York: Simon and Schuster, 2014), 302.

\* "The American participation restricted in the use of the U.S. unique military capabilities in command and control of military operations".

<sup>150</sup> Gareth Evans, and Mohamed Sahnoun, *"The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty,"* (Ottawa :International Development Research Centre, 2001), XII.

enforce international law, and to do the right thing for the people of Libya who want greater freedoms, and above all for the UK's own national interest<sup>151</sup>. In the same way, Barack Obama stated that for generations the US had played a significant role in maintaining global security and advocating human freedom, and he added: "...when our interests and values are at stake, we have a responsibility to act. That's what happened in Libya over the course of these last weeks<sup>152</sup>". France's commitment to take part in any international humanitarian mission, meanwhile, was clear in the 2008 French White Paper on Defence and National Security written by Sarkozy: "...in virtue of its international responsibilities and on the basis of a collective vision of its own security interests, France may occasionally have to take part in an intervention even though its own direct interests are not at stake"<sup>153</sup>.

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<sup>151</sup> David Cameron, "Statement from the PM on Japan and the Middle East," BBC.com , March 18, 2011, "<https://www.bbc.com/news/uk-politics-12786225>". Accessed May 5, 2019.

<sup>152</sup> Barack Obama, "Remarks by the President on Libya," *The White House Official Site*, March 28, 2011, "<https://obamawhitehouse.archives.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>". Accessed March 5, 2019.

<sup>153</sup> Nicolas Sarkozy, *The French White Paper on Defense and National Security*, (New York: Odile Jacob, 2008), 69.



## CONCLUSION

The Libyan case was unique in the Arab Spring of 2011 in many aspects. In particular, it was the first time in the Arab Spring when a head of state threatened his people publicly that he would violently suppress any protests in his country. While the protests in the two neighboring countries, Tunisia and Egypt, succeeded in overthrowing their regimes almost completely peacefully, the protests in Libya slipped rapidly towards a civil war. It was also the first time that the international community employed the R2P doctrine against a functioning state.

That uniqueness of the Libyan case in 2011 was reflection of the uniqueness of Libya as a state. The main unique features of Libya as a state are firstly its establishment by the United Nations in 1951 and secondly its small population with a huge land mass, divided into three separate urban areas: Tripolitania, Cyrenaica, and Fezzan. The third unique factor was the eccentric regime of the Libyan leader. While economic situations were behind the upheaval in Tunisia and Egypt, the protests in Libya were largely due to the influence of the events in the neighboring countries. Of course, that does not mean that the situation in Libya was perfect at the time; the Gaddafi regime had ruled the country with an iron fist for more than 4 decades, being involved in continuous needless confrontations inside and outside the country and creating many enemies who were waiting for the perfect time for revenge.

The events in Libya in 2011 escalated rapidly, transforming from peaceful protests into an open war between protesters and the Libyan government's security forces, which used all types of weapons including tanks, artillery, and jet fighters to suppress the protests. However, within a few days the regime lost the whole eastern half of the country and the other significant cities in the west as well. The defection of high-ranking government officials and army officers who refused to use excessive force against civilians is the main reason why the regime lost. What happened in Libya in 2011 was more like an explosion than a conventional protest.

The rebels in the eastern half of the country succeeded in establishing a parallel political body, the NTC, a step that gained the support of Western countries and some Arab states as well. The huge counter-attack of Libyan government forces against the rebel forces in the eastern part of the country was the turning point in the Libyan war when the international community, led by France, the UK, and the US and supported by regional organizations such as the LAS, moved quickly to stop the imminent attack on Benghazi, the rebels' stronghold, by issuing UNSC Resolutions 1970 and 1973 to protect civilians and civilian-populated areas in Libya.

The R2P doctrine had evolved since the mid-1990s, in the aftermath of the Rwandan and Bosnian genocides, to become one of the rules of international law since 2005, and it was the legal base upon which the international community legalized the multilateral armed intervention in Libya in 2011. In spite of the R2P doctrine being one of the most noble principles of international law, the practicing of that noble principle was always surrounded by caution and suspicion. Contrary to the conventional peacekeeping tasks of the United Nations, armed interventions for the purpose of civilian protection are more like conventional war than peacekeeping operations. The leadership of an armed intervention by one state, a coalition, or a regional organization makes R2P missions more controlled by the states of the intervention, which can determine the objectives and the rules of the engagement of that war, which mostly serves the goals of the states leading the intervention. Although the UNSC requires a military committee to supervise R2P missions, that military committee never existed in the Libyan case.

The armed intervention in Libya for the purpose of protecting civilians exposed many shortcomings and abuses of that noble principle; as a result, the international community, human rights organizations, and international relations and international law scholars are facing a great mission to fix those shortcomings. In contrast to some voices that doubted the danger of the situation in Libya in February 2011, the situation was very serious; civilians were at risk of mass murder, deportation, and mass violation of human rights, and the situation in Syria, where the UNSC failed to adopt any resolution to protect the Syrian people, illustrates the potential fate of the Libyans. In Syria more than 400,000

people have lost their lives, millions were forced to leave their homes, and brutal violations of human rights were committed. Objective conditions to adopt the R2P doctrine in Libya existed; however, the abuse of the United Nations mandate in Libya and the changing of the mission from protecting civilians to regime change in addition to the outcomes of the armed intervention have all deeply damaged the legitimacy of that intervention.

While the legality of the armed intervention in Libya in 2011 was uncontroversial, its legitimacy was doubtful. The objectives of the states involved in the intervention and the outcomes of that armed intervention are the main reasons for the controversy. While the objective of the UN mandate in Libya was to protect civilians, the objectives of the states involved in the intervention quickly shifted to the goal of regime change, something that is forbidden according to international law, in addition to its severe consequences. In the Libyan case, the path of regime change turned the country into a failed state. It would have been better for the international community to maintain the mission of civilian protection in Libya as the sole objective of the intervention and practice more diplomatic and political pressure on the regime for a smoother power transition process to maintain state security institutions rather than destroy them.

It is true that the regime had planned this chaos in Libya; however, the international community always possessed the tools and policies to reduce the impacts of the regime's strategies. The ability of the intervening states to remove the whole regime in Libya was similar to the "De-Beatification" policy in Iraq in 2004, which caused deep chaos that Iraq is still suffering from. The ICISS report had been built on the three main principles of responsibility to prevent, responsibility to protect, and responsibility to rebuild. While the two first principles were visible in the Libyan case in 2011, the international community widely ignored the responsibility to rebuild principle when the country was in dire need of that. The chaos in Libya after toppling Gaddafi transformed the country to a place of terror groups, criminal gangs, and human trafficking activities, in addition to the widespread financial and administrative corruption of the Libyan bureaucracy. There is no doubt that the legitimacy of the armed intervention in Libya was

deeply damaged due to the change of its objective from protecting civilians to changing the regime, and the outcomes of the armed interventions prove that fact. This thesis does not, however, aim to use this conclusion to defend Gaddafi and his regime, which were the cause of what the Libyan people are still suffering from today. It is obvious that in the countries where the regimes chose to transfer power in a more peaceful way, such as the cases of Tunisia and Egypt, they succeeded in avoiding the disasters of the countries where the regimes chose war instead, as in the cases of Libya, Syria, and Yemen.

The second objective of this thesis was to identify the motives of the states involved in the intervention. In this regard, this thesis concludes that the motives of the countries leading the intervention were a mixture of national interests and the values of those countries; however, the national interests of those countries were most important while the values were less significant and would never alone have motivated those countries to take the risk of armed intervention. The conception of the national interests of the intervening countries was centered on security in the first place, and then geopolitical competition and prestige, and finally the economic dimension, while the values were related to the principle of protection of civilians.

According to the collective security theory, Western countries consider themselves the main keeper of international security and consider any case of instability a direct threat to their national interests, most notably cases of instable situations in neighboring places. The southern shore of the Mediterranean was always significant for European security and it became the main strategic direction of European security interests in the post-Cold War era, when terrorism and human trafficking became the main European concerns. France as a southern European country and one of the major world powers, with a long history of interfering in North Africa and the Middle East, considered itself directly responsible for the stability and security in that region. Its aims were first to protect itself from any potential threats on the security level and secondly to maintain its influence and prestige in the region. Although Libya was a former Italian colony, the weakness of the Italian position during the crisis and the hesitant stance of the Obama administration offered France an opportunity to take the lead. Moreover, the appetite of French President Nicolas

Sarkozy to be at the center of events and his personal concerns about the Libyan leader made France more enthusiastic about intervening militarily in Libya.

The UK is not a Mediterranean country if its Gibraltar territory is excluded, which is only 20 km away from the North African shores. However, together with France it represents the European military leadership. This combined with its position as one of the world's major powers, with a long history of interfering in Middle Eastern issues, served to motivate the UK to accompany France in its military mission in Libya. In the British case the security concerns appeared less significant than in the French case, which explains the less enthusiastic stance of the British during the crisis; while the genuine decision to intervene was never shaken, it may be said that they proceeded with slower steps. The third column of the intervention was the US, which shared the same security concerns as its European allies, albeit in a less significant way due to fewer American national interests in Libya. The US was reluctant to intervene in Libya, mainly due to the Obama administration's strategy of withdrawing from former messy US interventions in Iraq and Afghanistan. However, the Americans agreed to support the military mission of their allies with their unique military capabilities, which reflected the US acceptance and support of the European mission on the condition of limited American military involvement.

In all previously enumerated motivations of these intervening states, where is the humanitarian dimension? As mentioned above, the risk of mass murder in Libya was real, and in no conditions can any civilized country stand by watching such atrocities happen when it is capable of stopping them. However, the realities of international affairs have proven, at least until now, that the humanitarian factor cannot be the sole motive of any state to take the risk of war.



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