UNITED NATIONS AND THE MANAGEMENT OF 2011 LIBYAN POLITICAL UPRISING

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UNITED NATIONS AND THE MANAGEMENT OF 2011 LIBYAN POLITICAL UPRISING
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DEDICATION

This work is dedicated to my late parents Chief and Lolo Reuben Ikeh, and to my brother Osita Benjamin Ikeh who financed my education and encouraged me throughout this study.
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Ikeh, Ifeyinwa Joy
Department of Political Science
October, 2013
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<td>Responsibility to Protect</td>
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ABSTRACT
The United Nations was formed in the immediate aftermath of World War II to serve as a platform for maintenance of international peace and security and elimination of threats to human freedom everywhere. Although, it has recorded a great measure of success in these directions, the 2011 Libyan political uprising that stemmed from the prevalence of authoritarian regimes and less emphasis on democratization in the country under Muammar Al-Gaddafi; and the manner of the UNSC enforcement of resolution 1973 of 2011 had indeed brought to the fore the flaws of the institutional capacity of the organization as an international peace and security structure. To this end, attempt was made in this research to investigate the role of the UN in the management of Libyan political uprising of 2011 under Muammar Gaddafi. In doing this, we relied mainly on secondary data that was collected through qualitative descriptive method. Applying logically, the core assumption of the Marxist political economy theory; it was one of the findings of this study that the manner of the enforcement of UNSC resolution 1973 by the US-NATO led coalition contravened the UN mandate on Libya and that the US-NATO led humanitarian intervention escalated human rights violation during the 2011 political uprising in Libya. That the decision of the UN to intervene in the Libyan democratic protest through the enforcement of resolution 1973 was more facilitated by economic interest of the intervening states. Arising from these findings therefore, we recommended the UN, except in proven cases of genocide, should avoid the employment of force in the settlement of intra state dispute; and that the UN should be very precise and use clear language so as to avoid contraventions in the mandate and violations of human rights in such cases.
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CHAPTER ONE

1.1 INTRODUCTION

The formation of the United Nations in 1945 as an international organization was aimed at maintenance of International peace and security and elimination of threats to human freedom everywhere (Palmer & Perkins 2004). According to Akinboye & Ottoh, (2007), the UN evolved as a result of the failure of the League of Nations to maintain International peace and security through the prevention of the outbreak of World War II.

Article 1 of the UN Charter, states that the broad purpose of the UN: is “to maintain International Peace and Security,” to develop friendly cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all”, and “to be a center for harmonizing actions of nations (Palmer and Perkins, 2004).

In order to handle the complex task of ensuring International peace and security, social justice and liberal democracy, the UN today carries out these responsibilities through its Security Council. The UNSC is the most powerful organ of the UN charged with the responsibility of maintenance of international peace and security Onuoha, (2008). It has power to authorize the deployment of UN member states militaries for peace keeping operations, can mandate a cease-fire during conflicts and enforce penalties on countries if they do not comply with given mandates (Palmer and Perkins, 2004) (Article 24 of the UN Charter).

Under chapter seven of the UN charter, Council has broader power to decide what measures are to be taken in situations involving “threats to peace, breaches of peace, or acts of aggression”. In such situations, the Council is not limited to recommendations but may take actions, including the use of armed force “to maintain or restore International Peace and
Security”. This was the legal basis for UN armed action in the 2011 Libyan political uprising. In the face of this scenario, the United Nations Security Council (UNSC) on February 26, 2011, adopted and issued Resolution 1970 which imposed an arms embargo and travel ban on Gaddafi’s family and referred the situation to the International Criminal Court for Investigation into reports of crimes against humanity (source: International Coalition for the responsibility to Protect 2011). These non-military measures and sanctions, authorized in Resolution 1970 failed to deter Gaddafi from expressing clear intent to attack the population and halt the massive violence on protesters (Wikipedia 2011).

Based on this, the UN Security Council adopted Resolution, 1973 of 2011 on 17th March 2011, authorizing protection of civilians” and no fly zone over Libya otherwise known, in International relations parlance, as “Humanitarian Intervention” (HI) (Center on International Cooperation). The Security Council (SC) treated the Libyan 2011 uprising as constituting a threat to International peace and security and thus authorized member states or their regional organizations to take ‘’all necessary measures’’ to protect civilians and civilians populated area under attack in the Libya Arab Jamahiriya, including Benghazi which is the strong hold of the Anti-Gaddafi’s. Furthermore, the part 6 on no-fly zone, also established “a ban on all flights in the air space of Libyan Arab Jamahiriya (UNSC 5498th meeting) coupling with this resolution is the allied forces of about 17 states led by US and NATO, launched military Operation termed “operation Odyssey Drawn” aimed at crippling Gaddafis military Capability in order to protect the civilians and population of the protesting cities especially Benghazi and Misrata. The exercise which not only targeted crippled Gaddafi’s air and land capability, also destroyed part of his palace, killing his son, as well as claiming his own life raised some queries on the manner of implementation of resolution, 1973 especially the wide interpretation, given to vague and

Thus the Libyan revolution and the UN Intervention that saw it to fruition once again raises the vexed issue of using the United Nations or any of its arms/agency to pursue vested interests masked as interest of fundamental rights of oppressed persons. It also resurrects the controversy surrounding the concept of humanitarian Intervention and under what circumstance it should be justified or considered legal? Although the Intervention in Libya received the help and protection of the UNSC, a body so authorized to do so, however ambiguities and controversy continues to trial the manner of implementation of the resolution 1973 and the wide array of interpretations given to the resolution especially with reference to the phrase “all necessary measure” (Anup, 2011).

The democratic protest in the Arab region such as Tunisia crisis of (December 17, 2010) Egypt (January 25, 2011) Algeria (December 28, 2011) Lebanon (January 17, 2011) Sudan (January 17, 2011) Ornan (January 17, 2011) Saudi Arabia (January 21, 2011) etc. Inspired the 2011 Libyan political uprising. (Noor, 2011)(Arab spring in Wikipedia 2012). While some states were able to curtail the protest by promising democratic reforms, improvement in economic and social well being of the populace, cabinet reshuffle, immediate political reforms and financial handouts, others were not so lucky. The unlucky ones include Egypt, where the protest saw to the ousting of President Mubarak after 18 days of massive protest, thus bringing to an end his 30 years despotic rule. As Mubarak was exiting, the protest in Libya Arab Jamahiriya started and gained momentum attracting wide publicity from International Press (The Guardian News blog 2011; Saleh and England 2011). The 2011 Libyan uprising under Muammar Al-Gaddafi, which
precipitated in western military, operations, under the auspices of the UN in Libya, had indeed remained remarkable.

The current conflict comes as protesters demand an end to the current regime and democratic elections in Libya, a country ruled by Colonel Muammar Gaddafi for over 40 years when he led a coup d’etat against King Idris and established, the Libyan Arab Republic. The rule has been oppressive, banning dissent and the formation of any other political parties, while also committing state sponsored terrorism in the past (Anup, 2011).

Though Libya under Mummar Al-Gaddafi, had successfully used the oil wealth in the country to positively impact on the lives of its diverse peoples, (Daily sun October 21, 2011), it is surprising however to note that the country since political Independence in 1949 has never had democratic elections rather, Libya has been ruled by two despots; king Idris Sanusi I and later colonel Muammar Al-Gaddafi. Thus, under the two mentioned regimes, the activities of both domestic and external oppositions were rarely allowed and the formation of political parties, freedom of press and civil liberty were all restricted (Daily Sun, October 21, 2011).

In response to the 2011 uprising that was initially quite peaceful, Gaddafi has been quite defiant threatening many civilian lives. The uprising has since turned into an armed rebellion and numerous diplomats and military personnel have defected over the violent reaction by the ruling regime. Thus, Gaddafi’s brutal response, escalated the situation. (Anup, 2011, Brien & Richard, 2012).

Given this situation, the 2011 Libyan political uprising, led to the demise of Muammar Al-Gaddafi and the establishment of National Transitional Council (NTC) to man the Libyan road to democracy.
This study therefore examines the role of the United Nations in the Management of the 2011 Libyan uprising with reference to the issue of humanitarian Intervention. In the resolution 1973 of 2011 on Libya Arab Jamahiriya, the reason for the adoption, the manner of Interpretation and implementation of the resolution with the aim to unearth the underlying motives behind the humanitarian intervention in Libya.

1.2 STATEMENT OF THE PROBLEM

The Libyan civil war, also referred to as the Libyan revolution was a 2011 armed conflict in the North African states of Libyan Arab Jamahiriya fought between forces loyal to colonel Muammar Al Gaddafi and those seeking to oust his government. The war was preceded by protests on Gaddafi’s despotic regime and was led by a lawyer/human rights activist Fathai Terbil in Benghazi beginning on Tuesday, 15th February 2011, which caused clashes with security forces that fired on the crowd Garth, (2011). The protest escalated into a rebellion that spread across that country with the forces opposing Gaddafi, establishing an interim government body, The National Transitional Council (NTC) (Sidney, 2011).

This led the United Nations to intervene via its Security Council by passing an initial resolution 1970 on 26th February 2011, thereby freezing the assets of Gaddafi and his Inner circle and restricting their travel, and referred the matter to the International Criminal Court for investigation (Anup, 2011). The failure of Gaddafi’s forces to abide by the tenets of resolution 1970, gave rise to the adoption and enforcement of resolution 1973 on march 17th 2011, which authorized member states to establish and enforce a no fly zone over Libya and to use “ALL NECESSARY MEASURE” to protect attacks on civilians (Emily & Richard 2012). The UN also adopted many other resolutions like resolution 1970, 1973, 2017, 2009, 2040,2016, 2022, 2095

The 2011 civilian democratic protest for regime change in Libya was therefore to become inevitable. Thus, the intervention of the US NATO-led coalition forces under the auspices of the UN in Libya, the demise of colonel Muammar Al-Gaddafi and the eventual establishment of the western sponsored National Transitional Council in the country, have elicited much scholarly concern; calling the question on the appropriateness of the United Nations resolutions in the management of the 2011 Libyan political uprising. Many scholars such as (Gareth,2011) had open that the UNSC resolution 1973 on Libya, though received wide spread support of all the members, continues to be immersed in ambiguity and controversy with regard to its interpretation and implementation by the US-NATO led coalition of the willing that enforced the resolution. According to (Sidney & Gareth, 2011) doubts have also been cast on the intentions of the farmers of the resolutions given the vague and imprecise nature of the resolution on protection of the civilian which leaves it susceptible to any interpretation that may suit the interest of the intervening states. Kochler, (2011) and The Economists, (2012) have also written on the controversy as to the legality and justifiability of UN instigated external intervention under whatever pretext in violation of the sanctity of sovereignty of member states which the UN has pledged to protect.

It is therefore, this noticeable lacuna in the extant literature, which the scholars have not satisfactorily filled that this study is aimed at filling, using the under stated research questions as guide:

(1) Did the manner of the enforcement of UNSC Resolution 1973 by the US- NATO led coalition contravene the UN mandate on Libya?
(2) Did the US – NATO led humanitarian intervention escalate human rights violation during the 2011 political uprising in Libya?

1.3 OBJECTIVE OF THE STUDY

The broad objective of this study is to examine the role of United Nations in the management of the 2011 Libyan political uprising. However, the specific objectives include the following:

(1) To ascertain whether the manner of the enforcement of the UNSC Resolution 1973 by the US –NATO led coalition contravened the UN mandate in Libya.

(2) To determine whether the US – NATO led humanitarian intervention escalated human rights violation during the 2011 political uprising in Libya.

1.4 SIGNIFICANCE OF THE STUDY

The theoretical and practical significance of the study will add to the existing stock of scholarly literature on the implications of dictatorship and democratization in Libya and in the Arab region, coupled with the driving force of intervention by the UN. As such it will then serve as a reference material or data for scholars whose interest would eventually be aroused by the findings to undertake further studies on the area. Practically, this study will be of immense important to the Libyans, Arab world, and the National Transitional Council (NTC) currently managing the affairs of the country and other relevant bodies interested in the issues pertaining civil protest, dictatorship and democratization in Libya and in the Arab region. Because it will provide valuable data/information that will assist them to articulate potent policies that will help not only in strengthening the operational capacity of the UN, but in preventing the future occurrence of such problem.
1.5 LITERATURE REVIEW

The review of the extant literature is strictly guided by the research questions. This is to say that the views of scholars that relate to whether the manner of enforcement of the UNSC Resolution 1973 by the US-NATO led coalition contravened the UN mandate on Libya and whether US-NATO led humanitarian intervention escalated human rights violation during the 2011 political uprising in Libya. It also focuses on the theoretical arguments with regard to the legality/ justification of humanitarian intervention, the dynamics of UN’s role in the management of the 2011 Libyan political uprising.

*The manner of enforcement of the UNSC Resolution 1973 by the US – NATO led coalition contravened UN mandate on Libya.*

According to Zunes,( 2011), many questions why the west intervened in Libya militarily while other countries such as Bahrian, Yemen or Ivory Coast, with perhaps as many if not more killed in violence, did not get such attention, have been raised. Thus, to him, it would be naïve to claim that foreign intervention is promoted by western leaders’ concern about protecting civilian lives. The United States, Great Britain and France have each allied with governments such as Guatemala, Indonesia, Columbia and Zaire, which in recent decades, have engaged in the slaughter of civilians as worse as had occurred in Libya. Furthermore, he observes that the number of civilians killed during the five weeks between the start of the uprising and the Western intervention in the country at approximately 1,700 people, roughly the same number of civilians killed during Israel’s 2006 war on Lebanon and its 2008 war on the Gaza strip combined. He maintains that rather than referring those responsible to the International Criminal Court (ICC) or engage in military intervention to stop the slaughter, as was the case of Libya, both the US congress and the administration vigorously defended Israel’s assault of heavily
populated civilian areas and condemned UN agencies and leading international jurists for documenting Israeli violence of international humanitarian law and for recommending that officials of both Israel and its Arab adversaries suspected of war crimes be referred to the ICC.

Thus, he summarized it in the following words:

Hypocrisy and double-standards regarding military intervention does not automatically mean that military intervention in this case is necessarily wrong. Though many of us familiar with Libya remain doubtful, it cannot be ruled out that events could transpire in such a way that this intervention could prove to have saved lives, brought stability, and promoted a democratic transition. However, it would be naïve to believe that the attacks on Libya are motivated primarily by humanitarian concerns (Zunes, 2011: 9).

Perhaps, Asli, (2011) provides a clear insight regarding NATO’s US intervention in the Libyan crisis but fails to do so in the other Arab countries such as Yemen and Bahrian with similar experience. As such, he outlines some considerations namely; the isolation of the regime, the fact that it represents a relatively weak military force with very few allies in the region; the fact that it boarders on the Mediterranean and give rise to the responsibility of major migration flows to Europe, should there be a long protracted conflict there, the energy market would be highly destabilized. These according to him, are all important considerations that provided motivations for military intervention in Libya. In contrast however, he contends that one has to be clear-eyed about why it is that military coalition was willing to proceed in this instance and was not, on the other hand, prepared to intervene, let alone forcefully, in any way, really, politically, with response to the repression that were seen in Yemen and Bahrian.

In contrast, Amin,(2011) contends that among many factors or considerations for NATO’s intervention in Libya, economic and interests remain the topmost. Thus, to him, from its outset, the movement took in Libya the form of an armed revolt fighting the army rather than a wave of civilian demonstrations. And as such, the armed revolt called NATO to its aid.
According to him, a chance for military intervention was therefore offered to the imperialist powers. There aim was surely neither protecting civilian nor democracy, but control over oil fields. Furthermore, he contends that since Gaddafi embraced liberalism, the western oil companies had control over Libyan oil. Conclusively, and as he observes, a lackey emplaced at Tripoli (or Benghazi) would surely comply with all the demands of Washington and its NATO lieutenants.

Likewise, Mukoma, (2011) contends that beyond the UN support for intervention and the Libyan rebels’ call for Western economic and military air support, the intervention could legitimately be deemed as solely humanitarian. But in contrast, under the bloody hands of Gaddafi, the US was getting all the oil it needed from Libya. And there is no indication that the rebels would have wanted to change the trade arrangement, thus needing appeasement. In fact according to him, this rather appears to be unquestioningly pro-US, looking at how they receive the conservative American Senator, John McCain, who visited Benghazi in April, 2011.

*US – NATO led humanitarian intervention escalated human right violation during the 2011 political uprising in Libya.*

To Amnesty International Report, (2012), the NATO’S - US led intervention and subsequent air raids in the Libyan uprising, stems from the observable gross human rights violations owing to the draconian character of the Libyan government under Muammar Gaddafi. Thus, according to the report, Colonel Muammar Gaddafi was firmly in control, as he had been for 42 years, with most of his opponents’ silenced in prison or in exile. Furthermore, the report has it that the draconian styled legislation on the Libyan government outlawed dissent and establishment of independent organizations. As such, hundreds of political prisoners were being detained or sentenced after grossly unfair trails. It therefore observes that the March 2011-
NATO-led international coalition was become a welcome relief, being aimed at protecting the civilian protesters from the attacks of the pro-Gaddafi forces.

Contrary to the popular acceptance of the NATO’s led international military intervention in Libya based on the responsibility to protect the civilians, David, (2012) contends that the intervention rather escalated the security situation in the country. To him, NATO’s - US lead intervention in Libya would likely to produce a more militarized and insecure world, and this he maintains, would be its most enduring legacy. He asserts further that the military success in Libya has increased the possibility of new wars. At this level according to him, the outcome seems uncertain, as the acts of the ground are ambiguous. On the one hand, the National Transitional Council (NTC) has achieved full control of the country, and so far has avoided the post-Gaddafi chaos that many has feared. On the other hand, the situation remains unstable, as indicated by the frequent clashes among rival militia groups for control of Tripoli and other areas. More still, he contends that achieving power with external support would definitely open the new regime to criticisms of being a product of foreign intervention.

Guraizu, (2008:3) opines that “the main problem with humanitarian intervention is not the lack of consensus in defining the concept but rather the more contentious issues such as the legality and legitimacy of an intervention”. For some schools of thought, humanitarian intervention will always be illegitimate and illegal because it violates the sovereignty of nation states. Thus the illegality/legality or justification thesis and the violation of sovereignty thesis forms the central focus of most theoretical/practical concerns on humanitarian intervention.

In another breadth, Saad, (2011) infers that the international intervention in Libya has been backward-looking, but in an entirely different sense. It has been prosecuted with the memory of the Iraq war firmly in mind. To this end, the approach has been to view the last war
as a negative example, and the international coalition, and the Libyan opposition, according to him, had strived in doing the opposite of what was done in Iraq. Furthermore, he maintains that President Obama, in deciding whether to intervene, was clearly trying to avoid the mistakes of Iraq. Therefore Obama insisted on a set of conditions before he would involve the US in the operation. First, there had to be a local opposition movement that was willing and able to wage war against the dictator. Second, given the nature of the Arab world, it was important to gain regional legitimacy and ensure that denounced as another example of Western imperialism in Muslim lands. Third a broader, legal legitimacy was sought through the UN. And finally, European allies who were pressing for intervention were put on notice that the operation would have to be genuinely multilateral, with them bearing significant costs.

To Dike, (2011) NATO’s led intervention in the Libyan crisis is more or less on sympathy grounds. According to him, the rebels being motivated by the success of the ousting of Ben Ali, the former Tunisian president, and Hosni Mubarak, the former Egyptians president, began their revolt in Libya. As such, Libya under Muammar Al-Gaddafi deployed all military strength to quell the protesting masses, using heavy weapons on the mostly unarmed civilians. It was therefore such attacks on the civilians that NATO /US, out of sympathy for the rebels, supported their cause with the enforcement of UNSC non-fly zones, he contends conclusively, he therefore avers that the refusal of Gaddafi to adhere to the non-fly zone led to the civil war in the country with the rebels remaining dogged in their desire to oust Gaddafi.

The debate on the legality or illegality of humanitarian intervention became more intense in the UN during the post cold war era as the international community proved itself more willing to collectively intervene in other states of humanitarian grounds. Thus the 1990s have been identified by many scholars as the decade of humanitarian intervention, some with the blessing
of the UN, and the era also witnessed the most sustained discussion on the topic (Heinze 2011, Stanulova 2010, Guraziu 2008 and Jayakumar 2012). The precursor of humanitarian intervention in the 90s was the US led intervention in Iraq to protect the Kurd in Northern Iraq and Muslim Shites in Southern Iraq in 1991. The UN Security Council (UNSC) did not authorize the intervention but did declared that the human right situation in Iraq constituted a threat to international peace and security (Wheeler 2006, Weiss, Forsythe, Coate and Pease 2007:168; Massingham 2009). The importance of this shift argues wheeler is that it legitimates military enforcement action under chapter VII of the Charter. This is in contrast to UNSC decision on the India’s intervention in Pakistan in which the full weight of Article 2 (7) was used to criticize India’s supposed meddling in the internal affairs of Pakistan. However, the Security Council authorized a number of interventions during this period. These include the US led intervention in Somalia in 1992 to end civil conflict and suffering of the many civilian populace, France’s intervention in Rwanda in 1994 to end the brutal civil conflict and genocide between Tutsis and Hutus, (though the delayed intervention led to the loss of over 800 lives of the Tutsis), the US lead intervention in Haiti in 1994 to reverse a military coup that ousted the democratically elected president of Jean-Bertrande Aristide. Many scholars attribute the nascent debate of humanitarian intervention in the UN on NATO unauthorized intervention in Kosovo in 1999 and failure of the UN Security Council to take decisive action to halt the humanitarian crisis that promoted it. Since Kosove the debate has been on not just the legality or illegality of humanitarian intervention, the violation of sovereignty of humanitarian intervention but also on the need to make the UN and UN charter and the international community more responsive to gross violation of human rights. Against this background and then Secretary General of the UN Kofi Annan at the speech at Ditchley Park, Oxfordshire in June 1998 stated that the UN Charter
was never meant as license for governments to trample on human rights and human dignity. Kofi Annan followed this up with his address to the 1999 UN General Assembly in which he propagated the idea of developing norm in favour of “intervention to protect civilians from wholesale slaughter” (Kochler, 1999 & Roberts, 2006). Annan redefined the idea of state sovereignty by articulating it as being weighed against individual sovereignty as recognized in international human rights instruments (Massingham 2009). Speaking on the same note, the ex British Prime Minister Tony Blair unveiled his ‘doctrine of the International Community’ in his address to the Economic Club of Chicago in 1999. According to Blair:

We live in a World where isolationism has ceased to have a reason to exist. By necessity we have to cooperate with each other across nations… Many of our domestic problems are caused on other side of the World... We are all internationalist now, whether we like it or not… We cannot ignore new political ideas in other countries if we want to innovate. We cannot turn our backs on conflict and violation of human rights within other countries if we want still to be secure… The doctrine of isolation has been a causality of world war…Today the impulse towards interdependence is immeasurably greater. We are witnessing the beginnings of a new doctrine of international community. By this I mean the explicit recognition that today more than ever before we are mutually dependent that national interest is to a significant extent governed by international collaboration and we need a clear and coherent debate as to the direction this doctrine takes us in each field of international Endeavour (The Blair Doctrine 1999).

On the basis of this doctrine Blair justified the NATO intervention in Kosovo which was widely condemned by the international community and the General Assembly. In 2001 the International Commission on Intervention and State Sovereignty (ICIS) established by the government of Canada in 2000 (against the background of the outcry against NATO intervention in Kosovo) came out with a report titled ‘Responsibility to Protect’. The Commission chaired by the Australian foreign minister Gareth Evans and Algerian diplomat Mohammed Sahnoun was
largely influenced by the work of Francis Deng “Sovereignty as Responsibility” The report
shifted the focus from ‘right to intervene’ to responsibility to protect (R2P)’. R2P according to
the report designed to be more than just coercive military intervention for humanitarian purposes
is premised on three central responsibilities- “to protect, to react and to rebuild”. Thus R2P was
seen as a more holistic and integrated approach to conflict prevention and the avoidance of
human rights abuses and mass atrocities than the previous articulations of military intervention
for humanitarian purposes (Kochler 1999; Massingham 2009 & Heinze 2011). In September
2003 the Secretary General before the 58th General Assembly proclaimed the compelling
necessity of reform of the UN in both structure and rules of conduct of member states and the
organization. This was to enable the system respond adequately and promptly to new threats to
international security namely, international terrorism, nuclear weapon proliferation, chronic
poverty of some areas of the world that favors the spreading of terrorist activities/organized
crime and the drift toward unilateralism. To facilitate this reform, he set up a panel in November
2003 on ‘Threats, Challenges and Change’ with the mandate to delve into the most problematic
aspects of current international relations and formulate recommendations for the reform of the
UN system to be discussed at the World Summit scheduled for 2005. The Panel report entitled
Mr. Annan produced his personal contribution to the anticipated reform of the UN titled “In
Larger Freedom”. This formed the bedrock on the 2005 World Summit which conclusion is
articulated in the World Summit Outcome Document (WSOD). Heinze, (2011) observed that
through member states at the 2005 World Summit unanimously endorsed (a watered down)
version of the R2P doctrine, followed by a reaffirmation of R2P by the UNSC, which indicated
its readiness to adopt R2P measures where necessary; however, State practice has not necessarily
accompanied these declarations rather there was something of a revolt against R2P after the 2005 World Summit. In the views of (Bellamy 2005 in Heinze, 2011) the post summit revolt against R2P was largely a result of the continuing association of R2P with humanitarian intervention. In addition the UNSC authorized interventions of the 1990’s did indicate its willingness to respond to internal crisis under the purview of “threats to international peace and security”, however this tendency is not a departure from the established practice about when the use of force is thought to be justified except for the fact that internal human rights abuses can now be considered threats to international peace (Heinze, 2011). The failure of R2P to catch on with the UN members have been attributed to its emphasis on responsibility to ‘react’ rather than ‘prevent’ and ‘rebuild’, scholars like (Evans and Sahoun in Bajora 2011) suggest that emphasizing the later two principles will make the reaction prong of the doctrine more palatable. However WSOD and the 2004 panel report suggest five criteria to be fulfilled before use of force is authorized. There are gravity of the threat for state security; the proportionality between means and aim; the exclusive aim to neutralize the threat; the absence of peaceful alternatives; a comparative evaluation of the consequences in the light of the initiative’s likely success and the risk of producing no major damage than the once caused by inaction (Musiani, 2008:3). Apart from employing the powers in chapter VII, neither the Security Council nor the General Assembly has been able to come up with a generally acceptable legal notion or norm of humanitarian intervention and the skeptical stance towards it by member states is predicated on some nagging issues. Many states especially of the third world see humanitarian intervention as pretext for the pursuit of expansionist and strategic interests of the powerful states in a unipolar world order directed by the US (Roberts 2006 & Kochler, 1999). In addition the practice has not shown any consistency in terms of the states chosen for intervention and those left out giving the impression of a double standard. In
this regard the Rwandan situation and case of Darfur in Sudan comes to mind. The recent intervention in Libya and non intervention in states with similar circumstances affirms this feeling of double standard. As Vogel, (1996) puts it, when the bad guys are weak such as Iraq in Kurdistan, intervention pops to the top of the agenda; when they are strong, such as Russia in Chechnya, little is said. More importantly humanitarian intervention erodes the legitimacy of the UN as a bastion of state sovereignty. Roberts, (2006) however observes that what has been happening at the United Nations is a gradual and incremental change in the interpretation of the Charter rules and the UN’s responsibilities, particularly as regards the balance between the rights of individual sovereign states and the rights of the community. These trends he notes will continue more through precedent and improvisation than any legal or doctrinal revolution.

The Libyan Crisis and Humanitarian Intervention

Libya presents quite a departure from most cases of HI that aroused the various controversies surrounding the legitimacy and or legality of humanitarian intervention. First, the crisis is a product of the Arab Spring that took over most states in the Middle East and North Africa. Secondly, intervention in Libya was authorized by the Security Council, and thirdly intervention led to regime change rather than just protection of civilians from abuse and suffering. Scholars have also expressed opinions although scantily on NATO led intervention in Libya more especially on the interpretation given to the UNSC resolution 1973 (2011) authorizing intervention. The views expressed can be grouped basically into two, antagonists and protagonists of the intervention mandate, with few coming in between. The antagonist see the US-NATO led intervention as part of the imperialist pursuit on the dominant western hegemony which has embraced the ideology of humanitarian intervention as pretext for its expansionist
policy. This viewpoint is aptly represented by scholars like (Mamdani, 2011b, Mackler, Mackler, 2011& Richard, Falk2011).

In the opinion piece with Aljazeera, Mamdani, (2011a) observes that though the resolution for intervention in Libya got the mandate of the UNSC with some abstentions, some of the countries that abstained, especially China and Russia were critical of the vague nature of resolution 1973 which implementation was left” to any and all” and by implication to those with the means to do so-US and NATO. Mamdani critiqued the West for disallowing political resolution of the conflict in Libya while allowing such in Bahrain and other Arab states considered allies of the Western powers. He notes that the US-NATO led intervention in Libya violated resolution 1973 as ground soldiers were used to aid rebels and the bombardment killed many civilians the resolution set to protect. He notes that the full political cost of the military intervention in Libya will be clear during the transition period as the physical damage inflicted on the country will likely make the next government in Libya less sovereign. Mamdani, (2011b) in another opinion piece notes that the condition making for intervention in Africa are growing rather than diminishing as a result of the growing contest between the dominant global powers and new challengers notably China in the continent. He observed that opposition movements in Africa tend to seek support-financial and military from the West, and the West in the past decades have created a political and legal infrastructure for intervention in independent countries, and the key have created a political and legal infrastructure for intervention in independent countries, and the key to that infrastructure are the Untied Nations Security Council and the International Criminal Court neither of which works to create a rule of law. Mamdani suggests internal reform of dictatorial African regimes as way to avoid the imperialistic war called humanitarian intervention.
Mackler, (2011) notes that the “UN no Fly zone” resolution was a license for a wholesale destruction of Libya’s military apparatus and much of Tripoli’s infrastructure. He christened it a Euro-American declaration of war which was never meant to benefit the oppressed people of Libya. He argues that the US/NATO led intervention was part of the expansionist policy in Western capital in the quest for spheres of influence. He further notes that the imperialist destruction of Libya in the mask of humanitarian intervention was meant to yield gains in the form of contracts for reconstruction which will be paid for with oil or Libyan funds stacked in US and European banks. In a similar vein Falk, (2011) asserts that in the realm of world politics, coincidences rarely occur, in the sense that a precedent was set by the UN in authorizing a limited protective intervention that when acted upon ignored the guidelines set by the drafters of Security Council resolution. He reasoned that “the actual scope and ill disguised purpose of the intervention shortly after it became a reality in Libya was to tip the balance in a civil war and achieve regime change. He notes that UN is faced with the dilemma of either refusing to succumb to geopolitical pressures and stepping aside to whenever the so called coalition of the willing is formed to carry out an attack or grant some kind of limited autonomy that eventually gets overridden by the far more expansive goals of the intervening governments as the Libyan case reveals. He concludes that in either way the authority of the UN is eroded and the historical agency of geopolitics is confirmed.

The protagonist led by ex British Prime Minister Tony Blair, and Prof Juan Cole, insist that intervention backed by resolution 1973 was the right thing to do. According to Blair, (2011) the crisis in Libya brings once more to the fore the blurred line between moral outrage and strategic interests. Using his concept of international community he argues that the era when a regime can go rogue and brutalize its own people has passed as such behavior will not be ignored
by the international community especially the West as that will be sending a signal of impotence and discouragement to those fighting for freedom. He asserts that the passage of the resolution on “no fly zone” over Libya was not only timely but the right thing to do as the West cannot afford to be mere spectators but players in the events taking place in the Middle East. He however advised that the policy of the West must not just be a demand for change but a demand for change based on the principles and values intrinsic to democracy, which implies not only the right to vote, but also rule of law, free speech, freedom of religion and the free markets. He rationalized the non-application of humanitarian intervention in Bahrain on the ground that Bahrain is ready for reform while Gaddafi was not but rather insisted on bombing his own people. An obvious fact from Tony Blair argument is that Western liberal ideals are central to the intervention in Libya.

In a rather unsettling debate within the scholarly left, the argument has been whether US-NATO led intervention in Libya should be commended or demonized as imperialism. To this Cole, (2011) asserts that the intervention is not only legal since it was directed by the UNSC, a body so authorized by law to do so, but also received wide support from the international community, Arab League and Libyan rebels. It served to forestall the wide scale massacre that the Gaddafi regime planned to perpetrate on innocent civilians. He notes that the war for oil supposition brandished by most intellectuals critical of the intervention does not hold since the West already had a deal on oil with the Gaddafi regime before the revolution. In response Cole,(2011) argues that legality is not legitimacy as many states in Europe were opposed to the intervention, in addition, time was not given for the sanction and the ceasefire demanded by stipulations of resolution 1970 to take effect before using the military option. Cole therefore asserts that the US-NATO led intervention went beyond the mandate of resolution 1973 in
implementing a no fly zone which by implication killed more civilians than it set out to protect. Prashad, (2011) also argues that the Libyan resolution is different from the Tunisian and Egyptian experience in the sense that it was hijacked by armed opposition politicians allied to the US and the West, and therefore a calculated attempt by the US and NATO to divert attention from the Arab Spring in other parts of the Middle East like Bahrain and Yemen. Taking a middle road approach, Acher,(2011) argues that support for the intervention should be limited to the initial stages of grounding Gaddafi military capability to hurt civilians especially those in Benghazi, beyond that, the Libyan rebels should be armed to liberate Libya without US/NATO direct interference.

GAP IN THE LITERATURE

From our review of the extant literature pertaining to the management of Libyan political uprising of 2011, many issues were gleaned from the views of scholars. While some scholars such as Jayakuma, (2011), Heinze, (2011), Stanulova, (2010), Guraizu, (2008), Blair, (2011) had written extensively on the legality and illegality of the UN interventions in the management of the Libyan 2011 Political uprising, other scholars such as Amin, (2011) Zunes,(2011) Asli,(2011) Amnesty international (2012) and Saad, (2011) had contended that among many factors or considerations for UN Interventions in Libya, Economic Interest remains the topmost, But it could not be gleaned from the views of these scholars that the manner of enforcement of the UNSC Resolution 1973 by the US-NATO led coalition contravened the UN mandate on Libya. And the scholars equally failed to establish whether the US-NATO led humanitarian intervention, escalated human right violation during the 2011 political uprising in Libya. A lot has been done on UN and the management of crisis more especially with respect to past cases like Iraq, Somalia, Kosovo and the Arab world etc. however not much has been done on Libya
especially with reference to critical analysis of the adoption and implementation of various UN resolutions on Libya especially on resolution 1973. Many views expressed were adhoc views made during the crisis. It is therefore this lacuna which the scholars have not satisfactorily filled that this study aimed at filling.

1.6 THEORETICAL FRAME WORK

In view of the relevance of theory in empirical studies such as our present study, the political economy approach will form the general purview of our analysis. The roots of this approach reach back to classical political economy especially the work of Karl Marx (1973). As such it was used by Adam Smith, John Mill, David Ricardo and Karl Marx, along with the term "economist", to mean someone who believed that political and social problems could be solved by means of political economy. Within political science, the term refers to modern liberal, realist and Marxian theories concerning the relationship between economic and political power among states as we can empirically adduce this in the western or say UN intervention in the middle east and Libya in particular and this is the reason why Andre Gunder Frank and Immanuel Wallerstein has referred the term "political economy" to mean neo-Marxian approaches to development and underdevelopment, political economy sees economics as a manifestation of underlying reality which is effected by policy and law thus Amin,(2011) has contended that among many factors or considerations for NATO’s/US interventions in Libya, economic interest remain the topmost and that the UN intervention was surely neither protecting civilian nor democracy, but control over oil fields by the imperialist powers. Indeed, the influence of the theory and the methodology of Karl Marx have been so pervasive that there is considerable confusion as to where Marxism stops and the political economy approach begins.
Hence, the Marxist political economy approach will form the theoretical framework for analysis in this study. The proponents, apart from Marx himself, include Lenin, (1923), Ake (1982), Gilpin, (1987), and other known contributors to the theory. The approach has its foundation in historical and dialectical materialism. It studies the basis of the development of human society from the perspective of the specific relations of people in the production process. Also, the approach recognizes world politics as being dominated by an international political economy. This does not mean that an international mode of production exist parse, but that the way production and exchange are organized at the global level exercise a deterministic influence on the nature and dynamics of international politics and in particular on UN/Libyan relations.

Marxist approach is adopted on the analysis of different social systems in terms of historical development of various structures of states and their relationship (Gilpin, 1987). As a method of analysis, Marxist political economy is analytical rather than descriptive (Mbah, 2006). The central focus of analysis in the Marxist political economy is on the mode of production, the organic unity of production forces and relations of production. The class structure of the society, and the inherent contradiction among classes and how these factors determine political, economic, legal, cultural, ideological and moral aspects of social life (Ifesinachi, 2003:14).

Our choice of the political economy approach is inspired by the methodological composition of the political framework that allows it not to separate economic inequality from social inequality i.e. it is a method that considers the material conditions of life as the most important factor in an explanation of social life, and secondly, it assumes that reality is dynamic in character which means it encourages the conceptualization of the society and the world
dialectically. Similarly, the political economy approach assumes that those phenomena which we
describe as cases of social solidarity and economic conflict can both be coherently related to
each other within a single explanatory framework, since both are products of the same mode and
relations of production in material life.

The dialectical materialistic approach is employed as an analytical tool because of its
illuminatory and emancipatory utility. The approach assumes that the parallel existence and
mutual interaction of state’ and ‘market’ in the modern world create ‘political economy’, without
both state and market there could be no political economy.

According to Ake, (1982) the economic factor of a nation is the most decisive of all the
element of the society and on this backdrop, do UN or say western world intervene speedily in
oil rich countries like Libya. Thus economic factor provides the axis around which all movement
takes place and impact certain orderliness under humanitarian intervention, and as well create an
economic base in order to consolidate their economic power in Libya.

Our choice of dialectical materialistic analytical tool is based on its methodological pay-
offs which provide us an analytical exposure to the innovations and dominance of western world
from acceptable democratic standards in democratic engagements in the international political
field. It is hoped that the use of this analytical framework will explain, describe, and predict
western interest towards the Persian Gulf-region, and Libya in particular. As an explanatory
framework, Kautsky Karl believes that market economics (at least the dominant ones) cooperate
in the joint exploitation of the weaker economics of the globe. Thus, the proponents are of the
opinion that political conflict arises from struggle among classes over the distribution of wealth,
Composition for markets and empires did aggravate interstate relations. On the other hand, our
preoccupation with the mode of production and contending classes is to find out if there is an
organic unity between the production forces and relations of production at a particular epoch in the development of the human society.

This preoccupation with the social relations of production of who gets what, when and how (ie. Laswell ideology) however, will give intellectual credence and relevance to our study to unravel the complexities and distortions of the political economy of Libya and the unending struggles among the different classes within and outside Libya, assert its position of dominance over the political and production process.

In applying the political economy paradigm which believes that economic gains or interest is the most paramount factor in all political maneuvers, UN, being a dominant imperialistic power and chief purveyor of liberal capitalism, it becomes obvious that the effort is a subterfuge for the consolidation of economic gains. As their reliance on oil as a primary source of energy grew and as internal sources of supply in the western world declined, the developed market economies became increasingly dependents on foreign oil, especially on oil from the Middle East, North Africa and Libya in particular.

Inspite of the UN humanitarian intervention in the management of the Libyan political uprising of 2011, under the auspices of member countries, the Libyan oil has been the pivot of their intervention Chomsky (2013).

1.7 HYPOTHESES

The following hypotheses that emanate from our research questions are put forward to guide this study:

(1) The manner of enforcement of the UNSC Resolution 1973 by the US-NATO led coalition contravened UN mandate on Libya.
(2) The US-NATO led humanitarian intervention, escalated human rights violation during the 2011 political uprising in Libya.

1.8 METHOD OF DATA COLLECTION

Data collection, according to Leege & Francis, (1974) is “the science and art of acquiring information about the selected properties of units”. The qualitative nature of our study informed our choice of using qualitative descriptive method of data collection. Qualitative method represents a more or less selective type of research often used in exploratory and normative designs, where the main objective is to gain a variety of insights so as to discover and identify decision problems and opportunities (Nnabugwu, 2006). To this end, we made use of secondary sources of data namely, textbooks, journals, magazines, newspapers, internet sources, and publications from the international organizations such as Amnesty International, center on International Cooperation, UN documents and Global Issues, International crisis Group.

1.9 METHOD OF DATA ANALYSIS

The method of data analysis is anchored on the qualitative descriptive method. According to Unanka, (2004). Qualitative methods are often based on the study of a representative sample, relying mostly on unstructured data that need not be numerically/systematically stored and analyzed, and whose findings are not generalizable. Qualitative method of data analysis is “the interpretations, study of a specified issue of problem in which the researcher is central to the sense that is made” Parker quoted in Nnabugwu, (2006:365). Asika, (1991:118) opens that qualitative descriptive method is used to verbally summaries the information generated in the research. It is a tool of analysis that essentially is a non-numerical or qualitative description and analysis of information or data gathered. Through qualitative descriptive analysis, descriptive explanation is given to the data gathered in a research in order to establish a relationship between
the variables under study. Thus it will help us to describe and analyze the data gathered in a qualitative manner without recourse to statistical tools.
CHAPTER TWO

HISTORICAL DEVELOPMENT OF 2011 LIBYAN POLITICAL UPRISING

This chapter seeks to examine the root cause of the 2011 Libyan uprising. It also seeks to investigate the relationship between the UN and Libya since 1945.

2.1 BACKGROUND TO THE LIBYAN 2011 POLITICAL UPRISING

On 15 February 2011, Libyans in the country’s second largest city, Benghazi, took to the streets to demand the end of Gaddafi’s regime. Within days, the uprising had spread across the whole of the east and to some parts of the west. It looked as though Libya was about to be the next country after Tunisia and Egypt to join the so-called Arab Spring. But, unlike his Tunisian and Egyptian counterparts, Gaddafi made it clear he had absolutely no intention of standing down and declared that he would fight until the bitter end and by whatever means necessary to hold on to power. He focused his attentions on his main power base of Tripoli and, despite the UN-authorized military intervention, has been able to stand his ground. At this writing, the situation is virtually one of deadlock: with the eastern regions largely in the hands of the opposition and the west and the south still largely under the regime’s control. The grievances that fuelled the Libyan uprising have become a familiar story in the Middle East and North Africa. Decades of authoritarianism and political repression combined with corruption and mismanagement had so alienated large swathes of the population that, once the spark had been ignited and people had lost their fear, they took to the streets en masse, united in the goal of bringing the regime to its knees. Protesters chanted anti-Gaddafi slogans such as “No God but Allah, Muammar is the enemy of Allah” and “Down, down to corruption and to the corrupt”;
they carried banners that read, “Go Away” and “Go to Hell Qaddafi” (*Los Angeles Times*, 16 February 2011).

Popular anger also was driven by grievances that are unique to Libya. First, there has been widespread revulsion at the extent to which the cult of personality has dominated political, economic and social life, for Gaddafi’s peculiar vision and idiosyncratic ideology has never sat comfortably with much of the country’s conservative and traditional population. Moreover, the dysfunctional nature of the formal political and economic system (outside the energy sector) had left many Libyans feeling embarrassed and humiliated by the thought that Gaddafi had turned their country into a laughing-stock. A Libyan told Crisis Group: “Since the uprisings, this is the first time I can walk down the street without feeling ashamed of being Libyan. I can now hold my head high”. Second, Libyans have been exasperated by what they perceive as the low level of development of their country, given that, unlike Egypt or Tunisia, the state is sitting on immense oil wealth. While the regime did indeed use steady oil revenues to build an impressive welfare system in the 1970s, providing homes, benefits and even cars, in recent decades this system has been eroded, and much of the population now struggles to make ends meet. Although economic conditions are certainly not as severe as in neighboring countries, many Libyans have not felt the economic benefits that have accompanied the country’s rehabilitation since the end of international sanctions in 2003-2004 and frequently complain that the gap between rich and poor has expanded considerably (Interviews conducted by Crisis Group UK, 2003-2011). These perceptions and sentiments stand in a rather striking contrast to outsiders’ assessments in the period prior to the recent crisis. In a detailed recent report, UNICEF noted that Libya had important socio-economic achievements to its credit. In 2009 it enjoyed: a buoyant growth rate, with GDP having risen from $27.3 billion in 1998 to $93.2 billion by 2009 according to the
World Bank; high per capita income (estimated by the World Bank at $16,430); high literacy rates (95 per cent for males and 78 per cent for females aged fifteen and above); high life expectancy at birth (74 years overall; 77 for females and 72 for males); and a consequent ranking of 55 out of 182 countries in terms of overall “Human Development” (UNICEF, November, 2011). It would appear that an important element of Libyan public opinion, at least, had come to see things differently and, instead of comparing present conditions to the past, compared them to the impressions they have of conditions in other oil-rich Arab countries. Given a population of a mere six million, many Libyans believe their country ought to resemble Dubai. Yet, years of poor planning, insufficient and piecemeal development and pervasive corruption (coming atop the crippling effects of prolonged international sanctions), have left parts of the country in a state of considerable neglect. Resentment at this is particularly strong among easterners, who rightly or wrongly believe the government has favored other parts of the country and deliberately disadvantaged their region. Despite the country’s economic wealth, many Libyans work at least two jobs in order to survive (of which one typically is in the state sector, where wages for the most part remain pitiful) (The Libyan Economy: Economic Diversification and International Repositioning New York, 2007:132). Housing shortages are acute, with an estimated 540,000 additional units needed. (The National Planning Council’s National Housing Plan, July 2011).

As public opinion generally has seen it, most of the economic opportunities that have opened up since Libya’s international rehabilitation, following its settlement of the Lockerbie affair and its December 2003 decision to abandon its weapons of mass destruction (WMD) programs have remained in the hands of a narrow elite. In particular, they have been seized by Gaddafi’s own children and extended family, all of whom have accrued large fortunes across a range of businesses from the health, construction, hotel and energy sectors. These popular
perceptions were recently reinforced by the disclosure of Western diplomatic assessments. According to U.S. diplomatic cables as released by Wiki Leaks, Gaddafi’s children routinely benefited from the country’s wealth; one noted that it had “become common practice” for government funds to be used to promote companies controlled by his children and indicated that their companies had benefited from “considerable government financing and political backing” (*The Telegraph*, 18 April 2011). In this sense, Libya has been akin to a large pressure cooker waiting to explode. Recent years witnessed growing signs that popular disaffection was rising to the surface. As the regime began to allow some space for public criticism of state institutions, a growing number of ever bolder protests against the state took shape. With explicitly anti-Gaddafi and anti-regime demonstrations still off-limits, they largely remained focused on socio-economic issues and localized in nature. This began to change in early 2011 and it is likely that the fall of Tunisia’s President Ben Ali on 14 January was a factor in the regime’s calculations. On 26 January, Gaddafi made an extraordinary speech in which, alluding to the problem of housing shortages, he invited Libyan youth to take what was rightfully theirs. In response, hundreds of Libyans promptly resorted to direct action on 27 and 28 January, occupying empty – often half-built – housing projects across the country (Crisis Group email correspondence with two Libyan analysts, 15 May 2011).

While it is not clear that this was the reaction Gaddafi had intended, it would certainly seem that he had sought to surf on the groundswell of popular discontent over economic issues and housing in particular by placing himself at the head of the discontented. But the latter’s resort to direct action was unprecedented and, while their actions – including strong-arm tactics and an element of vigilantism were not directed against the regime, they were nonetheless a harbinger of things to come. In the short run, the regime acted shrewdly to tamp down the unrest,
restraining the security services while encouraging people who had already bought flats in the occupied units to claim what was theirs and portraying those who had illegally occupied homes as little more than thieves trying to steal from fellow countrymen. By playing Libyans off against one another in this way, the regime ensured that the unrest did not escalate. But this maneuver merely bought time. A little over three weeks later, a nationwide popular uprising against the regime was under way. Again, there is reason to think that it was the second sensational development in the region, the fall of Egypt’s President Mubarak on 11 February that triggered events. It is widely supposed that the protests started on 15-16 February and that the initial locus of the revolt was Benghazi and certain other towns in the east of the country11”(BBC, at www.news24.com/Africa/News/Libya-timeline-3-months-of-conflict-20110514).

The first impetus came from a call broadly circulated on internet and social networking sites to demonstrate on a “Day of Rage”, 17 February, the anniversary of the demonstrations against the Danish cartoons of the Prophet which took place in 2006 and degenerated into riots in which ten demonstrators were killed by security forces and scores were injured. It has been suggested that what triggered the demonstrations in 2011 was the regime’s repressive attempts to pre-empt them, notably by arresting a well-known lawyer and human rights activist, FathiTerbil, in Benghazi on 15 February. That the regime sought to pre-empt the “Day of Rage” protests is clear. But this initially took the form of a political maneuver rather than repression, for Gaddafi himself called for a rally against the government on 17 February in what seems to have been, once again, an attempt to co-opt popular unrest by placing himself at its head and channeling it into demonstrations that targeted government officialdom rather than his own authority and the regime as a whole. Terbil apparently was arrested on a quite separate matter, namely for confronting government officials over the issue of the compensation claimed by the families of
the victims of the Abu Salim prison massacre. News of his arrest triggered a small protest in Bengazi on 16 February, and several protesters were arrested. Subsequent Western media coverage has identified this incident with the explicitly anti-regime demonstrations that got underway in the days that followed and has encouraged the perception that the anti-Gaddafi movement originated in the east. But, as informed Libyan sources told Crisis Group, “a big misconception is that the Libyan uprising was organised in the east; in fact, the online protest calls originated from Libyans abroad, in Switzerland and the United Kingdom” (Crisis Group email correspondence with two Libyan analysts, 15 May 2011).

These calls were circulating as early as Monday 14 February, and were inspired in part at least by the fall of Mubarak three days earlier (See the timeline of Libya events on “History). In principle they were aimed at Libyans all over the country. These same Libyan sources continued: “The regime did not predict what was going to happen in Bengazi. Instead, it took very strict security measures in the west that is Tripoli, Bani Walid, etc”. In addition to security measures, the regime deployed other means to pre-empt the protest movement, including mobilizing supporters in pro-regime rallies (Crisis Group email correspondence with two Libyan analysts, REF: 15 May 2011).

In addition, Gaddafi warned tribal leaders not to allow their youth to engage in protests and toured the country, seeking to show a more sympathetic face by listening to popular demands. Despite this, once demonstrations began in Bengazi, they quickly spread to other eastern towns, including Derna, Tobruk and Al-Baida, while security and military personnel in the region either fled or joined them. Following the first demonstrations in Tripoli, the regime on 22 February started to hint that political reforms were on their way and that salaries would be raised. Like the regime itself, many observers expected Libyans in the west of the country to
follow the example of the east. Indeed, although the west has fared better under Gaddafi, the grievances of easterners are not unique; to a large degree, they are shared in Tripoli and other western towns. Yet, although some of these did in fact rise up, the protests in the capital were on a relatively small scale. Tripoli always has constituted the heart of Gaddafi’s regime as well as his main power base. Although Gaddafi hails from Sirte and tried on numerous occasions to make the town an administrative capital of sorts, Tripoli is where he consolidated his power, essentially turning it into heavy security zone and ensuring he could contain any unrest that arose there. Tanks were placed on roads leading into the city and his security forces spread a climate of fear and intimidation. Accordingly, many Tripoli residents simply were too frightened to join the protests. Gaddafi also exhibited a determination to hold on to power by all means. As the leader of the 1969 revolution, he invested considerable personal capital in the state he subsequently constructed, the Jamahiriya (“state of the masses”), which is very much a product of his own particular ideology and vision. His role in his country’s history thus is of a different order from that played by Presidents Mubarak or Ben Ali. He also systematically has emphasized his Bedouin roots, prizing honor and steadfastness, qualities traditionally associated with Bedouin values that would make standing his ground imperative in his eyes. Furthermore, Gaddafi often has displayed utter disregard for how his actions are perceived by the outside world. He long has had a problematic relationship with the West, partly because his ideology has always drawn heavily on anti-imperialism. To be sure, he has shown a more pragmatic side, in particular mending relations with Western powers, notably the U.S. – an objective that arguably became the regime’s most important foreign policy goal in the late 1990s. However, once his personal survival and that of the state he constructed became the overriding issue, any concern about how the international community would react to regime tactics took a back seat, and has returned to
the role he has always loved playing, that of defying “imperialist forces”. Even his reformist-minded son, Saif Al-Islam, who had appeared as the regime’s softer, more acceptable face, used hawkish tones and made clear he and his family would fight. In a 20 February televised speech, he said, “we will keep fighting until the last man or even the last woman standing …. If everybody is armed, it is civil war; we will kill each other” (Channel4News, 21 February, 2011). This determination to hold on at all cost was a reason why Gaddafi resorted to brutal violence against protesters, including firing at unarmed civilians during funerals for those killed by the regime. (Amnesty International, 20 February 2011 and the Telegraph, 20 February 2011). There also have been largely uncorroborated reports, especially on Al Jazeera television, that the regime attacked hospitals, destroyed blood banks, raped women and executed the injured. (Al Jazeera.net, 27 march 2011) Gaddafi’s regime has long been cited by international human rights groups as employing brutal techniques against those who have dared to challenge it (CNN Libya live Blog, 23 march 2011). At the same time, much Western media coverage has from the outset presented a very one-sided view of the logic of events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime’s security forces were unaccountably massacring unarmed demonstrators who presented no real security challenge (http://livewire.amnesty.org/2011/05/13/).

This version would appear to ignore evidence that the protest movement exhibited a violent aspect from very early on. While there is no doubt that many and quite probably a large majority of the people mobilised in the early demonstrations were indeed intent on demonstrating peacefully, there is also evidence that, as the regime claimed, the demonstrations were infiltrated by violent elements by (Agence France Presse, by 18 February 2011).
Likewise, there are grounds for questioning the more sensational reports that the regime was using its air force to slaughter demonstrators, let alone engaging in anything remotely warranting use of the term “genocide”. That said, the repression was real enough, and its brutality shocked even Libyans. It may also have backfired, prompting a growing number of people to take to the streets. As Ahmed Jibril, a Libyan diplomat who joined the protesters, explained: Gaddafi’s guards started shooting people in the second day, and they shot two people only. We had on that day in Al-Baida city only 300 protesters. When they killed two people, we had more than 5,000 at their funeral, and when they killed fifteen people the next day, we had more than 50,000 the following day …. ‘This means that the more Gaddafi kills people, the more people go into the streets’. (“Libya Focus”, February 2011. www.co.uk).

Gaddafi so far has been able to hold on for yet another reason, namely the nature of the state he created. Throughout his rule, he ensured that there was no institution strong enough to challenge him. This included the army, which he deliberately kept weak and divided as well as bereft of a serious middle-ranking officer corps or well-trained rank and file troops. As a result, it sometimes described more as “a military club” than a real fighting force. The army also has a reputation for being corrupt. Unlike in Egypt or Tunisia, in other words, it has been in no position to act as a neutral buffer between the protesters and the regime, let alone play a decisive role in forcing Gaddafi to leave Gaddafi’s special security forces, which have always been far stronger than the regular army, are dominated by the leader’s family and tribe, plus those allied tribes (such as the Magarha) that have remained loyal to the regime. As such, their fate is almost entirely enmeshed with that of Gaddafi and his regime, and they are likely to defend the regime to the last. Similarly, there is little reason to expect Gaddafi’s inner circle to force him out; for the most part, they have known him since his schooldays, and their power is derived from their
personal connection to him. Again in contrast to in Tunisia and Egypt, there does not appear to be an institution capable of forcing Gaddafi out and preserving the state while overseeing some kind of transition process.

2.2 UN-LIBYAN RELATIONS 1945-2011:

MILESTONE IN LIBYA’S RELATIONS WITH THE WEST

The recent crisis in Libya is only the latest development in a long and tumultuous history of relations between the North African nation and the West. After rising to power in a military coup in 1969, the volatile Muammar al-Gaddafi spent decades as an outspoken proponent of Arab nationalism, a role that repeatedly brought him into conflict with the United States, Europe and the United Nations. In recent years, he made considerable efforts to repair his country's relationship with the West. It once again grew embattled, however, after his regime's crackdown on antigovernment protesters prompted international military intervention in the early days of March 2011. In the fall of 1969, Muammar al-Gaddafi changed the course of Libya's history by overthrowing the monarchy and proclaiming the new Libyan Arab Republic. It was the start of over 40 years of rule for the ambitious 27-year-old colonel, who had been born in a Bedouin tent and embraced pan-Arabism. After a vote of the United Nations General Assembly, Libya becomes an independent state under the pro-British King Idris I. The discovery of petroleum in the late 1950s brings the country great wealth; its monarchy generally follows a pro-Western policy, though it does refuse to allow British troops to land during the Suez Crisis (1956).

In 1969, Libyan military officers led by Colonel Muammar al-Gaddafi depose Idris’ monarchy and form a revolutionary government. Gaddafi threatens war against “colonial states” if they do not withdraw their forces from Libya and orders closure of the U.S. Air Force base near Tripoli. By 1986, President Ronald Reagan orders bombings of targets in Tripoli and
Benghazi in retaliation for Libya’s suspected involvement in a terrorist attack at a West Berlin disco frequented by U.S. servicemen. An estimated 40 Libyans, including Gaddafi’s infant adopted daughter, are reported killed and in 1988 a bomb explodes aboard Pan Am Flight 103 while the plane is in midair over Lockerbie, Scotland, killing 259 passengers and crew aboard the plane and 11 people on the ground. The United Nations Security Council imposes sanctions on Libya to pressure Qaddafi’s government to give up two suspects implicated in the bombing.

In 1999-2001 After a high-profile visit to Libya by President Nelson Mandela of South Africa in 1997, Gaddafi finally hands over the two suspects in 1999; the Security Council promptly suspends sanctions against Libya. In 2001, a Scottish court convicts Abdel Baset al-Megrahi of the Lockerbie bombing and sentences him to life imprisonment. And by 2003 after the fall of Iraqi leader Saddam Hussein, Gaddafi abruptly changes course after decades of anti-Western policies, agreeing to give up Libya’s missiles and weapons of mass destruction and renouncing support for terrorism. Libya also formally accepts responsibility for the Lockerbie bombing and agrees to pay $2.7 billion to victims’ families. As a result, the Security Council votes to lift sanctions on Libya. And in 2004 the United States announces the end of an 18-year trade embargo and lifts the ban on travel by Americans to Libya. British Prime Minister Tony Blair visits Tripoli to meet with Gaddafi. Two years later, the U.S. government removes Libya from its list of state sponsors of terrorism after 27 years but in 2009 after the release of Al-Megrahi who was suffering from prostate cancer, from a Scottish prison on humanitarian grounds, this high point in relations between Libya and the West deteriorates quickly as Libya greets the convicted Lockerbie bomber with a hero’s welcome, provoking outrage in Britain and the United States.
As unrest spreads through much of the Arab world, Gaddafi’s troops crack down on antigovernment protesters in Benghazi and Tripoli with brutal force. Spearheaded by France and Britain, which vow to enforce a no-fly zone over Libya, the Security Council votes to authorize military action in order to prevent loyalist forces from routing the rebels and attacking civilian protestors. And in March 19, American and European forces begin a campaign of air strikes against Gaddafi and his government which gave rise to the enforcement of resolution 1973 of 2011 on Libya. Pruitt, (2011 ) www.history.com/news/milestones-in-.
CHAPTER THREE

THE MANNER OF ENFORCEMENT OF UNSC RESOLUTION 1973 BY THE US-NATO LED COALITION AND CONTRAVENTION OF THE UN MANDATE ON LIBYA

Our aim in this chapter is to examine the manner of enforcement of the UN Resolution 1973 and to ascertain the extent to which it contravened the UN mandate in Libya. This is with a view to testing hypothesis I which states that “the manner of the enforcement of UNSC Resolution 1973 by the US/NATO led coalition contravened the United Nations mandate on Libya”.

3.1 PROVISIONS OF UNITED NATIONS SECURITY COUNCIL 1973 RESOLUTION

Demanding an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute “crimes against humanity”, the Security Council imposed a ban on all flights in the country’s airspace — a no-fly zone — and tightened sanctions on the Gaddafi’s regime and its supporters.

The adoption of Resolution 1973 of 2011 by the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take “all necessary measures” to protect civilians under threat of attack in the country, including Benghazi, recognizing the important role of the League of Arab States in the maintenance of international peace and security in the region, and bearing in mind the United Nations Charter’s Chapter VIII, the Council asked the League’s member States to cooperate with other Member States in implementing the no-fly zone.

The Council stressed the need to intensify efforts to find a solution to the crisis that responded to the legitimate demands of the Libyan people, noting actions being taken on the
diplomatic front in that regard. It further demanded that Libyan authorities comply with their obligations under international law and take all measures to protect civilians and meet their basic needs and to ensure the rapid and unimpeded passage of humanitarian assistance. In that connection, the Council specified that the flight ban would not apply to flights that had as their sole purpose humanitarian aid, the evacuation of foreign nationals, enforcing the ban or other purposes “deemed necessary for the benefit of the Libyan people”. It further decided that all States should deny permission to any Libyan commercial aircraft to land in or take off from their territory unless a particular flight had been approved in advance by the committee that was established to monitor sanctions imposed by resolution 1970 (2011).

In tightening the asset freeze and arms embargo established by that resolution, the further detailed conditions for inspections of transport suspected to be violating the embargo, requesting States enforcing the embargo to coordinate closely with each other owing to “the fact that situation on the ground is more alarming than ever, marked by the violent re-conquest of cities that have been released”. The Security Council could not stand by and “let the warmongers flout international legality”. The world was experiencing “a wave of great revolutions that would change the course of history”, but the will of the Libyan people had been “trampled under the feet of the Gaddafi’s regime” and earlier Council measures had been ignored and violence against Libyan civilians had redoubled, therefore the urgent need to protect the civilian population had led to the elaboration of the current resolution, which authorized the Arab League and those Member States wishing to do so to take all measures to protect areas that were being threatened by the Gaddafi’s regime, stressing that the objective was solely to protect civilians from further harm, the Council then adopted resolution 1973 of 2011 by a vote of 10 in favor to
none against, with 5 abstentions (Brazil, China, Germany, India, Russian Republic) (UN News center at http/www.un.org/news).

THE RESOLUTION

The full text of resolution 1973 (2011) reads as follows:

The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011),

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),
Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Recalling paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,

Expressing its determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,

Recalling the condemnation by the League of Arab States, the African Union and the Secretary-General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in the Libyan Arab Jamahiriya,

Taking note of the final communiqué of the Organization of the Islamic Conference of 8 March 2011, and the communiqué of the Peace and Security Council of the African Union of 10 March 2011 which established an ad hoc High-Level Committee on Libya,

Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of 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 the Libyan Arab Jamahiriya,

_Taking note further_ of the Secretary-General’s call on 16 March 2011 for an immediate ceasefire,

_Recalling_ its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and _stressing_ that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

_Reiterating its concern_ at the plight of refugees and foreign workers forced to flee the violence in the Libyan Arab Jamahiriya, _welcoming_ the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and _calling on_ the international community to support those efforts,

_Deploring_ the continuing use of mercenaries by the Libyan authorities,

_Considering_ that the establishment of a ban on all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

_Expressing concern_ also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,
Welcoming the appointment by the Secretary General of his Special Envoy to Libya, Mr. Abdul Ilah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands the immediate establishment of a ceasefire and a complete end to violence and all attacks against, and abuses of, civilians;

2. Stresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and notes the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High-Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution;

3. Demands that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;
Protection of civilians

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

5. Recognizes the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and bearing in mind Chapter VIII of the Charter of the United Nations, requests the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

No-fly zone

6. Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

7. Decides further that the ban imposed by paragraph 6 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to
flights authorised by paragraphs 4 or 8, nor other flights which are deemed necessary by States acting under the authorization conferred in paragraph 8 to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph

8. Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above,

9. Calls upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary overflight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above;

10. Requests the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

11. Decides that the Member States concerned shall inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations;
12. *Requests* the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information on any violations of the flight ban imposed by paragraph 6 above;

**Enforcement of the arms embargo**

13. *Decides that* paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections and authorises Member States to use all measures commensurate to the specific circumstances to carry out such inspections”;

14. *Requests* Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and the Secretary-General and *further requests* the States concerned to inform the Secretary-General and the Committee
established pursuant to paragraph 24 of resolution 1970 (2011) ("the Committee") immediately of measures taken in the exercise of the authority conferred by paragraph 13 above;

15. **Requires** any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

16. **Deplores** the continuing flows of mercenaries into the Libyan Arab Jamahiriya and **calls upon** all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

**Ban on flights**

17. **Decides** that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off
from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

18. *Decides that* all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

**Asset freeze**

19. *Decides* that the asset freeze imposed by paragraph 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;
20. Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

21. Decides that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

Designations

22. Decides that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and decides further that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011);

23. Decides that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970 (2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;
Panel of Experts

24. Requests the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 90 days after the Panel’s appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

25. Urges all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;
26. *Decides* that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

27. *Decides* that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 1970 (2011), this resolution and related resolutions;

28. *Reaffirms* its intention to keep the actions of the Libyan authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970 (2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with this resolution and resolution 1970 (2011);

29. *Decides* to remain actively seized of the matter.


### 3.2 UN MANDATE ON LIBYA

The UN Support Mission in Libya (UNSMIL) was established by the Council to unanimously accept the resolution. The mission’s initial mandate was to support the National Transitional Council (NTC) in its reconstruction efforts at the end of the conflict, including restoring the rule of law, drafting a new constitution, promoting reconciliation and preparing for
elections. As the interest of the west increases on Libyan economy, there was need for addition in the mandate of UNSMIL which includes, coordination and consultation with the transitional Government of Libya, assisting and supporting Libyan national efforts to address the threats of proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles.” Prevention of arms proliferation, missiles and related materiel, saying they posed a security threat to the country and the region.

The NTC declared the full liberation of Libya on 23 October, eight months after the start of the popular uprising against the regime of long-time ruler Colonel Muammar al-Gaddafi, who was eventually captured and killed. It has since formed an interim Government headed by Prime Minister Abdurrahim El-Keib.(UN News Centre at http://www.un.org/news)

Although the UN played a central role in the management of the 2011 Libyan uprising, it is worthy of note that the manner of enforcement of the UNSC resolution 1973 by the US-NATO led coalition contravened the UN mandate on Libya therefore leading to numerous contradiction and violation on the true purpose of the resolution. Based on this background, the Resolution 1973 failed to restrain the use of excessive military force. Thus the UNSC Resolution 1973 "declared primarily the need to protect Libya's civilian population, including through the imposition of a no-fly zone, has failed to set clear limits on the use of military force.". Thus the realization of the UN resolution 1973 on Libya allowed certain countries to pursue different goals when delivering missile and bomb strikes on Libyan territory, targeting sites that had no immediate relation to enforcing the no-flight zone. (rt.com/politics/state-duma-resolution-Libya).

Amin, (2011) has contended that among many factors or considerations for US-NATO’s led intervention in Libya, economic interest remain the topmost. He further stressed that the
chance for military intervention by the imperialist powers was surely not aimed at protecting the civilians nor democracy, but control over oil fields.

Given such “indiscriminate use of military force,” the Rusian Duma has opined that the prospects for the normalization of affairs in Libya may take much longer than necessary (rt.com/politics/state-duma-resolution-Libya), thus he perceived the resolution as being based on uncertain information (lack of "credible information on the situation on the ground in Libya") and as being too open-ended (lacking "clarity about details of enforcement measures), (UNSC 6498th Meeting.)

Furthermore the UNSC resolution 1973 is enveloped with fundamental contradiction in using force to achieve an "immediate end to violence and the protection of civilians". This is so because the use of force "may have the unintended effect of exacerbating tensions on the ground and causing more harm than good to the very same civilians which the UN claim to be protecting". Thus there is the possibility that the use of military force, as called for in paragraph 4 of today’s resolution, could change that narrative in ways that may have serious repercussions for the situation in Libya and beyond.” More so the UNSC resolution 1973 which forbids intervention on ground, has in its contradictory nature allowed some special troops from Britain, Italy, France, Jordan, Qatar and the United Arab emirate to intervened on the ground in Libyan territory, stepping up operations in Tripoli and other cities. This has been questioned as a possible Violation of the resolution. (‘UNSC6498th Meeting’ pp.5-6)

Chomsky, (2011) has argued that the Western military intervention into Libya was a clear breach of UNSCR 1973 since it nullified the attempts for a ceasefire that were put forward by the
resolution and welcomed by Gaddafi. As he puts it, "NATO powers (France and Britain in the lead and the United States following) violated the resolution, radically, and became the air force of the rebels. Nothing in the resolution justified that. It did call for “all necessary steps” to protect civilians, but there’s a big difference between protecting civilians and being the air force for the rebels he maintained”.

According to Kochler (2012), in a statement presented at the World Public Forum on 24 August 2012 “Dialogue of Civilizations”, considering disastrous results of Western policy towards Libya, the military intervention of NATO in Libya has not only brought about disastrous “régime change,” but has led to the political fragmentation of the country and to a situation of anarchy. It has profoundly destabilized the political situation in the wider North African and Middle Eastern region – with repercussions now felt in Syria where Libyan arms have surfaced in the hands of insurgents. The Western countries have not acted in good faith, and have exploited Security Council resolution 1973 for their own strategic interests. He further stressed that the notion “all necessary measures” which interested member states are invited to take to protect civilians (par,4) and to enforce compliance with the ban on flights (par,8), is not only vague but also totally undefined.

In a context of international power politics, imprecise terms will unavoidably be interpreted according to the self-interest of the intervening parties and, thus can never be the basis of legally justified action, such terms have often been used as pretext for a virtually unrestrained use of force. The lack of a precise definition of the term “all necessary measures” makes it impossible, a principio, to ascertain the compatibility and commensurability of the adopted measures with the goals stated in the resolution. This he said effectively guarantees
interested states and groups of states, as well as their political and military leaders, to act outside a framework of checks and balances and with impunity.

To authorize states to use “all necessary measures” in the enforcement of a legally binding resolution is an invitation to an arbitrary and arrogant exercise of power, and makes the commitment of the United Nations Organization to the international rule of law void of any meaning. The fact that the Security Council, using the phrase “all necessary means” in resolution 678 (1990), dealing with the situation between Iraq and Kuwait, does not justify the present action in the domestic conflict situation in Libya thus the Pandora box of the 1973 of 2011 on Libya has now been opened. In the context of Chapter VII enforcement measures, including the use of armed force, the formula “all necessary measures” effectively invites unilateral action by the self-appointed members of a coalition of the willing, something which not only gradually subverts, but perverts the United Nations rationale of collective security in the service of an undeclared imperialist agenda, hidden behind humanitarian motives such as those proclaimed under the slogan of the “Responsibility to protect” a set of principles adopted and accepted by the United Nations General Assembly in 2005, which seems to have replaced the earlier phraseology of “humanitarian intervention” he therefore maintained that the ban on the use of force according to article 2(4) of the United Nations Charter will become totally meaningless if by way of chapter VII resolution, every member state can effectively use force in pursuit of an abstract goal in a unilateral manner, and without any checks and balances and the goal of the protection of civilians has been implemented by interested member states, first and foremost the former colonial powers in North Africa in tandem with the United States, in a way that has caused even more deaths among innocent civilians.
Contrary to the purpose of Chapter VII of the UN Charter, the implementation of Resolution 1973(2011) by interested parties has led to an increased threat to international security instead of containing it. What was essentially a domestic conflict, resulting from an armed uprising, has now become an international one. By intervening in a domestic conflict situation on the side of one part, the states that undertook to enforce the resolution, individually and through NATO, have further fuelled the conflict and brought about a situation that may lead to the disintegration of Libya, with the prospect of long-term instability in the entire North African and Mediterranean region. The involvement of the North Atlantic Treaty Organization (NATO) as coordinating entity for the enforcement of the flight ban and eventually, all military operations in Libya has further complicated the international dimension of the conflict, NATO being a mutual defense pact of European states, including Turkey, and two North American states even if in the disguise of crisis response operations and noble humanitarian motives, offensive action in North Africa outside the treaty area will further threaten international peace and security. NATO’s involvement as a regional organization, albeit not representing the concerned Arab and North African regions, also testifies to the dangers of the general authorization formula in resolution 1973 (2011). NATO certainly represents a spectrum of interests that is totally different from that of the concerned region by deciding to protect civilians in Libya while not acting in comparable situations of uprising in Bahrain and Yemen, thus, the Security Council has obviously chosen a policy of double standards that seems to be determined by the strategic and economic interests of the intervening countries.
In an act of utmost hypocrisy, the intervening countries hide their vested interest behind the stated humanitarian goal of resolution 1973 (2011). Under the cover of the “Responsibility to protect” which the Secretary General of the United Nations evoked as rationale of the resolution, an effectively unilateral use of force has taken hold amounting to military measures that act as war on the side of one party in a domestic conflict, go far beyond the stated goals of the resolution and are carried out with total impunity and without sufficient checks and balances.

Due to the authorization formula of “all necessary means” in resolution 678 (1990) the Security Council has made itself a mere bystander because of the voting Provision of Article 27(3) of the UN Chapter, the authorization cannot be cancelled without the consent of those permanent members that have succeeded in inserting it into the resolution. It is to be recalled that operative paragraph 6 of resolution 1970(2011) by which the security council has referred the situation in Libya to the international Criminal Court (ICC), provides for a kind of preventive impunity for all officials and personnel from countries military intervening in Libya in so far as they will, in spite of the referral decision under Article 13 (b) of the Rome Statute, not be subjected to the jurisdiction of the international Criminal Court. This approach which amounts to an effective amendment of the Rome Statute of the ICC, for which the Security Council has no authority, again reveals the predominance of political considerations over those of justice or human rights.

In line with the Security Councils tendency, since the end of the Cold War, to arrogate powers not given to it in the Charter, and to broaden its mandate as global administrator of justice, resolution 1973 (2011) appears to have further widened the scope of action on the basis of Chapter VII so as to include the protection of the civilian population in situations of domestic conflict. However, if the Council aspires to be an enforcer of rights and an arbiter in domestic conflicts, it will have to abide by the basic principles of the rule of law, first and foremost the
exclusion of arbitrariness in the enforcement of the law. As long as it encourages member states
to act as they please, allowing them to further their own national interests in the disguise of
enforcement action on behalf of the United Nations, the Security Councils practice will itself
constitutes a threat to international peace and security. In view of the legal contradictions
resulting from the authorization of the use of “all necessary measures” under Chapter VII
resolutions of the Security Council, impacting on the very legitimacy of the world organization
as an agent of collective security, the member states in the United Nations General Assembly
should consider to seek an advisory opinion from the International Court of Justice according to
Article 96(1) of the Charter.

Kuperman, (2013) has opened that NATO's 2011 led humanitarian military intervention
in Libya has been hailed as a model for implementing the emerging norm of the “responsibility
to protect” (R2P), on grounds that it prevented an impending bloodbath in Benghazi and
facilitated the ouster of Libya's oppressive ruler, Muammar al-Qaddafi, who had targeted
peaceful civilian protesters. Before the international community embraces such conclusions,
however, a more rigorous assessment of the net humanitarian impact of NATO intervention in
Libya is warranted. The conventional narrative is flawed in its portrayal of both the nature of the
violence in Libya prior to the intervention and NATO's eventual objective of regime change. An
examination of the course of violence in Libya before and after NATO's action shows that the
intervention backfired. The intervention extended the war's duration about six fold; increased its
death toll approximately seven to ten times; and exacerbated human rights abuses, humanitarian
suffering, Islamic radicalism, and weapons proliferation in Libya and its neighbors. If it is a
"model intervention," as senior NATO officials claim, it is a model of failure. Implementation of
R2P must be reformed to address these unintended negative consequences and the dynamics underlying them. Only then will R2P be able to achieve its noble objectives.

Against this background, we surmise that despite Gaddafi’s use of force to quell rebellion, and the threats to annihilate opposition, the UNSC resolution 1973 was premised on the anti-Gaddafi forces/major powers decision to remove Gaddafi from power. We therefore validate our hypothesis that the manner of the enforcement of UNSC resolution 1973 by the US/NATO led coalition contravened the United Nations mandate on Libya.
CHAPTER FOUR

HUMANITARIAN INTERVENTION AND HUMAN RIGHTS VIOLATIONS IN LIBYA

In this chapter, an attempt was made to determine whether humanitarian intervention in Libya led to human rights violation in that country during the Libyan 2011 political uprising. This is with a view to testing hypothesis II which states that the US/NATO led humanitarian intervention escalated human rights violation during the 2011 political uprising in Libya.

4.1 HUMANITARIAN INTERVENTION

Humanitarian intervention has been defined as a state's use of "military force against another state when the chief publicly declared aim of that military action is ending human-rights violations being perpetrated by the state against which it is directed”Marko,( 2011)

This definition may be too narrow as it precludes non-military forms of intervention such as humanitarian aid and international sanctions. On this broader understanding, "Humanitarian intervention should be understood to encompass… non-forcible methods, namely intervention undertaken without military force to alleviate mass human suffering within sovereign borders David, (1992). There is no one standard or legal definition of humanitarian intervention; the field of analysis (such as law, ethics, or politics) often influences the definition that is chosen. Differences in definition include variations in whether humanitarian intervention is limited to instances where there is an absence of consent from the host state; whether humanitarian intervention is limited to punishment actions; and whether humanitarian intervention is limited to cases where there has been explicit UN Security Council authorization for action (Jennifer,
There is, however, a general consensus on some of its essential characteristics (Frye, 2000).

1. Humanitarian intervention involves the threat and use of military forces as a central feature
2. It is an intervention in the sense that it entails interfering in the internal affairs of a state by sending military forces into the territory or airspace of a sovereign state that has not committed an act of aggression against another state.
3. The intervention is in response to situations that do not necessarily pose direct threats to states’ strategic interests, but instead is motivated by humanitarian objectives.

The subject of humanitarian intervention has remained a compelling foreign policy issue, especially since NATO’s intervention in Kosovo in 1999, as it highlights the tension between the principle of state sovereignty – a defining pillar of the UN system and international law – and evolving international norms related to human rights and the use of force. (Tharoor & Daws, 2001). Moreover, it has sparked normative and empirical debates over its legality, the ethics of using military force to respond to human rights violations, when it should occur, who should intervene, and whether it is effective.

To its proponents, it marks imperative action in the face of human rights abuses, over the rights of state sovereignty, while to its detractors it is often viewed as a pretext for military intervention often devoid of legal sanction, selectively deployed and achieving only ambiguous ends. Its frequent use following the end of the Cold War suggested to many that a new norm of military humanitarian intervention was emerging in international politics, although some now argue that the 9/11 terrorist attacks and the US "war on terror" have brought the era of
humanitarian intervention to an end. James Pattison, however, has recently argued that the NATO intervention in Libya has bucked this trend.

Intervening in the affairs of another state has been a subject of discussion in public international law for as long as laws of nations were developed. Attitudes have changed considerably since the end of World War II, the Allied discovery of the Holocaust, and the Nuremberg trials. One of the classic statements for intervention in the affairs of another country is found in John Stuart Mill’s essay, A Few Words on Non-Intervention (1859). There seems to be no little need that the whole doctrine of non-interference with foreign nations should be reconsidered, if it can be said to have as yet been considered as a really moral question at all...

To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people, as to compel them to submit to our will in any other respect. But there assuredly are cases in which it is allowable to go to war, without having been ourselves attacked, or threatened with attack; and it is very important that nations should make up their minds in time, as to what these cases are... To suppose that the same international customs, and the same rules of international morality, can obtain between one civilized nation and another, and between civilized nations and barbarians, is a grave error...

According to Mill’s opinion (in 1859) barbarous peoples were found in Algeria and India where the French and British armies had been involved. Mill’s justification of intervention was overt imperialism. First, he argued that with "barbarians" there is no hope for "reciprocity", an international fundamental. Second, barbarians are apt to benefit from civilized interveners, said Mill, citing Roman conquests of Gaul, Spain, Numidia and Dacia. Barbarians," have no rights as
a nation, except a right to such treatment as may, at the earliest possible period, fit them for becoming one. The only moral laws for the relation between a civilized and a barbarous government, are the universal rules of morality between man and man.

While seeming wildly out of kilter with modern discourse, a similar approach can be found in theory on intervention in failed states. Of more widespread relevance, Mill discussed the position between "civilized peoples". "The disputed question is that of interfering in the regulation of another country's internal concerns; the question whether a nation is justified in taking part, on either side, in the civil wars or party contests of another: and chiefly, whether it may justifiably aid the people of another country in struggling for liberty; or may impose on a country any particular government or institutions, either as being best for the country itself, or as necessary for the security of its neighbours.

Mill brushes over the situation of intervening on the side of governments who are trying to oppress an uprising of their own, saying "government which needs foreign support to enforce obedience from its own citizens, is one which ought not to exist". In the case however of a civil war, where both parties seem at fault, Mill argues that third parties are entitled to demand that the conflicts shall cease. He then moves to the more contentious situation of wars for liberation. "When the contest is only with native rulers, and with such native strength as those rulers can enlist in their defense, the answer I should give to the question of the legitimacy of intervention is, as a general rule, No. The reason is, that there can seldom be anything approaching to assurance that intervention, even if successful, would be for the good of the people themselves. The only test possessing any real value, of a people's having become fit for popular institutions, is that they, or a sufficient portion of them to prevail in the contest, are
willing to brave labour and danger for their liberation. I know all that may be said, I know it may be urged that the virtues of freemen cannot be learnt in the school of slavery, and that if a people are not fit for freedom, to have any chance of becoming so they must first be free. And this would be conclusive, if the intervention recommended would really give them freedom. But the evil is, that if they have not sufficient love of liberty to be able to wrest it from merely domestic oppressors, the liberty which is bestowed on them by other hands than their own, will have nothing real, nothing permanent. No people ever was and remained free, but because it was determined to be so..."

Legal Grounds

Humanitarian intervention is a concept that has legal basis on Chapter VII of the Charter of the United Nations. Chapter VII allows the Security Council to take action in situations where there is a “threat to the peace, breach of the peace or act of aggression”. However, critics base their arguments on the 1648 treaty of Westphalia, which states the rights of sovereign nations to act freely within their own borders. This is upheld in the UN Charter of 1945, where in article 2(7) it is stated that “nothing should authorize intervention in matters essentially within the domestic jurisdiction of any state.” Thus, because both proponents and opponents of humanitarian intervention have their legal grounds on the charter of the United Nations, there is still an ongoing controversy as to whether sovereignty or humanitarian causes should prevail. Against this backdrop, we appraise our theoretical framework which posits that economic interest is the driving force of the UN intervention in the 2011 Libyan political uprising, and on this ground, the theory justifies the imperialistic nature of the intervening states as the bane for their interventions.
4.2 HUMAN RIGHTS VIOLATIONS IN LIBYA

Humanitarian intervention in Libya and elsewhere has led to an intensification of human rights violations, the erosion of the UN’s authority, and the expansion of the reach of great powers.

Preemptive Humanitarian Intervention:

The Libyan case will perhaps go down as one of the worst abuses of the doctrine of humanitarian intervention. At first, the events there unfolded pretty much like those in Egypt, with the popular uprising seemingly on the way to deposing a corrupt dictatorship. But the dictator, his military forces, and his social base held on, fighting back with military power, inflicting civilian casualties, and undoubtedly committing human rights violations in the process. At that point, the situation degenerated into a civil war. Outside Libya, defectors from the Gaddafi regime managed to get the UN Security Council to pass a resolution to impose a no-fly zone over much of Libya, which the United States, England, and France leaped to impose to the consternation of Germany, China, Russia, and other countries that abstained from the Security Council Resolution. The Libyan intervention was not based on actual genocide, indeed not even on potential genocide but on a rhetorical threat of revenge that went viral in the media. In his March 11 speech, Gaddafi urged his supporters to “show no mercy” and go “house to house” in Benghazi, which President Barack Obama seized on to warn that genocide was about to take place. In fact, as many commentators have noted, Gaddafi’s words were directed at rebel fighters, not civilians, and in the very same speech, he promised amnesty to those “who throw their weapons away” (Alvaro et al., 2012).
Indeed, after NATO went to war, human rights investigators from Amnesty International and Human Rights Watch found no evidence of genocide or the deliberate targeting of civilians or aircraft being used on protestors and crowds or mass rape. This is not to say that there were no instances of brutal actions by Gaddafi’s troops. But there was no evidence for the genocide and massive and systematic violations of human rights that formed the pretext for intervention.

During the Libyan intervention, the objective of regime-change quickly supplanted the rationale of establishing a no-fly zone, with NATO aircraft carrying out offensive operations against the government’s tanks and infantry and targeting Gaddafi’s suspected hiding places in Tripoli, killing, among others, one of his sons. The struggle between Gaddafi and the NATO-supported rebels has now devolved into a war of attrition, bringing about a worse situation for civilians than that which prevailed before the intervention in terms of civilian casualties, infrastructure destroyed, and economic suffering (Walden, 2011).

Although the intervention in Libya has had some positive effects on the country, it finds itself in a humanitarian crisis. Impunity and crimes against humanity occurred, many people are displaced and conflict has spilled over to neighbouring countries. A more developed and broader humanitarian intervention in Libya is required (Alvaro et al., 2012).

The United Nations Support Mission in Libya (UNSMIL) is a political UN mission composing of 65 international staff who are bestowed with the responsibility to assist the new Libyan government in establishing the rule of law. This mission has major challenges ahead. To begin with, some commentators approaching the Libyan scenario from a humanitarian perspective have questioned the real intention behind this multilateral intervention. Brauman (2012), (a founder of Medicins Sans Frontiers) called this international intervention a
“humanitarian coup d’etat”. For him - asking “what is the right for Obama, Sarkozy and Cameron to overthrow Gaddafi’s regime?”- it was a familiar form of international aggression, taking cover under the “responsibility to protect” doctrine. The military intervention aimed at an objective beyond the mere protection of civilians. Amnesty International reported that NATO had bombed civilian buildings and, as a result, directly caused civilian casualties. The question posed is clear – was the reason for military action the protection of civilians or was this only the justification used for overthrowing a regime? Meanwhile, this international intervention has had internal and external humanitarian consequences that still remain unresolved.

**Internal Displacement:**

According to Dominguez & Rashid (2012), internal displacement has occurred since the beginning of the Libyan crisis. People were displaced previous to the intervention as a result of attacks on the civilian population by Gaddafi’s forces. The International Criminal Court (ICC) issued three arrest warrants to Gaddafi and two of his sons. Since then, UNHCR reported in February 2012 that 459,047 internally displaced persons had returned to their homes. However, displacement persisted after the fall of Gaddafi’s regime. There are still an estimated 65,000 to 90,000 internally displaced people in Libya. These figures are mostly composed of the Tawergha and Mesheshiya ethnic groups, sub-Saharan Africans and suspected loyalists to the Gaddafi regime. They are unable to return to their homes according to Human Rights Watch (HRW). Resolution 1973 from the UN Security Council, issued in 2011, established the legal basis for a no-fly zone over Libya and the protection of civilians with all the necessary means except a foreign occupation force. However, the commitments to protect civilians made by the Security Council in that resolution remain unfulfilled. If social tensions increase again as a result
of attacks by armed militias, the situation for these displaced people could evolve into another humanitarian crisis. The *thuwar*, or anti-Gaddafi militias, have tortured, killed or threatened specific ethnic groups close to Gaddafi after the fall of his regime. The UN Human Rights Council has already categorised these incidents as war crimes and crimes against humanity in March 2012. The International Crisis Group (ICG) reported that there were an estimated *100-300 thuwars*. The transitional government is yet to exert its control over these groups. Now, some thuwars represent a threat against humanity. MSF has suspended part of its operations, due to the emergence of detainees who had been subjected to torture after receiving medical help from this organisation in Misrata. Crimes against humanity continue to be a problem in Libya.

The current response of the international community is not appropriate to ensure the complete implementation of resolution 1973. This resolution established the legal basis for an arms embargo, for freezing the assets and imposing a travel ban on key members of the former regime. However, the opposition did not have the same restrictions placed on them by the international community. The resolution was effective in empowering one side of the conflict whilst reducing the capacities of the other. International intervention facilitated the creation of an environment unable to ensure the security of the whole population – it does not provide the mechanisms necessary to prevent crimes against humanity. Therefore, by any criteria, the current approach is inadequate in its quest to protect civilians.

**External Displacements:**

According to the United Nations High Commissioner for Refugees UNHCR Report (2011), there were around 1.5 to 2 million foreigners from other parts of Africa and Asia in Libya before the beginning of the crisis. The International Organisation for Migration (IOM) had
evacuated more than 143000 people of 50 different nationalities by June 30, 2011. Some of these people’s countries of origin, such as the Philippines, have requested funds to support these returnees. Bangladeshi repatriates, due to the Libyan crisis, have benefited from the support of the World Bank program for returnees. The international community is trying to offer support to those people effected.

However, this assistance has not been as consistent as it should be. Migrant boats escaping the crisis did not receive assistance from two NATO ships and lives were lost as a result of this inaction. This denial of humanitarian assistance during a conflict directly contravenes international humanitarian law. This did not go unnoticed. The international response to the Libyan crisis does not have to rely only on the response of governments or international institutions. In May 2011, MSF sent a letter to the heads of European states demanding more responsibility for the refugees coming by sea. The lobby that emanates from global civil society can serve as a mechanism by which international institutions and governments are held to account. It is vital that international civil society actively demands coherence in the application of the responsibility to protect, to prevent this valuable doctrine from becoming a ‘Trojan horse’ for narrow vested interests.

Displacement has also had an impact on food security in a region which already has enough problems of this kind. The governments of Chad, Mali, Niger and Mauritania all declared national crises in December 2011. IOM had already registered 780 returnees in Mauritania, 11,230 in Mali, 82,433 in Chad and 95,760 in Niger by December 2011. There have been multiple consequences arising from the arrival of returnees en masse. Firstly, the reduction of remittances reduces the host community's capacity to supply food. IOM estimated that each
returnee’s remittance supported seven individuals in their home country. Secondly, the number of people in need of food increases whilst the ability to adapt food production to cope with the new demands is yet to surface. Thirdly, the arrival of returnees increases the number of people competing for resources and employment. In Mauritania, recent returnees have regularly protested for employment and more support. In this way, the negative humanitarian impact of the Libyan crisis has spread to other countries in the Sahel region.

The Security Council did an assessment of the impact of the Libyan crisis in the Sahel region in December 2011. The proliferation of arms in Libya has spilled over into neighbouring countries. This has become a major consideration, given the deterioration of the situation concerning the Tuaregs’ insurgency in Mali, as well as the buffering of the armed resources of terrorist networks and organized crime networks in the region. The European Union (EU) is also concerned at the spill over of the Libyan crisis for security in the Sahel region: the deterioration of the food crisis; the coup d’état in Mali; crime and terrorism. The EU has proclaimed itself committed to reinforcing its support for security and development in the region.

The Security Council had no plan to alleviate the potential damage in the Sahel region occurring as a result of international military intervention in Libya. The regional impacts of the Libyan crisis raise serious questions around the limitations of a military interventionist strategy as a means of conflict resolution. A stronger regional non-military humanitarian approach must be put in place to manage the regional consequences of a conflict.

Humanitarian needs have not always been made a priority for action by the international community. Not all types of governmental humanitarian interventions were put on the table when the Libyan crisis occurred. Oliver Ramsbotham and Tom Woodhouse have proposed a
typology of governmental humanitarian interventions, including coercive and non-coercive humanitarian intervention, with or without military means. Seen against this range of options, Thus humanitarian intervention which mixes coercive military and non-military means at the beginning of the conflict with UNSMIL's current non-coercive non-military means strategy clearly does not bring about the end of the humanitarian crisis. The current displaced people still need protection. Civilians have been under attack not only from domestic parties, locally and directly involved in the conflict, but also from NATO. The protection of civilians seems to be a matter of luck - to be in the right place at the right time is essential for survival. International humanitarian intervention has had some positive effects but it would be false to say it has been broadly effective. The humanitarian crisis continues to exist.

The strategy pursued by the Security Council has exacerbated other humanitarian crises in the region whilst failing to resolve the situation in Libya. It would have been prudent to fully consider the consequences of military intervention before implementing it. A military intervention needs to be able to contain all the armed sides of the conflict and not only one. The numerous problems of civilian protection, establishment of the rule of law, control of all the different armed groups, displacement and stopping crimes against humanity can overwhelm the current government and the team of UNSMIL. There are no sufficiently robust mechanisms in place in Libya currently capable of dealing with such a multitude of problems.

Consequent upon this, the International civil society has occupied different roles during this conflict, providing humanitarian assistance and lobbying for the respect and the dignity of the population have been major achievements. However, in a situation which continues to be unstable, an active international civil society needs to advocate for fully capable, versatile
protection mechanisms both for the international institutions and the individual governments involved. A more developed, well considered form of humanitarian intervention is still urgently waiting to be introduced into the Libyan crisis - in the midst of a deteriorating humanitarian situation. (International intervention and its humanitarian consequences in Libya and beyond: an unresolved issue).

4.3 CASUALITIES OF LIBYAN CIVIL WAR:

Given Gaddafi’s revolutionary background and repressive/dictatorial character, violence could not be ruled out as an option in the protest arising from the wave of crisis. Thus the protest initially characterised with minimal violence was matched by state violence which left many dead and injured. The state disproportionate response resulted into a full blown war. However the number of casualties varies depending on who is reporting. According to Amnesty international investigations as at June 2011 showed that the number of casualties reported by the international press and the rebels was heavily exaggerated as there was no proof of mass killings of civilians and no evidence the aircraft or heavy anti-aircraft machine guns were used against the crowds as reported by most international investigation as at June 2011 shows that the number of casualties reported by the international press and the rebels was heavily exaggerated as there was no proof of mass killings of civilians and no evidence that aircraft or heavy anti-aircraft machine guns were used against the crowds as reported by most international press (Libyan civil war Wikipedia2012, ICG REPORT 2011). The report of the heavy casualties suffered by the Libyan civilians and ill treatment of the protesters especially women whom were reported raped by Gaddafi’s solders stimulated the international community outrage against the regime (Report of the independent Civil Society Fact –Finding Mission to Libya 2011) furthermore, these data
are analysed in a Table presentation. Table 1.1 shows the breakdown of the civilian casualties in various towns before the UNSC resolution 1973. While Table 1.2 shows the overall casualty figures as compiled by various international organizations /press ant the NTC.

**TABLE 1.1 CIVILIAN DEATHS FEBRUARY 16 – MARCH 18 2011**

<table>
<thead>
<tr>
<th>Date</th>
<th>Opposition Fatalities</th>
<th>Government Fatalities</th>
<th>Civilian Fatalities</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>Feb 16</td>
<td>1</td>
<td>None reported (NR)</td>
<td>Not Available (NA)</td>
<td>Protest in Roujdane</td>
</tr>
<tr>
<td>Feb 17-20</td>
<td>332-479</td>
<td>163</td>
<td></td>
<td>First battle of Benghazi</td>
</tr>
<tr>
<td>Feb 17-25</td>
<td>300-700</td>
<td>NR</td>
<td></td>
<td></td>
</tr>
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<td>Feb 17</td>
<td>4-10</td>
<td>NR</td>
<td></td>
<td></td>
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<tr>
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<td>Civilian Fatalities</td>
<td>Details</td>
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<td>2</td>
<td>NR</td>
<td></td>
<td>Protests in Qubah</td>
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<tr>
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<td>376</td>
<td>358-545</td>
<td>Protest in Tobruk</td>
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<td>4</td>
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<td>Protest in Zintan</td>
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<tr>
<td>Feb 20</td>
<td>3</td>
<td>NR</td>
<td></td>
<td></td>
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<tr>
<td>Feb 21-May 22</td>
<td>NR</td>
<td>37</td>
<td>Revenge killings against loyalists in Benghazi</td>
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<tr>
<td>Feb 21</td>
<td>15</td>
<td>3</td>
<td>Rebel capture of the Abraq Airport in Bayda</td>
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<td>Feb 22-24</td>
<td>9</td>
<td>NR</td>
<td>Protest in Gharyan</td>
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<tr>
<td>Feb 23</td>
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<td>16</td>
<td>Capture and execution of loyalists fighters at Derna</td>
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<td>Feb 24</td>
<td>151</td>
<td>65</td>
<td>84-449</td>
<td>First battle of Zawiya</td>
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<td>March 10</td>
<td></td>
<td></td>
<td>610-862</td>
<td>Battle of Misrata</td>
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<tr>
<td>Feb 18-May 15</td>
<td></td>
<td></td>
<td>39</td>
<td>Shelling of Zuwara</td>
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<tr>
<td>March 1-August 18</td>
<td>500-517</td>
<td>397</td>
<td>-</td>
<td>Nafusa Mountains Campaign</td>
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<tr>
<td>March 1-July 20</td>
<td>27</td>
<td>NR</td>
<td>-</td>
<td>Fighting at the Algerian-Libyan border</td>
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<td>March 2</td>
<td>14</td>
<td>2-10</td>
<td>-</td>
<td>First battle of Brega</td>
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<td>71-81</td>
<td>4-27</td>
<td>Battle of Ra’s Lanuf</td>
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<td>Civilian Fatalities</td>
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<td>-</td>
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</tr>
<tr>
<td>August 18</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 1-July 20</td>
<td>27</td>
<td>NR</td>
<td>-</td>
<td>Fighting at the Algerian-Libyan border</td>
</tr>
<tr>
<td>March 2</td>
<td>14</td>
<td>2-10</td>
<td>-</td>
<td>First battle of Brega</td>
</tr>
<tr>
<td>March 4-12</td>
<td>71-81</td>
<td>4-27</td>
<td>Battle of Ra’s Lanuf</td>
<td></td>
</tr>
</tbody>
</table>
### March 4
- 34-100
- NR
- -
- Explosion at an arms depot in Benghazi

### March 6
- 182-230
- 1
- -
- Battle of Bin Jawad

### March 6
- -
- -
- 1
- Shooting in Bayda

### March 12
- -
- -
- 1
- Killing of Alkazeera camera man near Benghazi

### March 13-15
- 7
- 25
- -
- Second battle of Brega

### March 14
- 7
- 16
- -
- Govt retaking in Zuwarra

### March 15-26
- 136
- 41
- 25-30
- Battle of Ajdabiya

### March 15
- 1
- NR
- -
- Rebel fighter plane crashes

### March 17
- NR
- 1-2
- -
- Bombing run on the Benghazi Military air Base

### March 18
- 3
- NR
- 3
- Fighting in Zuwetina

### March 19-20
- 261
- 27-30
- -
- Second Battle of Benghazi

### March 19
- -
- -
- 1,108
- NATO bombing Campaign

### July 13
- -
- -
- -
- -

### March 20
- 1
- NR
- -
- Killing of a rebel activist in Benghazi

### March 22-24
- NR
- 19-28
- -
- Coalition air strikes on Tripoli

### March 26-30
- 12
- 7
- -
- First Gulf of Sidra offensive

### March 28
- 1
- NR
- -
- Execution of captured rebel at Sirte

### March 31
- 46-49
- 28
- -
- Third Battle of Brega

(Casualties of Libyan Civil War Wikipedia 2012 Retrieved on 21/June/2013S)

### TABLE 1.2: DEATH TOTAL OF PROTESTERS, ARMED BELLIGRANTS AND CIVILIAN

<table>
<thead>
<tr>
<th>Source</th>
<th>Libyan Causalities</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Federation for Human Rights</td>
<td>3,000 killed</td>
<td>Feb 15-March 5, 2011</td>
</tr>
<tr>
<td>Libyan League for Human Rights</td>
<td>6,000 killed</td>
<td>Feb 15 March 5, 2011</td>
</tr>
<tr>
<td>National Transitional Council</td>
<td>10,000 killed</td>
<td>Feb 15 April 12, 2011</td>
</tr>
<tr>
<td>UN Human Rights Council</td>
<td>10,000-15,000 killed</td>
<td>Feb 15-June 9, 2011</td>
</tr>
<tr>
<td>Al Jazeera English</td>
<td>13,000 killed</td>
<td>Feb 15 June 18, 2011</td>
</tr>
<tr>
<td>National Transitional Council</td>
<td>30,000 killed</td>
<td>Feb 15-Sept 8, 2011</td>
</tr>
<tr>
<td>National Transitional Council</td>
<td>25,000 killed</td>
<td>Feb 15-Oct 2, 2011</td>
</tr>
</tbody>
</table>

(Casualties of Libyan Civil War Wikipedia 2012S Retrieved on 21/June/2013S)
The figures of fatalities in the tables above especially before the March 17 2011 adoption of resolution 1973 does not show signs of genocide or mass killings of the civilians by the regime. Many of the heavy fatalities occurred in cities where there was serious fighting between the regime and the insurgents as seen in Benghazi, Misrata and Zawiya between February 17 and March 2011. The evidence therefore does not support the view that there was mass killings of civilian population by the Gaddafi’s regime to warrant the adoption of resolutions 1973.

Even more significant than the violence that characterized the protest is the way the discourse on this rebellion was framed in the social medias and dominant international medias like the Cable News Network (CNN), the British Broadcasting Corporation (BBC) and Aljazeera. It would seem that the discourse that accompanied the Libyan crisis was framed by this news media which are known to project the interests of the powers of the west in the international arena. In most of these medias the image of Gaddafi portrayed is that of a tyrant, terrorist, demagogue, and blood thirsty dictator. In fact a mad dog that has become delusional in his thinking and effuses to give up power. This thinking framed the discourse that led to the UNSC resolution 1973. Here are some examples of the headlines and reports from these international medias: “More than weeks after the protests against Muammar Gaddafi’s regime began, the Libyan leaders is still clinging to power insisting, we will fight till the last man and woman to defend Libya” (CNN news report March 3, 2011) Headlines: “More Libyan bloodshed could prompt US/NATO intervention” (Martinez –CNN .com February 24, 2011). “Report of torture killing in Libya says UN secretary general” (February 23 2011.CNN .com)” Gaddafi’s loyalist lunch offensive” (Aljazeera March 11 2011) “Video-Gaddafi delusion and unpredictable”, Report: “self style revolutionary who ruled Libya with an iron fist said he would
die than step down” (Aljazeera February, 2011). Libyan forces loyal to Gaddafi have fought an increasingly bloody battle to keep the veteran leader in power…and war planes reportedly bombing protesters”(Aljazeera February,2011). Headline-“ Gaddafi hits with deadly force”, Report” Libyan leader Muammar Gaddafi has unleashed a bloody crackdown against pro democracy protesters seeking his ouster, killing dozens of people in four days of protests….Libyan internet activist have denounced the international community’s failure to act over the massacres”(Aljazerra February 21, 2011). “Libya unrest: scores killed in Benghazi Massacre (BBC news February, 2011); Libya unrest sparks refugee crisis at Tunisia border” (BBC news February, 2011) Libyan defectors: pilot told to bomb protesters flee to Malta” (The UK Guardians February 21, 2011). As these kinds of reports and headlines bombard the international community from news media and internet blogs and social medias, the ace against Gaddafi regime became very high. The international Crisis Group (ICG) report (2011) reiterating the observation also made in the CIRET-AVT report 2011 notes that

Western media coverage has from the outset presented a one sided view of the logic events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime’s security forces were massacring unarmed demonstrators who presented no real security challenge. This version would appear to ignore evidence that the protest movement exhibited a violent aspect from very early on.

Nevertheless various western state government following these reports and past misdeeds of Gaddafí made up their mind that Gaddafí should step down or be removed from power. Thus the dominant discourse framing this crisis is the view that Gaddafí is killing innocent civilians and must step down. In fact the US- Obama led administration was criticized for acting too slowly in the Libyan case. By late February, president Obama was calling on the Libyan leader
to step down. He states that “when a leader’s only means of staying in power is to use mass violence against his own people, he lost the legitimacy to rule and needs to do what is right for his country by leaving now”. Muammar Gaddafi has lost the confidence of his people and should go without further blood and violence” (Good enough in CNS news of February 28, 2011). Prime Minister of Britain was quoted to have said that the World must consider “the full range of options against Libya if violent repression continues”, and added that he wanted to tell Gaddafi, “what on earth do you think you are doing? Stop it” (Channel 4 news February 25, 2011). The Libyan Deputy permanent Representative to the UN Ibrahim Dabbashi on February 21, 2011 defected from the regime and reported the regime’s use of mercenaries to quell the demonstration (world engagement institute report 2011). He also said (referring to Gaddafi) “This is a mad man and his psychologically not stable” He called for international sanctions against him noting that “he will stay until he is either killed or he will commit suicide” (Channel 4 news February 2011). This kind of denunciations of Gaddafi from close allies and officials of his government confirms the doubt that Gaddafi will relinquish power through any other means but by force. On February 23, AU issued a statement condemning the use of force against civilians and decides to send a mission to Libya to assess the situation, on February 25, 2011 the UN Human Rights Council passed a resolution condemning human right violation in Libya and called for commission of inquiry. This was followed by UNSC resolution 1970 on 26 February, 2011 which demanded an immediate end to violence in Libya, as well as arms embargo, travel ban and assets freeze of Gaddafi and family and close allies. Attempts by the Gaddafi regime to reframe the discourse by blaming protest on Al-Qaeda terrorist and western imperialism failed to catch on. On 27 February, 2011, Libya’s National Transition Council (NTC) was formed, and by Marc 5 2011, NTC declared itself the sole representatives of the Libyan state and began to
demand for a no fly zone but without direct military intervention on Libyan soil.” Their request of
no fly zone was supported by the Gulf Cooperation Council on March 7, 2011 (World Energy
Institute report 2011). The call for a no fly zone was reiterated by the Arab League and Libyan
Crown prince Mohammed El Senusi by March 8 and 9 2011, ( World Energy Institute report
2011, Wiki Leak Central Live blog 2011). Thus the pressure for a no fly zone by these groups
and persons, the UK. France and the US gained momentum in the heat of Gaddafi’s incendiary
speeches and threats of total annihilation of opposition against his regime. These threats given
Gaddafi’s dictatorial past, went further to affirm the dominant view that Gaddafi will make good
his threat especially with regards to the protest in Misrata and Benghazi.

Despite the incendiary speeches and remarks of Gaddafi and his son Saif al Islam which
has aggravated the conflict, for instance the widely televised speech of Gaddafi on February 22,
2011, which shows effort to denounce the rebels in derogatory terms and pronounced
punishment for their anti state activities from the Libyan panel code. Muammar Gaddafi has no
official post that he can resign from. Muammar Gaddafi is not a president. He is a revolutionary
leader. Revolution means perpetual sacrifice until death. This is my country, the country of my
forefathers and of your forefathers. We planted it and watered it with the blood of our
forefathers.’ ’ We are more worth of Libya than those rats and hirelings. Who are those hirelings,
paid for by foreign intelligence services? God damn them!....They brought shame to their
children, their families….tribes. But they don’t have tribes, for Libyan tribes are honourable,
fighter, and combatant tribes, and they are rallying around me during this month…. I am greater
than the positions held by presidents and notables. I am a fighter. A mujahid. A combatant
revolutionary from the tent. The handful of hirelings cannot stop this triumphant course- these
cats and mice that jump from street to street, alley to alley in the dark .Get out of your homes, go
out to the streets, seize the rats, do not be afraid of them. We did not yet use force….if it reaches a point where we have to use force, then we will use it. According to the international law, and according to Libyan constitution and Libyan laws. If I had an official position, if I were president I would have thrown my resignation in your faces..But I don’t hold an official position. I don’t have anything from which to resign, I have my raffle. I will fight until the last drop of my blood. And the Libyan people are with me. I had lived my life not afraid of anything. You are facing a solid rock, against which America’s fleets have crashed…pull your children from the streets…starting tomorrow the police and the army will impose security. They will open roads and remove all barricades (www.worldpress.com/Transcribed by Sultan AlQassemi February 20, 2011). Although these statements abound, the UNSC resolution 1973 is premised on the fact that Gaddafi was killing his own people and will make do his threats to kill the protesters especially in Benghazi if nothing was done by the international community to stop him, the UNSC consideration of a no fly zone was not based on any factual statistics of Gaddafi’s genocidal activities on protesters but on the much publicized threats and negative press reports which framed the discourse of the crisis against Gaddafi. In fact the consideration of a no fly zone which took place same day as Gaddadi’s last threats to the protesters on Benghazi is a proof that the threats by Gaddadi were not the basis for the UNSC resolution. In fact it may even be the reason for Gaddafi’s hard-line position to march force with force in the awareness that the protesters are playing the script of the imperial powers and opponents who want him out of power. The speed at which the major powers of US, UK and France recognized the NTC as a legitimate representative of the Libyan people is an indication that they have withdrawn their recognition of Gaddafi and his regime as the sovereign authority in Libya, in effect he was seen as the villain who must be ousted at all cost to enable a new regime to take control in Libya. This
explains why neither diplomacy nor resolution 1970 was given enough time to work before a no fly zone was imposed. Against this backdrop, we further analyze our hypotheses that the non implementation of paragraph 1 and 2 of resolution 1973 as well as the excessive force employed in the enforcement of a no fly zone in Libya by the US NATO led coalition escalated human right violation in Libya.

Figure 1: Coalition action against Libya as a March 29, 2011


Thus, according to Zunes, (2011), it would be naïve to claim that foreign intervention is prompted western leaders’ concern about protecting civilian lives. The United States, Great Britain and France have each allied with governments such as Guatemala, Indonesia, Colombia and Zaire, which in recent decades have engaged in the slaughtering of civilians as bad or worse as had been occurring in Libya. Furthermore, he observes that the number of civilian causalities from Gaddafi’s attack was difficult to verify, but most estimates put the number of civilians
killed during the five weeks between the start of the uprising and the Western intervention in the country at approximately 1,700 people, roughly the same number of civilians killed during Israel’s 2006 war on Lebanon and its 2008 war on the Gaza stripe combined. He maintains that rather than referring those responsible to the International Criminal Court (ICC) or engage in military intervention to stop the slaughter, as been the case of Libya, both the US congress and the administration vigorously defended Israel’s assault of heavily populated civilian areas and condemned UN agencies and leading international jurists for documenting Israeli violence of international humanitarian law and for recommending that officials of both Israel and its Arab adversaries suspected of war crimes be referred to the ICC. He therefore summarized it in the following words:

_Hypocrisy and double-standards regarding military intervention does not automatically mean that military intervention in this case in necessarily wrong. Though many of the familiar with Libya remain doubtful, it cannot be ruled out that events could transpire in such a way that this intervention could prove to have saved lives, brought stability, and promoted a democratic transition. However, it would be naïve to believe that the attacks on Libya are motivated primarily by humanitarian concerns (Zunes, 2011: 9)._ 

Again, in a bid to allow for a decisive war in Libya and to actualize its avowed strategic interest in the country, the west under NATO\US operations was implicated in arming the rebel fighters. For instance, a number of mainstream media outlets reported that President Obama had reportedly signed a secret order meant to arm the rebel fighters with covert operation (Asli, 2011). _Al Jazeera_ added to their report on this, the view of William Haugue, the British foreign minister, who implied that the US’ action contradicted the UN arms embargo that the restrictions in his view apply to the whole of Libya. While the French foreign minister, Alain Jupper, added: “I remind you it is not part of the UN resolution, which France sticks to, but we are ready to
discuss it with our partners’ (Asli, 2011: 15). The arming of the rebels coupled with other logistic support to the newly installed NTC had indeed, led to upsurge and intensification of the Libyan crisis, as the forces loyal to Muammar Gaddafi perceived it as a ploy by the western powers to actualize their hidden agenda in the country.

**Figure 2: Map of Libya with uprising hotspots, April 2011**

![Map of Libya with uprising hotspots, April 2011](image)

**Source:** [www.globalissues.org/libya](http://www.globalissues.org/libya). Retrieved on 21 June, 2013

(1) Arising from the foregoing analysis and empirical evidences, we therefore, validate our second hypotheses, which states that the US-NATO led humanitarian intervention, escalated human right violation during the 2011 political uprising in Libya.
CHAPTER FIVE
SUMMARY, CONCLUSION AND RECOMMENDATIONS

SUMMARY

This study has examined the role of the United Nations in the management of 2011 Libyan political uprising. To this end, the research work sought to satisfactorily provide answers to the understated research questions:

(1) Did the manner of the enforcement of UNSC Resolution 1973 by the US-NATO led coalition contravene the UN mandate on Libya?

(2) Did the US-NATO led humanitarian intervention escalate human right violation during the 2011 political uprising in Libya?

However, the specific objectives included:

(1) To ascertain whether the manner of the enforcement of the UNSC Resolution 1973 by the US-NATO led coalition contravened the UN mandate in Libya.

(2) To determine whether the US-NATO humanitarian intervention escalated human right violation during the 2011 political uprising in Libya.

Furthermore, the theoretical and practical relevance of this study derived from the fact that it filled the gap in literature which the scholars have not satisfactorily, addressed, and as such provide a new framework under which the role of the UN in the management of 2011 Libyan political uprising could be analyzed and resolved. The political economy approach was adopted as a framework of analysis. Also the study employed the qualitative/descriptive methods of data collection and analysis.
5.2 CONCLUSION

On the strength of data generated through secondary sources and analyzed using qualitative descriptive method, we tested and validated our hypotheses. Hence, it has been empirically established that the manner of enforcement of the UNSC Resolution 1973 by the US-NATO led coalition contravened the UN mandate in Libya. Thus the 2011 UNSC humanitarian and military intervention in Libya was a bane to reinforce western military hegemony in the Middle East, North Africa and Libya to be precise.

Finally, our inquiries have also revealed that the US-NATO led humanitarian intervention escalated human rights violation during the 2011 political uprising in Libya. This is so because the intervention under the auspices of UN was driven by Economic Interest of the intervening states, rather than responsibility to protect and maintenance of peace which is the reason for the establishment of UN. The study therefore concludes that the UN humanitarian intervention in Libya was grossly immersed in contraventions, human rights violations and escalations.

5.3 RECOMMENDATIONS

Arising from the major findings of this research study, we state the following recommendations on the basis of the analysis above.

1. That in drawing the Resolution of the UNSC, very precise and clear language should be used so as to avoid contraventions where use of imprecise and vague terms is interpreted to suit the interests of the intervening states.

2. That the UN except in proven cases of genocide should avoid the employment of force in the settlement of intra state dispute to avoid massive human rights violations and that right to fair hearing should be given to the culprit.
3. That the enforcement of humanitarian intervention resolution emphasis should shift from responsibility to react to the responsibility to prevent. This will constrain the intervening states from the large scale destruction of social infrastructures that usually accompany responsibility to react.
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