

**REGIONAL ORGANISATIONS AND HUMANITARIAN INTERVENTION:
ASSESSING THEIR ROLE IN LIBYA**

by

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**REGIONAL ORGANISATIONS AND HUMANITARIAN INTERVENTION:
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ABSTRACT

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The principle of “responsibility to protect” (R2P) in accordance with the principle of humanitarian intervention has been a debated issue in international relations which derives from the normative shift from sovereignty to human rights. In this thesis, this normative shift is analyzed in detail to demonstrate the conditions justifying humanitarian intervention in Libya in 2011 since it is a critical case to test the practical level of the principle of R2P. These conditions are clarified by describing the reasons behind the inclusion of the international community and particularly the regional organizations in the process of humanitarian intervention in Libya authorized by the United Nations Security Council. The stances of NATO, the African Union, the European Union, and the Arab League during and after the crisis in Libya are chosen as data sources for analyzing the justification and success of the intervention. Although the expectation from regional organizations to have an active role in ending human sufferings, Libya case illustrates that humanitarian concerns do not always lead humanitarian intervention. This study concludes that the stances of these organizations as well as with the contributions of various internal factors varied as political, economic, and social dissatisfactions in Libya has turned the country in a place of turmoil.

ÖZET

BÖLGESEL ÖRGÜTLER VE İNSANİ MÜDAHALE: LİBYA'DAKİ ROLLERİNİN DEĞERLENDİRİLMESİ

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Anahtar Kelimeler: İnsani Müdahale, Koruma Sorumluluğu, Bölgesel Örgütler,
İnsan Hakları, Egemenlik

İnsani müdahaleyle bağlantılı olarak “koruma sorumluluğu” ilkesi, egemenlikten insan haklarına doğru gelişen bir normatif değişiklikten kaynaklı olarak uluslararası ilişkilerde tartışılacak bir meseledir. Bu tezde, bu normatif değişim, koruma sorumluluğu ilkesinin pratik seviyesini test etmek için kritik bir olay olduğundan, 2011'de Libya'daki insani müdahaleyi meşrulaştıran koşulları anlamak üzere ayrıntılı bir şekilde analiz edilmiştir. Bu koşullar, Birleşmiş Milletler Güvenlik Konseyi tarafından izin verilen Libya'ya insani müdahale sürecinde uluslararası toplumun ve özellikle bölgesel örgütlerin dahil edilmesinin sebeplerini açıklayarak ortaya konmaktadır. Libya'daki kriz esnasında ve sonrasında NATO, Afrika Birliği, Avrupa Birliği ve Arap Birliği'nin tutumları, müdahalenin meşruluğunu ve başarısını analiz etmek için veri kaynakları olarak seçildi. Bölgesel örgütlerin insan ıstıraplarına son verme konusunda aktif bir rol alma beklentisine rağmen, Libya örneği insani kaygıların her zaman insani müdahaleye yol açmadığını gösterdi. Bu çalışma, bu örgütlerin tutumlarının, Libya'daki siyasi, ekonomik ve sosyal memnuniyetsizlikler gibi çeşitli iç faktörlerin de katkısıyla, ülkeyi kargaşa ortamına çevirdiği sonucuna varmıştır.

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to my beloved family...

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LIST OF ABBREVIATIONS

AU: African Union

CFSP: Common Foreign and Security Policy

CRC: UN Convention on the Right of Child

CSDP: Common Security and Defense Policy

ENP: European Neighborhood Policy

EU: European Union

ICERD: International Convention on the Elimination of All Forms of Racial
Discrimination

ICEDAW: International Convention on the Elimination of All Forms of Discrimination
against Women

GDP: Gross Domestic Production

ICJ: International Court of Justice

LAS: League of Arab States

NATO: North Atlantic Treaty Organization

NGOs: Non-Governmental Organizations

OAU: Organization of African Union

PSC: Peace and Security Council

R2P: Responsibility to Protect

RCC: Revolutionary Command Council

SC: Security Council

TNC: Transnational Council

UK: United Kingdom

UN: United Nations

UNAMIR: United Nations Assistance Mission for Rwanda

UNDHR: Universal Declaration of Human Rights
UNMISIL: United Nations Support Mission In Libya
UNPROFOR: United Nation Protection Forces
UNSC: United Nations Security Council
US: United States
USSR: Union of Soviet Socialist Republic



1. INTRODUCTION

As a country located in the North Africa, Libya has been attractive to various civilizations for centuries and so it has been a scene of conflicts several times in its history. Of all the major conflict in Libya, the 2011 Revolution has gained prominence and deserves particular attention. While being a relatively stable country compared to its past, Libya faced significant challenges particularly towards the last years of Colonel Muammar Al-Qhadafi's rule who was the head of Libya for more than forty years. Deriving from several factors including political and socio-economic inequalities within the society, the demonstrations against Qhadafi and his regime set off with revolutions in Tunisia and Egypt known as the Arab Spring in general. However, unlike these revolutions, rebels in Libya confronted a severe response from their ruler and armed forces of the country which led a protracted war. When the ongoing civil war resulting with thousands of deaths, this situation directed the attention of the international community and intensified the debates about the legitimacy to intervene in a country for humanitarian purposes and the responsibility of the international community to protect. Compared to Syrian crisis occurred in 2011 which was driven by similar dissatisfactions in the society, an intervention in Libya was conducted under the principle of "Responsibility to Protect (R2P)." Despite the immense atrocities against civilians, the main reason for the unresponsiveness of the international community in Syria was that Russia and China, as permanent members of the United Nations Security Council (UNSC), vetoed the drafted resolutions to end conflict and maintain peace and security around the country (Kuwali 2012, 2). Additionally, a close Russian commitment to Assad regime and a strong Syrian army which could make any military intervention difficult and bloody are among the other reasons for the nonreactive positioning of the international community (Evans 2012).

On the contrary, Libya intervention in 2011 was approved by the UNSC members with the adoption of Resolutions 1970 and 1973.

Therefore, it becomes crucial to analyze 2011 Libya intervention conducted under the cooperation of various international political actors suggesting the prominence of the principle of humanitarian intervention and R2P. While the United Nations (UN) played a key role, regional organizations including NATO, the African Union (AU), the European Union (EU) and the League of Arab States (LAS) adopted different discourses toward the crisis. Therefore, throughout this work the focus is on the role of these regional organizations during 2011 crisis in Libya, with an analysis of the statements which they developed by examining the evolution of the principle of humanitarian intervention.

Prior to assessing what humanitarian intervention is, one should also focus on the meaning of the term itself. Humanitarian, based on its dictionary definition, quite shortly means “being concerned with or seeking to promote human welfare” (Simms and Trim 2011, 1). The meaning of humanitarian intervention also derives from that definition because the act of humanitarian intervention is based on protecting human rights and prevent human rights violations by using force within the sphere of sovereignty of a state in order to promote human welfare. Humanitarian intervention can also be defined as the “action of governments to prevent or to stop governments ... from violently oppressing, persecuting or violating human rights of people within that state” (Simms and Trim 2011, 1). Actors included in the process of intervention could be both a state solely or a group of states which come together under the domination of an organization.

From that point of view, first and foremost, it would be worth to note that the principle of humanitarian intervention on the basis of the right of intervention and the legitimacy of intervention stands out among the main topics of international relations. Because it is mostly innocent people who do not have the possibility and capability to fight against these abuses who suffer from these incidents, these situations direct the attention of other political actors such as states or intergovernmental organizations. Although the issue of humanitarian intervention is primarily on the agenda of the UN as an international organization and should

be realized with the authorization of the United Nations Security Council (UNSC), several distinct political actors also become apparent in cases of intervention. For instance, humanitarian interventions in Rwanda and Bosnia-Herzegovina during the post-Cold War era are driven by international and regional organizations with the purpose of ending human sufferings caused by the states and protecting the civilians' life as their fundamental right.

To be more precise, humanitarian intervention in Rwanda was conducted because of the Rwanda genocide which was a result of years of tension and conflict between the Hutu and the Tutsi, which are two distinct ethnic groups in Rwanda and reached its peak in 1994 (Farrell 2013, 5). As a result of this continuing violence, the UNSC intervened in the conflict and established United Nations Assistance Mission for Rwanda (UNAMIR) in order to end the situation in Rwanda which resulted with the death of many thousands of innocent civilians, including women and children, internal displacement of a significant percentage of the Rwandan population, and the massive exodus of refugees to neighboring countries” (United Nations Security Council 1994). On the other hand, the establishment of United Nation Protection Forces (UNPROFOR) in Bosnia Herzegovina was also because of the concerns of the international community toward the use of force against innocent people caused by the Serbian armies. UNPROFOR delivered humanitarian relief and monitor no fly zones and safe areas in Bosnia Herzegovina and it was authorized to use force in self-defense in response to attacks against these areas by coordinating with NATO the use of air power in support of its activities (United Nations 1996). Despite deriving from similar concerns, in Bosnia-Herzegovina, NATO was included in the intervention process along with the UN. Nevertheless, in both cases, humanitarian intervention was conducted by intergovernmental organizations to deal with humanitarian disaster when the state could not stop the conflict or was itself the source of violence. These interventions containing both the decision-making and the implementation were supported with the contributions of various political actors.

Following the tragedies in Rwanda and the Balkans the international community began to discuss seriously how to react effectively when human rights are grossly and systematically violated. The discussions of whether the international community has the right to intervene in a country for humanitarian purposes and whether humanitarian intervention is really a

solution to humanitarian crises have been at the top of the agenda of international politics. Moreover, it is also important to point out that, more recently, the concept of humanitarian intervention has changed and considered under the principle of R2P. Appointed by the General Assembly, it is the Independent Commission on Intervention and State Sovereignty (ICISS) which reformulate the doctrine of humanitarian intervention in 2001 by shifting the paradigm of the “right to protect” into that of responsibility (Türkmen 2014, 7). The UN’s member states accepted the principle of R2P in 2005 which reaffirms “states’ responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity” and the duty of the international community to help and encourage state to achieve this responsibility in accordance with the UN (United Nations 2005, 30). Within this context the three elements of R2P could be listed as the sovereignty which is the base for the protection of people’s fundamental rights, the responsibility of the international community to protect people, and the primacy role of the UN in interventions (Breakey 2012, 12). To rephrase, the sovereign state has the responsibility to protect the rights of its citizens, but when it fails to do it the international community has the right to intervene, if needed militarily, to protect these people from human rights violations. The UN, and particularly the UNSC, is the primary agent to authorize and conduct these interventions. During the Libyan crisis in 2011 R2P had stand to its most crucial test on the practical level which became successful with the passing of the Resolutions 1970 and 1973 recalling Libya’s responsibility to protect and authorizing the use of force (Hilpod 2014, 3).

Humanitarian intervention by itself or the principle of R2P have long been a debated topic not only in the field of international politics but also attracts the attention of scholars working on international law. Because humanitarian intervention in its broadest sense means the intervention of a state or group of states in another states’ sphere of sovereignty, it has taken an important place in international politics and relatedly international relations as mentioned above. On the other hand, humanitarian interventions since its nature is also a much-debated issue within the field of international law. While the traditional way of interpreting war is mainly based on military violence among states which is understood through law of war and related with law of peace, with the end of the Second World War the Article 2 (4) of the UN Charter prohibited the use of force and the norm of human rights has started to prevail in

international level (Quénivet and Arnold 2008, 20-22). In that point it should be noted that there is a shift from the traditional understanding of state sovereignty and the principle of non-intervention to the protection of human rights and prevention of human rights' violations. This is the analysis of these norms which makes essential to refer international law when considering humanitarian intervention. Therefore, throughout the following chapter humanitarian intervention will be explained and a conceptual framework of two major norms of international law which are sovereignty and human rights will be presented. Also, human rights law and humanitarian law which are also critical branches of international law regarding humanitarian interventions will be explained. Although there were great differences in the attitudes of the international community toward humanitarian intervention when pre-1945 and post-1945 era are compared, there are still a continuing discussion on the justification issue of interventions. Therefore, the questions such as "which conditions could justify humanitarian intervention?" or "under which circumstances states have the right to intervene?" has become the epicenter of most of the research today. Hence, answers to these questions could also be found in the depth analysis of these concepts.

From that point of view, through the Chapter III, my further goal would be analyzing the 2011 Libya intervention by referring to the historical background of Libya since its establishment. Thereafter gaining its independency from Italy, Libya fell under the governance of Muammar Qaddafi who increase his harsh behavior over its own citizen and violate their rights in order to legitimate his power. This was the main cause which directs the attention of the international community. Throughout this part, the modern history of Libya would be presented within a particularly political and socio-economic framework since both the 2011 crisis and the precedent crises were considerably affected by internal conflicts. Therefore, internal challenges which led these crises including the tribal confrontations and lack of state capacity to unit them would be pointed out. Thereby, it would be possible to reach the reasons behind the ongoing conflict in Libya, the main leading factors of the 2011 intervention and the historical evolution of the intervention.

Based on the historical background, the Chapter IV will focus on the inclusion of different international political actors in the process of the revolution in 2011. In addition to the role

of the UN in the process of intervention which will be analyzed in the previous chapter, throughout the fourth chapter the discourses developed by regional organizations composing NATO, the AU, the EU, and the LAS would be analyzed in detail. Additionally, the driving forces behind these organizations and their stance in the decision-making and implementation process would be analyzed since each of them had its own distinct statements. However, I argue that despite the humanitarian intervention conducted in Libya with the contributions of various political actors, the international community failed to achieve its goal. A few years after the death of Qhadafi, the clash among tribes which came together to overthrow Qhadafi's regime arose once again and this could not be managed because of different reasons including the lack of state capacity and the lack of peace keeping forces. Therefore, at the end of this chapter, the current situation in Libya would be presented and the success of the intervention would be discussed.

The reason of concentrating on Libya military intervention as a case is that it had been five years since United Nations Security Council formally affirmed the principle of "responsibility to protect (R2P)" through the Resolution 1674 and more than a decade since its last humanitarian intervention (Walling 2013, 213). Therefore, Libya intervention as a case when compared with other humanitarian intervention examples is relatively a new phenomenon. Additionally, despite the existence of many other military intervention such as in Kosovo, Afghanistan, and Iraq, Libya intervention could be counted as the first military intervention authorized by the United Nations Security Council. In the conclusion part of the research, I would sum up by questioning the legitimacy of humanitarian interventions and the effectiveness of regional organizations in shaping the decision-making and intervention process. Therefore, it would be possible to demonstrate the shift of paradigm from the norm of sovereignty to the norm of human rights and the stance of distinct international political actors toward the issue. Finally, considering 2011 Libya intervention, I would conclude with the debate on whether humanitarian intervention is a solution to end conflict and maintain peace within the borders of a third party.

2. A CONCEPTUAL FRAMEWORK

Politics in its broadest sense is defined by Andrew Heywood as the art of government, public affairs, and power and the distribution of resources as well as it is the activity through which people make, preserve and reform rules under which they live (Heywood 2007, 4-5). According to this definition politics has a role on managing conflict and cooperation within its sphere of influence by conducting the government and providing the rules for the people who could accordingly live in a better environment. Regarding the general definition of politics, the definition of international politics could be also deduced from this explanation. In this context, international politics is the art of the states to manage conflict and cooperation with other existing states rather than among its citizens or within its borders. To rephrase, international politics is concerned with interconnecting relationships effecting all the world human beings lived and is also called interchangeably with other concepts such as world politics and global politics which all fits in the descriptions of International Relations (IR) (Blair and Curtius 2009, 9).

In this regard, all the process of international politics is based on producing final decisions to manage conflicts and to promote coordination among the states. According to this approach, decisions which are agreed as a consequence of a series of actions are called policies and the policy-making process becomes a complex interaction of individuals, institutions, ideas, and interests as long as distinct actors act as policy entrepreneurs (Peters and Pierre 2006, 6). Therefore, while politics as well as international politics is the activity through which actors make, amend, and preserve general rules to pursue their life, to govern and organize themselves, policy is the set of actions followed to deal with a certain problem.

In other words, during the process of politics, policies are generated by different actors such as governments or local governments for the benefit of people.

As mentioned in this definition, despite the possibility of the inclusion of various actors in the policy-making process, throughout this work the focus will be mostly on the role of both state and international organizations as decision-making bodies since the issue of humanitarian intervention is primarily the concern of the states or group of states since they are among the main political actors in the international field. However, also the regional organizations would be analyzed throughout this work as policy-maker actors, since an international organization is defined as “institutions, mechanisms and processes established by independent and autonomous states or non-governmental organizations in order to promote cooperation in a global or regional scale” (Hasgüler and Uludağ, 2014, 1). Because along with the intervener states or the state intervened and the United Nations (UN) which has the right to intervene as a cooperate body, several “regional organizations” also have great impacts on the decision-making process of humanitarian intervention as well as conducting interventions throughout the history of humanitarian intervention as exemplified in Bosnia intervention where NATO was very influential. Some of the most prominent regional organizations in that context are NATO, EU, the LAS, and the AU.

Above all, in order to understand the role of these political actors in the policy making process based on humanitarian intervention, it would be useful to have a detailed explanation of the practice of humanitarian intervention and how it evolves into the concept of R2P which basically derived from the feeling “being responsible” to prevent human rights’ violations. Humanitarian intervention, in its most general sense, is a forcible intervention by a state or a group of states, including military means, in the sphere of the sovereignty of another state in order to bring an end to massive assaults on human rights that the territorial state is not able or willing to stop (Francio and Bakker 2013, 3). Based on this explanation, humanitarian intervention could be generally considered as a policy carried out by a state, since the state solely or in accordance with other states has a crucial role on pioneering humanitarian intervention which is ultimately conducted over another state. In addition, because policies are defined by A. Thomas Birkland as actions taken on behalf of the public, oriented toward

a goal, made in response to some sort of problem and as “what the government chooses to do or *not* to do” (Birkland 2005, 9), humanitarian intervention is the final decision or choice of a state toward massive human rights violations which is a remarkable issue for international politics. Therefore, if the decision or act of humanitarian intervention is accepted or considered as a policy of a state and because it should be on the agenda of at least two states as the intervener and intervened state, the issue of humanitarian intervention could be regarded as one of the most debated subjects of international politics.

In the light of these explanations, humanitarian intervention has become a prominent topic due to its nature of including governments within both the decision-making process and the implementation of policy. Therefore, it requires to be explained in detail to understand the reaction of international actors when human rights violations spread around the world and especially when governments abuse their own citizen’s rights. Moreover, another reason which puts humanitarian intervention in an important place is its legitimacy. Humanitarian intervention has been a crucial issue in international politics because of including different parties which one of those intervene within the sovereignty sphere of another party. In other words, humanitarian intervention is defined as “the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens” (Holzgrefe 2003, 19). Due to its main purpose, humanitarian intervention is realized without the permission or consent of the target state. Furthermore, humanitarian intervention can include military intervention through which forcible means are used such as occurred in Kosovo in 1999 or Libya in 2011 or it can include more limited military actions or non-forcible means such as the threat or use of economic and diplomatic sanctions or the establishment of a no fly zone (Holzgrefe 2003, 19; Aloyo 2015, 314). However, whether forcible means are used or not in order to end or prevent further human rights abuses within a country, the practice of humanitarian intervention has been always a debated issue. Despite all the statements made to justify humanitarian interventions mainly based on human rights norms, contradictions have arisen occasionally about the violation of the sovereignty of the intervened state.

During the Cold War, humanitarian intervention in terms of using force against a sovereign state without the consent of its authorities was not permitted by the Security Council (SC). The SC criticized that states intervene in neighbor states, despite because of human rights violations such as Indian intervention in East Pakistan (1971), Tanzanian intervention in Uganda (1979), and Vietnamese intervention in Cambodia (1979) (Wheeler 2000, 55-136). During this period, the main motive for the Security Council was to ensure and preserve international order in war time, so any intervention was severely criticized. For instance, the Vietnamese government justified its intervention by considering Cambodia, under the rule of Khmer Rouge, as responsible for three million deaths in early 1979 (Wheeler 2000, 78). This justification could be considered reasonable and legitimate according to human rights norms which underline the importance of the rights of all citizens around the world such as the right to life. However, as mentioned above this intervention was not authorized and recognized by the international society and especially by the United Nations Security Council and attracts too many reactions from both individual countries and international organizations. At that point, the reaction of the Security Council is highly striking because it is mostly accepted as the appropriate body which has the right authority to permit humanitarian interventions (Pattison 2010, 43). The doctrine of humanitarian intervention particularly takes place on the agenda of the Security Council. However, the Vietnamese intervention was considered by the Security Council “an armed intervention against the independence, sovereignty and territorial integrity of Cambodia and which constitutes a serious violation of the fundamental principles which govern peaceful relations between nations” (United Nations 1979).

As mentioned above, humanitarian interventions should be conducted in cases when widespread fundamental human rights abuses occur. When considering this main explanation, the reaction of the Security Council and the international society over Vietnamese intervention indicates that it is not always conducted with humanitarian objectives. This intervention, like Indian action in East Pakistan is not described as humanitarian actions because “humanitarian concerns” were not a part of the decision to intervene (Wheeler 2000, 106). In this line, human rights violations did not primarily take part on the agenda of the Security Council during the Cold War which is mostly regarded as

an unsecured and fragile period. Particularly with reference to the Security Council Records, it could be deduced that norms like independence, sovereignty or territorial integrity which are mostly state-centric approaches had priority instead of human rights or humanitarian interventions.

From this perspective, in order to clarify the approach of the Security Council as well as the international society when human rights were violated, it will be beneficial to explain and understand the sovereignty norm prevalent in international relations. This will provide a more detailed explanation on the shift of the decision-making process and the agenda of the Security Council. It will also be beneficial to explain human rights norm to demonstrate how the international society as well as the UN responses to human rights abuses has changed over time, in accordance with this, particularly following the Cold War period. In other words, with the end of the Cold War, the scary consequences of the Cold War have speed up the idea of humanitarian responsibilities which causes in fact an important shift on the view and accordingly actions of the SC (MacQueen 2011, 42). Therefore, besides the prominence of the norm of sovereignty, the prevalence of the norm of human rights should also be explained by referring humanitarian law. The reason of explaining these norms in detail is the substantial place that norms have in international law. Because, unlike standards which are meaningless without a mechanism to enforce them, norms are setting to enforce and achieve their practical realization (Mutua 20116, 10). For instance, as it will be referred latterly, while the 1948 Declaration of Human Rights have a role on setting human rights standards, the subsequent treaties have great contributions to influence these standards to become a norm. Norm suggests “a threshold that should not be deviated” and mainly refers to a “formulated principle, behavior, code of conduct or rule” (Mutua 20116, 26). Standards are more likely flexible than norms and norms are more likely to be law. The norms which are effective on justifying and conducting humanitarian intervention will be analyzed in detail through this part by referring different kinds of political factors influence them.

2.1. Norm of Sovereignty

As mentioned above, the Security Council has changed its attitude from time to time about the legitimacy of humanitarian intervention. During and before the Cold War period, the Council avoided supporting and authorizing humanitarian intervention. Apart from these interventions, the Corfu Channel case (International Court of Justice 1946) and the case of Nicaragua versus the US (Carty 1993, 33-37; International Court of Justice 1986) are also significant examples through which the international law adopted the principle of territorial sovereignty as the base for international relations and the International Court of Justice stated that no state has any right to intervene in internal the affairs of another state (Carty 1993, 32-33). The main reason of non-recognition of these interventions is articulated by the international society, and especially by UN Security Council and International Court of Justice as a threat against the independence, sovereignty, and territorial integrity of the targeted countries without their consents. Therefore, before moving on the period through which humanitarian interventions gained prominence based on the increasing impact of human rights norm, it will be useful to analyze norm of sovereignty which became most apparent with the signing of the Treaty of Westphalia in 1648.

Being one of the main norms within the scope of international law, its historical framework could not solely be reduced to the Treaty of Westphalia. For instance, various political philosophers like Jean Bodin, Thomas Hobbes, and Jean Jack Rousseau referred to the norm of sovereignty from different perspectives such as the sovereignty of people or the sovereignty of the state throughout their famous works. However, today in its common usage sovereignty refers to the international system of states which is known as “the Westphalian system” or as “the United Nations system” (Johnson 2014, 1). Therefore, these two systems will be the main focus for this part in order to understand the concept of sovereignty. Throughout this part different definitions and explanations of state sovereignty will be mentioned because the norm of sovereignty has a long historical background and has always been a contested issue for different disciplines such as international law and international relations. To begin with, the state, in addition to Cicero who explained the state as “a body

politic or society of men united together for the purpose of promoting their mutual safety and advantage by their combined strength” (Snow 1898, 5), could be defined as an organization through which people come together for political ends, which is established on a fixed territory, which has a government responsible for enforcing law, and which is not subject to any external control (Snow 1898, 5). According to this basic explanation, as an influential political actor in international politics the state, to be recognized as a state, should have political goals over a determined territory protected from any external control.

However, the state sovereignty could not be restricted only to not being a subject to an external intervention. For a state, according to the international law, to be sovereign it must include internal as well as external sovereignty. Accordingly, while external sovereignty is the position of the state related with respect to the other political bodies or more clearly the recognition of the state by other political actors in its external relations, internal sovereignty is mostly related with respect to itself and it means its supreme independence of action which any of its parts or citizens can infringe (Martain 1950, 350; Martain 1950, 355-356; Snow 1898, 5-6). Moreover, as a political philosopher, Jean Bodin also have great contributions to the evolution and conceptualization of this term. Throughout his works and especially within his famous work *Six Books of the Commonwealth* (*Les Six livres de la République*) written in 1575 (Standford Encyclopedia of Philosophy, 2018), he addresses the distinction between the internal sovereignty of the state which refers to the absolute power of the state over its internal affairs and its exercise of full political power and external sovereignty which refers to the state’s freedom of action without any interventions (Standford Encyclopedia of Philosophy, 2018; Bodin 1992; Nagan and Haddad 2012, 438-442). Also, he defines the term sovereignty as “an absolute and perpetual power vested in a commonwealth which in Latin is termed majestas” (Bodin, 1955, 24). According to him, due to its absolute and perpetual nature, the sovereignty of a state could not be restricted or infringed by another power both an internal or external.

In the line of these explanations, the most prevailing explanation of sovereignty which has been influential nowadays through the international law system is the conceptualization of the Westphalian Treaty which have its roots in fact in the thoughts of the earlier political

philosophers such as Jean Bodin or Hugo Grotius. In his famous book “On the Law of War and Peace” (*De iure belli ac pacis*) written in 1625 in the last years of Thirty Years War, Grotius introduced sovereignty in terms of “de facto rule over a particular territory and its inhabitants and international relations” (Johnson 2014, 25; Grotius 1625). Considering the explanation of Grotius, the most distinct emphasis is on the actual rule of over a particular territory which is in fact closely associated with the evolution of the modern Westphalian state. Because by establishing a new international political system based on three main concepts, mentioned above, sovereignty, territoriality, and autonomy, Westphalia found geographically dedicated and specified political states by constant borders (MacQueen 2011, 2). This definition apparently referred to the explanation of the newly emerged state with the Treaty of Westphalia, therefore this treaty could be counted as one of the most significant steps for the evolution of the norm of sovereignty. Accordingly, these dedicated borders, in fact, establish an area of authority for the state within which they preserve all their rights for both internal and external decision-making process. Therefore, other foreign or domestic powers would not be able to interfere to this area of autonomy. In other words, as regarding the foundation of international law for many scholars, sovereignty was introduced by the Westphalia Treaty as the right of all sovereigns (sovereign states) to be equal before the law and their right to exercise their power within their territory without any interference which is forbidden” (Anghy 2012, 21; Nagan and Haddad 2012, 446-447). This explanation is stated in the Treaty of Westphalia as;

“To prevent for the future any differences arising in political matters, all and every one of the Electors, Princes and Estates of the Holy Roman Empire, are so established and confirmed in their ancient rights, prerogatives, liberties, privileges, free exercise of territorial right both in ecclesiastical and in political matters, in their lordships and sovereign rights, by virtue of this present transaction: that they never can or ought to be molested therein by any whomsoever upon any manner of pretence.” (Treaty of Westphalia 1648, Article 8).

Regarding all the definitions and explanations of the sovereignty norm and its evolution in the international system based on the international law, it can be concluded that sovereignty is mainly accepted as a norm belonging to an autonomous state which could not be deterred by any other internal or external power. This general understanding can be easily deduced by

the work of two significant political philosopher Jean Bodin and Hugo Grotius, as well as Thomas Hobbes whose thought will be explained in the part of theoretical framework of this work. However, the epicenter for the evolution of the norm of sovereignty, needless to say that is based on the earlier philosophers' thoughts, is the signing of the Treaty of Westphalia at the end of the Thirty Years War. As being a milestone of the study of international relations, the norm of sovereignty is defined in accordance with the norm of non-intervention because of describing all the states as equal entities and prohibiting the interference in the internal affairs of each other by positioning the state as the prominent political actor. Furthermore, within time, in accordance with this understanding scholars working on the field of international law or international relations has revealed a range of studies to discuss and explain the sovereignty norm. For instance, throughout one of the major work on international law "*The Law of Nations*" it is claimed that any power neither internal nor external has the right to interfere in internal affairs of another sovereign state which have a national concern, and it is forbidden by a state to attempt to limit or put a constrain on another state's domestic activities (Vatte 1844, 11). This explanation also shows that the three principles, sovereignty, territoriality, and autonomy arisen with the Treaty of Westphalia have advocated the principle of non-intervention on the internal affairs of a sovereign states which could be counted as the major excuse for the of the international society and later the UN and other international organization to abstain from humanitarian intervention.

From that point of view, before explaining the norm of human rights which has been substantial for the emergence of the principle humanitarian intervention and its evolution, it would be useful to indicate the norm of sovereignty from the perspective of the UN. From the intervention cases referred above it could be deduced that humanitarian intervention is not a common phenomenon and the most important reason for is the prevailing norm of sovereignty in international politics and law. Therefore, most of the resolutions declared by the UN since its foundation in 1945 until the end of the Cold War was most likely to be against any intervention within the affairs of state despite human rights abuses. This approach is mainly based on the UN' s view of sovereignty mostly conceptualized from a Westphalian perspective. The legal basis of the UN is its Charter which is the normative framework for its actions and the Security Council is the forum where decisions are taken especially for

authorizing enforcement measures and using of military force (Walling 2013, 5; Holzgrefe 2003, 37). In order to realize a resolution or decision related with the use of force, the five permanent member of the Security Council which are China, France, USSR, UK, and the USA and four of nine of its non-permanent member states which are elected for two years of duty should approve it and then after the resolution can become binding for all the UN member states (Walling 2013, 5; The Charter of the United Nations 1945, Chapter V). In other words, based on this decision-making procedure, the Security Council (SC) is the only body of the UN which has the right to decide on humanitarian interventions mainly based on the protection of human rights against violations realized by their own governments. However, as occurred in Cambodia or Uganda cases, the SC before and during the Cold War period did not approved interventions even where attacks against civilian existed. The main reason for that is the commitment of the SC to the norm of sovereignty expressed throughout the Article 2 of the Charter (Johnson 2014, 142-143; Walling 2015, 384).

To be more precise, the Article 2 (1) affirms that, as it was introduced in the Treaty of Westphalia, “the organization is based on the principle of the sovereign equality of all its Members” (The Charter of the United Nations 1945, Chapter I). This means that all the members of the UN are itself sovereign bodies and the equality refers particularly to the non-supremacy of any states over another. Accordingly the Article 2 (4) of the Charter affirms that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (The Charter of the United Nations 1945, Chapter I). This article is widely asserted by the SC in cases when the Council was reluctant to intervene by emphasizing on the significance of the territorial integrity and independence of the sovereign states which could not be broken. However, the Article 2 (4), as well as by supporting non-intervention, also promote a basis for its interpretation in terms of allowing the use of force when it did not infringe the territorial integrity of any state which in fact paves the way for the use of force for purposes out of threatening the territorial integrity and the independence of a state or the purposes of the UN (Heinze 2009, 61-62).

Therefore, the SC while prohibiting interventions by referring the Article 2 (4), it may allow interventions for particularly humanitarian purposes. Another point also related with the issue of sovereignty is articulated through the Article 2 (7) which affirms that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII” (The Charter of the United Nations 1945, Chapter I). While this article also prevents the SC to intervene within the internal affairs of a member states, it does not totally forbid the use of force especially for the conditions expressed throughout the Chapter VII describing the actions which will be taken in times of threats or peace and especially under the Article 51 (The Charter of the United Nations 1945, Chapter VII) the SC is allowed to take necessary precautions to sustain a peaceful and secure international environment (Janzeković 2006, 109-110).

From that point of view, it could be concluded that the UN Charter limits the use of force of a member state or group of its member states against another state and prohibit the intervention in the internal affairs of another state. Besides, during the Cold War, the SC generally regards the use of force to rescue victims from human rights abuses as a violation of the Charter, but this becomes a controversial issue because the SC is empowered to use of force in order to maintain peace and security through the Chapter VII (Wheeler 2000, 1). However, especially with the end of the Cold War the SC has started to conduct more intervention in order to protect the rights of the civilian within a country by referring mainly to the Chapter VII. Within this framework, in order to understand the transition in the actions of the Council it would be useful to point out the evolution of the human rights norm and the emergence of humanitarian law as well.

2.2. Norm of Human Rights and Humanitarian Law

Throughout the previous part of this study and while explaining humanitarian intervention it is mentioned several times that interventions until the end of the Cold War were usually prevented by the UN in terms of not interfering in the domestic affairs of other sovereign states even in cases of human rights violation. However, especially due to the catastrophic consequences of the events happening in the former Yugoslavia and Rwanda in the 1990s, the UN felt itself more responsible for punishing those using violence against civilians thanks to the pressure coming from some of the member states and their citizens (MacQueen 2011, 42-43). Actually, the main driven force behind the UN to feel responsible is the severe violations of human rights because with the beginning of the 1990s as well as the end of the Cold War, “the rise in intrastate conflict, increasing mass atrocity crimes, the growing strength of the human rights movement, the increasing legitimacy of human rights, and the emergence of the responsibility to protect” (Walling 2013, 387) attracted the attention of the international society. These indicated occurrences show that sensitivity around human rights have increased since the 1990s especially because of the increasing violation of human rights due to domestic conflicts.

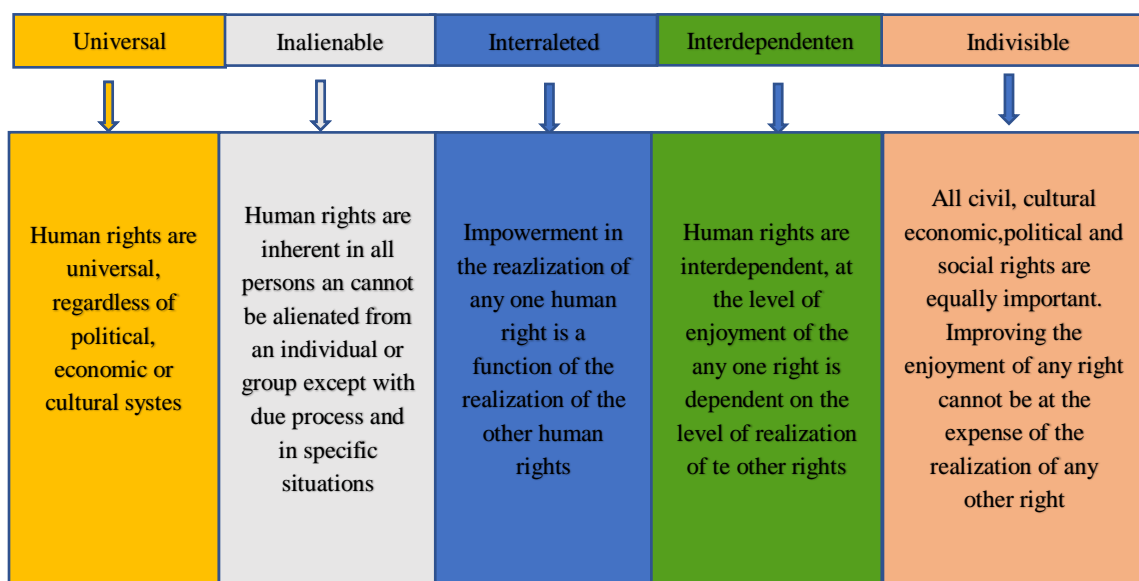
From that point of view, to understand the increasing popularity of the norm of human rights which leads humanitarian intervention and how the norm of sovereignty lose its state centric meanings, it will be useful to point out what is human rights and its general evolution in the field of international relations and law. To begin with, human rights have been one of the most prominent topics of debate for scholars from international law as well as international relations and have its roots in the early political theorists’ thoughts some of which will be mentioned in this part. In fact, the reason why human rights as a norm takes such an important place within the scope of international law is its difference from other subfields of international law which have mostly an international character by ordering relations between two or more states and so human rights possess a more internal characteristic and become mainly the issue of domestic politics (Mutua 2016, 12; Chowdhury and Bhuiyan 2010, 2-3).

Accordingly, despite the existence of a series of human rights definition, in its broadest sense, human rights promote the basic standards for justice, dignity, and respect for all humanity

which in fact refers to how individually a person should be treated, and societies should be run in terms of freedom or opportunities (Brendan 2016, 10). In addition, according to a document published by the UN Human Rights Office of the High Commissioner human rights' characteristics can be listed as universal, inalienable, interrelated, interdependent and indivisible which constitute the definition of human rights and explain in detail in the *Figure 2.1*.

Furthermore, to have a more deep analyses Isaiah Berlin in his famous work Two Concepts of Liberty suggested that the subjected freedom in the definition above should be considered in two ways: positive liberty which indicates the freedom of a person to be able to do or allowed to do something, and negative liberty which refers the freedom of a person to do what he is able to do without interference of other actors (Berlin 1958, 2). This division means that people possess a series of right which are categorized in terms of both their freedom to do something and their freedom to not be interfered or hindered by anyone.

Figure 2.1. Human Rights Indicators (UN Human Rights Office of High Commissioner 2012, 11)



Moreover, human rights as a normative regime is considered by scholars of international law in order to be substantial to conduct humanitarian intervention and originates mainly from liberal theory and philosophy in a political and religious context: the revolutionary UK of the seventeenth century, the revolutionary colonies of America in the eighteenth century, and the revolutionary France in eighteenth century (Mutua 2016, 11; Barton, Stacy, and Greely 2014, 48; DiGiacomo 2016, 31). Following these events, the most famous arisen statements of human rights are the 1776 Declaration of Independence and the later Bill of Rights, the 1789 Declaration of Rights of Man and the Citizen, and its sequel 1793 as well as the 1948 United Nations Declaration of Human Rights (UDHR). These statements commonly assert that the legitimacy of a government derives from only its people and a state has the duty of ensuring the rights of its citizens (DiGiacomo 2016, 31). All these documents could be considered initial political steps which highlighted human rights so-called “natural rights” in these days.

However, the main essence of human rights can derive from earlier times than these formal expressions. In this line, scholars like John Locke, Immanuel Kant, and Stuart Mill are among the leading figures who shape the concept of human rights in a way which fits with today’s understanding (Teson 2003, 96; Barton, Stacy, and Greely 2014, 48). First of all, Locke, as one of the well-known liberal political theorists of the seventeenth century lived between 1632 to 1704 which was very eventful for English politics thanks to the Civil War, Interregnum, Restoration, Exclusion Crisis, and Glorious Revolution (Conolly; Cahn 1997, 213). His famous works to be considered on the purpose of understanding Locke’s views of democracy in terms of the right of individuals based on equality and freedom are the *Two Treaties*. Throughout these works, Locke showed himself to be an unfailing enemy of tyranny and oppression and an outspoken defender of liberty (Cahn 1997, 214; Tomuschat 2008, 12). These two works focus basically on the conception of freedom and civil society. Also, Locke argues in *Two Treaties* that human are reasonable beings to be able to live in peace, so the perfect state is with complete freedom of people which is reflected by Locke as “....men are perfectly free to order their actions, and dispose of their possessions and themselves, in any way they like, without asking anyone’s permission, subject only to limits set by the law of nature” (Locke 1689, 3). Because of the reasonable identification of human, Locke regarded

the state of nature as a peaceful environment in which people have the right to do what they will only under the control of law. This explanation could be considered as the corner stone of the emergence of human right. Furthermore, by sharing Locke's view on securing the freedom of citizen, Montesqueiu (1689-1755) in his work "De L'esprit des Lois" (1748) also indicates freedom of people by mentioning that "... la liberté politique ne consiste point à faire ce que l'on veut. Dans un État, c'est-à-dire dans une société où il y a des lois, la liberté ne peut consister qu'à pouvoir faire ce que l'on doit vouloir, et à n'être point contraint de faire ce que l'on ne doit pas vouloir" (Mentesquieu 1758, 111).

Besides these mentioned political philosophers, also other significant figures exist who directed attention when human rights are the concerning issue such as Jean Jack Rousseau and Kant. The language of all immensely contributes to and forms the basis of the notion of human rights in today's world and promote the enforcement of human rights in practice (O'Byne 2013, 36). From that point of view, the mentioned enforcement way of human rights in practice could be realized based on different sources which are, for instance, treaty, custom, general principles of international law derived from national legal systems, decisions adopted by organs of international organizations (Södersten 2016, 446; O'Flaherty 2007, 48). In addition to codify the rights which human possess, these sources, and particularly treaties among them, provides a legal framework through which human rights are protected against violations. Moreover, the sources of international law listed through the Article 38 of the Statute of International Court of Justice (ICJ) are directly connected and formed the basis for the source of human rights law (Ramsbotham and Woodhouse 1996, 24-25; Södersten 2016, 442). According to Article 38 (International Court of Jusrice 1945, Chapter II) of the Statute of the ICJ;

"the Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;

- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.”

Actually, it is with the establishment of the UN that international law system has started to embrace issues such as human rights rather than being a “law of nations” due to the sequences of the Second World War through which the international society began to think on international legal order which required fundamental revisions in order to promote security and peace (Chowdhury and Bhuiyan 2010, 3). This time corresponds also to the emergence of international human rights law as a distinct field of international law because until the end of the 2nd World War international law was applied in international relations by excluding human rights issues (Chowdhury and Bhuiyan 2010, 1-2). According to this comprehension, the Charter of the UN besides referring to the sovereignty of the states, also focuses on securing rights of individual especially throughout Article 51 (The Charter of the United Nations 1945, Chapter VII) located in the Chapter VII which is analyzed in detail in the previous part. Within the framework of the UN, the establishment of the ICJ has also been crucial because of its responsibility to act as arbiter of the UN’s regulations whose manner of work and institutional framework is indicated through the Chapter XIV (Article 92-96) of the UN Charter (MacQueen 2011, 16; The Charter of the United Nations 1945, Chapter XIV). Therefore, the ICJ could be considered as the judicial organ of the UN, and becomes important for human rights law in terms of possessing the ability to judge states who break UN’s rules articulating the norm of non-intervention on human rights.

As mentioned above, across time, from early political philosophers to today, various sources have arisen to strengthen the norm of human rights which has led humanitarian intervention and the major way of enforcing human rights norm in within a legal framework has been the treaties. Although it is impossible to list all the sources of human rights law here since almost all international treaties refer to human rights, it is important to indicate, at least, the subsequent development of human right treaties on the *Table 2.1.* below.

Table 2.1: Human Rights Treaties (Ramsbotham and Woodhouse 1996, 20; United Nations 2014; Posner 2014, 26-38)

1926: Covenant to Suppress the Slave Trade and Slavery
1945 United Nation Charter
1948 Convention on the Prevention and Punishment of the Crime of Genocide Charter of the Organization of American States
1950 European Convention on Human Rights and Fundamental Freedoms
1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
1966 International Covenant on Civil and Political Rights (ICCPR) International Covenant on Economic, Social and Cultural Rights (ICESCR)
1969 Vienna Convention on the Law of Treaties American Convention on Human Rights
1973 International Convention on the Suppression and Punishment of the Crime of Apartheid
1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
1981 African Charter on Human and People's Rights (Banjul Charter)
1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT)
1989 UN Convention on the Right of Child (CRC)
1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
2006 Convention on the Rights of Persons with Disabilities (CRPD)
2006 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

All these treaties have some common feature which oblige states to respect and preserve human rights and also incorporate them into their domestic law for instance by establishing monitoring committees or institutional machinery (Posner 2014, 28). In fact, the particular framework of these treaties could be deduced generally from their titles. For instance, while ICERD emphasizes on racial discrimination, CEDAW pays attention on the right of women and CRC is mostly interested with drawing a scope for the rights that children possess and the protection of children. Nevertheless, all the texts of these treaties are collected and available in a document published by the Office of the United Nations High Commissioner for Human Rights: The Core International Human Rights (Office of the United Nations High Commissioner for Human Rights 2006).

Moreover, as mentioned above, although the UN Charter provides fundamental rights and freedoms for people, it does not promote a substantial protection for them and also does not specify human rights standards for its member states (Heinze 2009, 64-65). Therefore, many additional sources are established during time to strengthen the protection of human rights some of which are listed above. However, the 1948 Universal Declaration of Human Rights (UNDHR) is not listed among the human rights treaties since it was not an international treaty and not legally binding (Ramsbotham and Woodhouse 1996, 20; Heinze 2009, 65; Mutua 2016, 25), but it should be considered as the starting point for modern human rights researches even though the process has rested on earlier times than the establishment of the UN (Mutua 2016, 9). The UNDHR was a General Assembly Declaration which has not a binding power over the member states, however it is crucial by “codifying human rights principles of the Charter, and explicating human rights standards subject to protection and promotion” (Heinze 2009, 65).

The Declaration was adopted by the General Assembly which announced it as “a common standard of achievement for all peoples and all nation ... to promote respect for these rights and freedoms and by progressive measures” (Universal Declaration of Human Rights 1948). As well as it is indicated in the very first Article of the Declaration, the Preamble also indicates that human rights belong to all humans equally. This understanding is directly related to the political philosophers’ thoughts mentioning above who mainly care on the equality of human possessing equal rights and freedom. Furthermore, rights listed throughout the declaration are for instance; right of life, liberty and security, equality before law, freedom of movement and residence within the borders of a state, right of nationality, right of property, freedom of expression and opinion, freedom to belong an association, right to work, leisure and rest, right to education ” (Universal Declaration of Human Rights 1948). Apart from this Declaration, the Genocide Convention agreed by the UN’s member states also in 1948 was another major step to prevent and punish genocide which is accepted as a crime under international law and it provide recognition the rights of population groups. (Voorhoeve 2012, xxiv; Holzgrefe 2003, 43-44; Convention on the Prevention and Punishment of the Crime of Genocide 1948). These conventions, as well as with the

contributions of other treaties, is significant in order to explain and justify interventions based on crimes against humanity.

However, although human rights issue is on the agenda of various treaties, the UN's steps toward the protection and promotion of human rights could not be restricted only to these treaties listed above (Özşahin and Korkmaz-Kökderer 2018, 82). As mentioned several times above, the UN has a substantial mechanism to control its member states on the implementation of the treaties with its established subsidiary bodies like the Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Council, Universal Periodic Review, Commission on Human Rights, Special Procedures of the Human Rights Council, Human Rights Council Complaint Procedure, Human Rights Committee (CCPR), Committee on the Rights of Persons with Disabilities (CRPD), Committee on Enforced Disappearance (CED), International Covenant on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Elimination of Discrimination against Women (CEDAW), Committee on the Rights of the Child (CRC), Committee on Migrant Workers (CMW), and Committee against Torture (CAT) (Özşahin and Korkmaz-Kökderer 2018, 82).

From that point of view, it can be summed up that a wide range of procedures can be signified in order to explain human rights and the main mechanisms to protect them. All the treaties, declarations and monitoring mechanisms listed above are working within the scope and through the authorization of the states and their governments. Nevertheless, especially with the growing impacts of globalization the role of the non-governmental organizations (NGOs) can should not be ignored. NGOs, as well as international civil society, are very influential in preventing human rights violations and they are also effective on the legalization and implementation of human rights especially during the late twentieth and early twenty-first century (Simons 2009, 31-32).

In this framework, the history of human rights rested on earlier times. It is particularly based on the political thoughts of seventeenth and eighteenth centuries' philosophers who mainly defined human rights in terms of natural rights and freedoms of people which can also be

mentioned as the foundation of liberal thinking. However, the turning point for human rights evolution as a norm is considerably the establishment of the UN in 1945 and thereafter the announcement of UN Declaration of Human Rights in 1948. The Charter of the UN drew a frame for human rights and the responsibility of states, and the Declaration set the standards of human rights issue by referring right the human possess in detail through its articles. Henceforth, human rights law occurred as branch of international law and formed the basis for humanitarian interventions which frequently address to human rights law to be justified. As well as with the contribution of all international agreements, their additional protocols, controlling mechanisms, and civil society, the international society has placed special emphasis on human rights issue in the course of time.

It is also worth to indicate that even though human rights law as a branch of international law creates rights for human beings and attributes duties for states to prevent human rights violations, humanitarian law differs in some points (Meckled-García and Çali 2006). The main role of human rights law as explained throughout this part is to provide positive rights to individual, while humanitarian law is more concerned to protect the rights and interests of people through different means (Provost 2002, 16). In other words, according to American Red Cross humanitarian law, in brief, was established to conduct hostilities by restricting the way of war and to protect civilians and their rights in times of conflict (American Red Cross 2011). Therefore, compared with human rights law, humanitarian law is applicable further in cases of armed conflicts to decrease the horrible effects of conflict.

Table 2.2. Humanitarian Law Treaties (American Red Cross 2011; Ramsbotham and Woodhouse 1996, 11)

1868 Declaration of St. Petersburg
1899 and 1907 The Hague Conventions
1949 The Geneva Conventions
I. For the amelioration of the condition of the wounded and sick in armed forces in the field
II. For the amelioration of the condition of wounded sick and shipwrecked members pf armed forces at sea
III. Relative to the treatment of prisoners of war
IV. Relative to the protection of civilian persons in time of war
1954 Convention for the Protection of Cultural Property
1977 Additional Protocols I & II to the Geneva Conventions
I. Protection of victims of international armed conflicts
II. Protection of victims of non-international armed conflicts
1980 Convention on Certain Conventional Weapons
1993 Convention on Chemical Weapons
1995 Protocol on Blinding Laser Weapons
1997 Convention on Anti-personnel Mines
1998 Statute of the International Criminal Court
2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
2005 Additional Protocol III to the Geneva Conventions
2008 Convention on Cluster Munitions

However, human rights law and humanitarian law could not be considered as entirely independent fields of international law since they usually refer to each other's in terms of pointing out human rights and duties of states to protect them. They are even complementary fields of law rather than being exclusive. The UN Basic Principles and Guidelines adopted by the General Assembly in 2006 is an important document supporting this statement since referring several times to human rights law and humanitarian law in meanwhile. For instance, throughout the document, articles like states should "incorporate norms of international human rights law and international humanitarian law into their domestic law..." exists and the violation of human rights law and humanitarian law are evaluated within the same framework (Ramcharan 2011, 140-147; Office of the United Nations High Commissioner for Human Rights 2005).

While explaining the conditions leading to humanitarian intervention mainly a conceptual framework is promoted throughout this part. Despite the prevailing norm of sovereignty which is linked to the norm of non-intervention before and during the Cold War period, international society under the umbrella of the UNSC has started to give privilege to the norm of human rights which could be counted as the legitimizing factor for humanitarian intervention particularly in the aftermath of the Cold War. Besides these two norms explained in detail, the ongoing debate on humanitarian intervention could be deduced from the explanations of the two major theories of international relations. Within this framework, realist and liberal paradigms have become crucial to understand the normative shift occurring in international relations since theories are important in making the world more understandable and intelligible (Viotti and Kauppi 2012, 5).

To begin with, the realist approach which backed to the early political thoughts of Thomas Hobbes has criticized humanitarian intervention. The main reason behind this stance is that any intervention would break the sovereignty of a state which is protected through the Article 2(4) of the UN Charter. Despite the exception of the Charter which authorizes the use of force in order to maintain international peace and security, realists argue that humanitarian concerns could be manipulated by the intervening states and so, the doctrine of humanitarian intervention would become “a weapon that the strong will use against the weak” (Wheeler 2001, 29-30). This means that while acting under the name of humanitarian intervention, states could intervene in a country for distinct purposes such as increasing their own interests and profiting from this intervention nationally. Additionally, according to the realist approach, states have the responsibility to protect only the rights of their own citizens so-called nationals (Wheeler 2001, 31). This understanding directly clashes with the responsibility of the international community to protect civilians from human rights violations described as one of the pillars of R2P. Therefore, the realist paradigm fails to provide an explanation for legitimizing humanitarian intervention since realists are concerned more with a practical view rather than a moral view of human behavior (Janzeković 2006, 44). In other words, for them national interests are more relevant than moral values or beliefs.

On the other hand, while explaining the shift to human rights norm, it is indicated that this norm derives mainly from the liberal paradigm based on the political thoughts of some liberal political philosophers such as John Locke and Immanuel Kant. For instance, privileging the freedom of people, Locke emphasizes the significance and inviolable nature of human rights which all people possess equally with birth. This approach is interrelated with “just war theory” developed generally to provide a ground for justifying war. These justifications could be listed as a response to aggression, a pre-emptive strike against an imminent aggression, a response to a threat against the lives or well-being of citizens of other states (Janzeković 2006, 51). In other words, the just war theory provides an explanation to justify and legitimize the use of force against another state or military intervention. According to this theory the protection of civilians and their rights should be the primary concern for military interventions which overlaps with the principle of humanitarian intervention conducted with humanitarian concerns. Since humanitarian concerns comprising the prevention of human rights violations are the driving force behind humanitarian intervention, the intervention in Libya could mainly explained from a liberal theoretical approach which supports cooperation and coordination among different political actors in international politics.

In order to understand the attitudes of the international community to the shift from the norm of sovereignty to the support for the norm of human rights, it would be beneficial to analyze the 2011 Libya intervention. While since the end of the Cold War the international community has addressed more on human rights violations, the adoption of the principle of R2P has intensified their attention. Through the Article 139 of the World Summit Outcome Document which affirmed the principle of R2P “the international community, through the UN, also has the responsibility to help to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity” (United Nations 2005). In line with this article, Libya intervention realized six years after the adoption of this principle have become a significant example to analyze and demonstrate the inclusion of various international political actors and the prevailing sense of collective activism in accordance with the Charter of the UN. From that point of view, after indicating the historical background of Libya and the 2011 intervention, the involvement of particularly regional organizations including

NATO, the African Union, the European Union and the League of Arab States would be analyzed in detail throughout the following chapters.



3. LIBYA INTERVENTION: HISTORICAL BACKGROUND

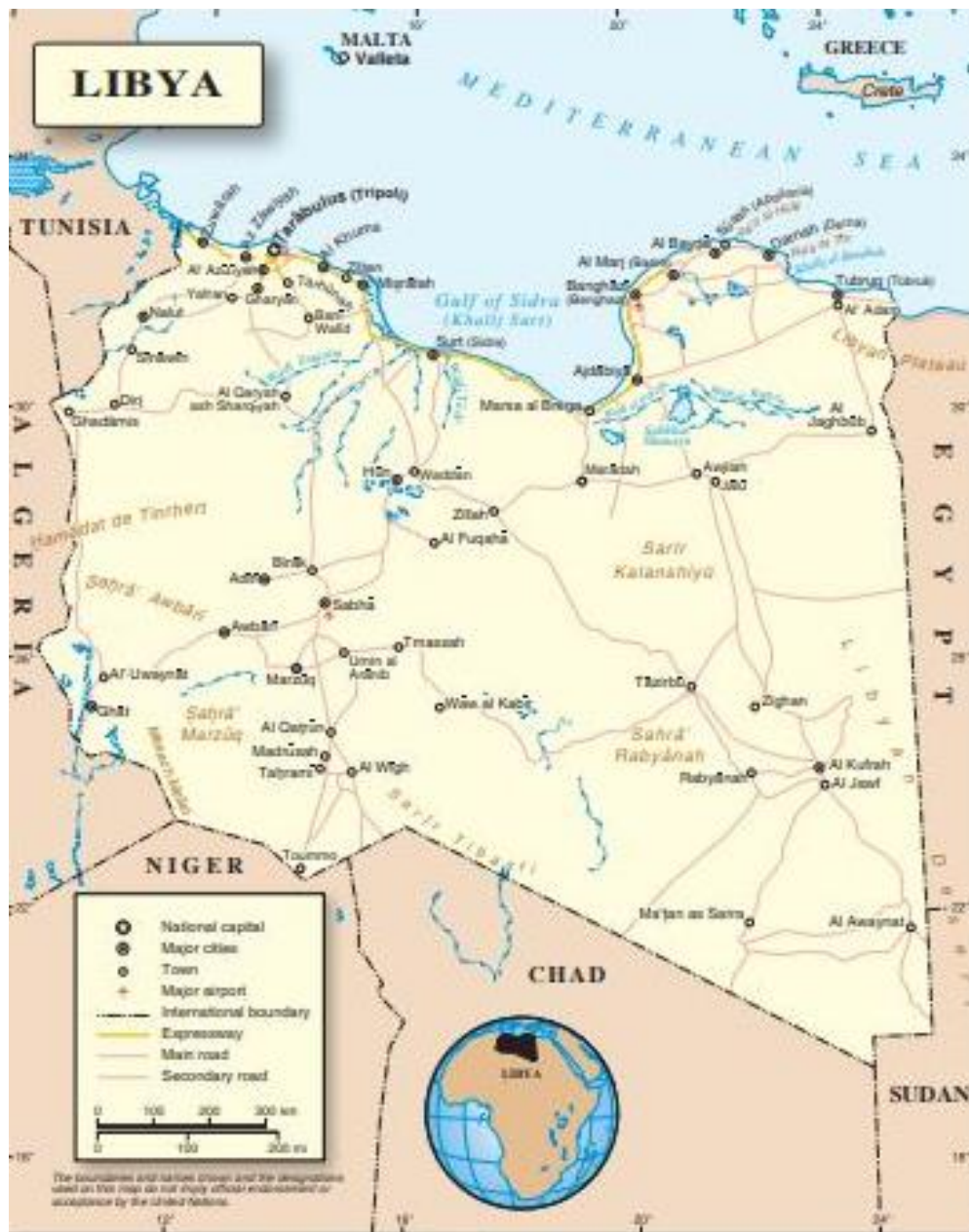
The 2011 Libya intervention is a crucial case because of posing a significant impact on the international community and attracting their attention. Also, through this case humanitarian intervention could be analyzed by considering both the leading factors behind it and the political actors which were involved in the process of intervention as well as decision-making process of the intervention. As mentioned above, after the tragedies in Rwanda and the Balkans, international society has put human rights issues and particularly the violation of these rights increasingly on the top of their agenda. The declaration of the principle R2P by the General Assembly is also a critical step within this framework. Hereby, it could be made reference to the “responsibility” of the international community to protect civilian rights as an important point in order to understand Libya intervention. The adoption of the principle of R2P and the assertion of R2P during Libya crises has also been crucial to point out the shift in the conceptual framework of humanitarian intervention.

In other words, while before and during the Cold War period almost all political actors including international organizations and individual states regarded humanitarian intervention as an interference in the domestic affairs of a state, with the increasing deaths of civilian caused by their own governments, international community has risen its attention toward the issue and have started to prioritize the protection of human beings even within the borders of another country. This situation represents a normative shift both in international relations and international law from the dominance of the norm of sovereignty to human rights. In this line, Libya intervention occurring in 2011 following the civil war in Libya and the harsh responses of Qadhafi has been important to be analyzed in order to understand this mentioned shift. Moreover, developments occurred in Libya, as in almost all around the

Middle East and North African countries in 2011, have been crucial in terms of overthrowing the suppressing government through organized protests and demonstrations. As a significant case for international politics and one of the interventions authorized by the Security Council, it would be useful to analyze all the process leading the intervention. From that point of view, the focus of this part would be on the historical background of the country, the power dominating Libya, its history of independency, the historical facts behind the crisis, the evolution of the crises, the series of events leading the intervention, the actors involved in the intervention, and the final decisions so-called resolutions taken to legitimize the intervention. Hence, in the following chapter the reactions and inclusions of the international community, particularly of the regional organizations such as the EU, Arab League, African Union and NATO and the individual states would be presented based on these historical facts.

To begin with, Heredotus in 440 BC defined Libya as “a tract which is wholly sand, very scant of water and utterly and entirely a desert” (Heredotus 2017). Despite being a region of desert with limited resources, it became an attractive place for different civilizations and states around the world within time. The history of Libya was based on thousands of years closely related with the social and economic developments in Africa, Middle East and even in Europe because it is placed on the North of the continent Africa which provides trade, idea and religious expansions through the Nile Valley and open to invasions due to the European along the Mediterranean coast (Campbell 2013, 13). Also, 1800 kilometers of coastline along the Mediterranean coast gave the country the title of "entry into Africa" (El-Kihya 2011, 34). To be more specific, as seemed from the *Figure 3.1.*, Libya is in the North Africa, and has Tunisia in its northwest, Algeria in its west, Niger in its southwest, Chad in its south, Sudan in its southwest, and Egypt in its east. Besides, Tripolitania, Cyrenaica, and Fezzan are among the major provinces of Libya (Bruce 2002, 13). In this line, it is worth to point out that the positioning of Libya has been an important factor which makes it attractive and causes invasions several time throughout history especially with the increasing race of colonization in Europe. Throughout its history, the Phoenicians, Greeks, Romans, Turks are among the main society to invade Libya followed by 30 years of Italian domination and French and British occupation (Bruce 2002, 13).

Figure 3.1 Map of Libya (United Nations 2015)



Just after the influence of Greeks, Phoenicians, and Carthage, the country lived in prosperity with Pax Romana until it was captured by the Arabs from 146 BCE to the 7th century (El-Kihya 2011, 35-37; Erdurmaz 2012, 2). After that, Islamic culture penetrated the North Africa which provided a distinct Arab-Islamic character to Libya (Bruce 2002, 17). Libya

witnessed a series of invasions and wars throughout history among which the invasion of Ottoman Empire has great importance since it ruled Libya for centuries. The Arabic-Islamic character of Libya has been strengthened through this invasion in the sixteenth century. The Ottoman Empire governed Libya through a pasha appointed by the sultan from Istanbul since the occupation of Cyrenaica and Tripoli respectively in 1517 and 1551 by decolonizing the country from Spanish colonization (Vandewalle 2012, 16; Bruce 2002, 19).

Throughout the following two centuries, since 1711, Libya was governed semi-autonomously by the family of Karamanlı and then governed by the Ottoman Empire until 1911 which was a period when Ottoman Empire strengthened its domination over the Mediterranean (Doğmuş 2016, 15-16). In other words, Libya had been a part of Ottomans for a while, but, considering its internal affairs it was an autonomous province which could actually facilitated the invasion of Libya by Italy. Besides these reasons, also the colonialist mindset prevailed in the 1900s encouraged Italy to search for new colonies in Africa whose almost all countries were colonized by European powers apart from Ethiopia and Libya (El-Kihya 2011, 47-48). In that regard, Libya had started to be invaded on February 29, 1911 by the Italians who could not dominate the whole Libya by the end of the 1st World War (Ceviz 2011, 83). However, Italian powers, like other powers which occupied Libya before, confronted with difficulties such as the poverty in Libya and conflicts among tribes, and this led an armed resistance which continued almost thirty years and ended with thousands of deaths in Libya (El-Kihya 2011, 47-48).

The main reasons for the continuing and increasing conflict in Libya could be listed as the authorities stabilized in the hand of urbanities, the weak state control until the end of the second half of the nineteenth century, the general absence of political and cultural institutions, and the emergence of deep intellectual and philosophical differentiation between the regions (Ladjal 2016, 6). Due to the power monopolization in the urban areas the rural populations were affected both politically and economically from the inequalities prevailing inequalities. These mentioned inequalities are mainly based on political and economic factors. In other words, the society was divided in terms their ability to participate in political activities and in terms of their ability to reach resources. This caused a significant

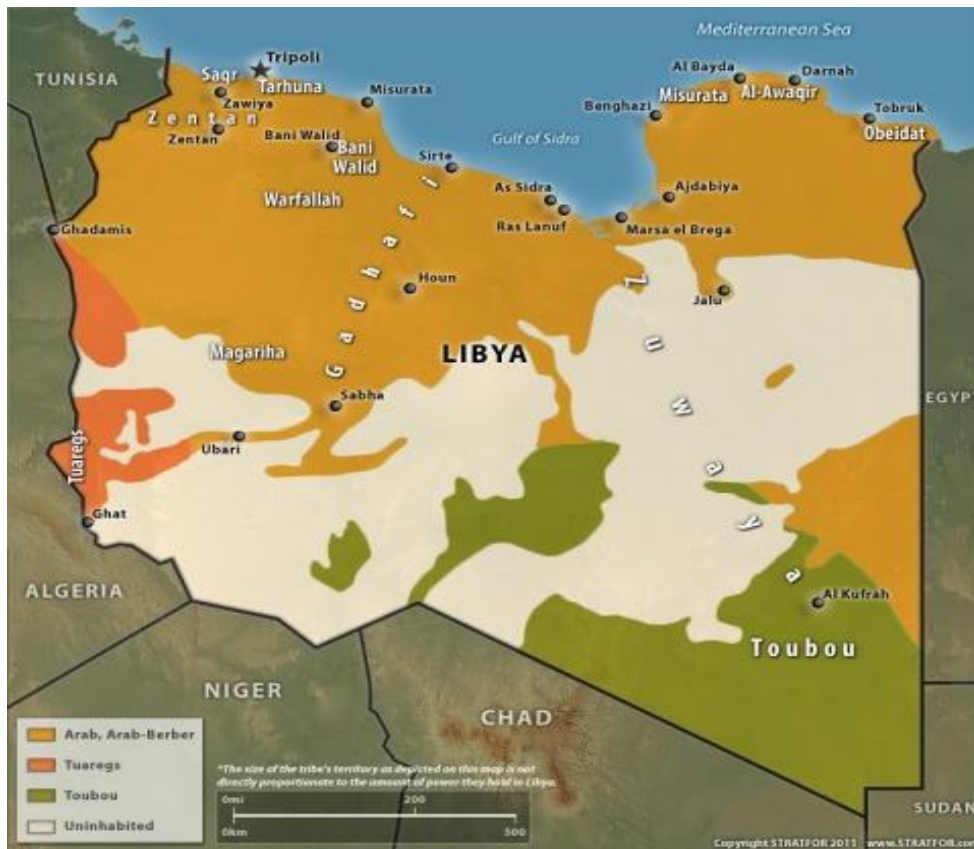
differentiation between the center and periphery which turned to a conflict among them. The conflict arisen among different parts of the society has still continued and have become the main factor of the revolutions in Libya. Besides the conflict between the rural and urban area, there has been also an important differentiation between Tripolitania, Cyrenaica, and Fezzan which could not be managed because of the absence of a strong state capacity (Ladjal 2016, 6). In other words, in light of its history Libya never developed “a strong set of centralized state institutions” and Libyans cannot draw a history of political mobilization and participation in times of the rule of the Ottomans, the Italians, the King as well as Qhadaffi (Lamma 2017, 5).

Moreover, it is worth to note that tribalism which refers to a communal or societal kind of organization and a traditional way of belonging to a specific part of the society have been very significant in Libya throughout its history (Lamma 2017, 5). Like the geographical divisions which cause conflict among the main region of Libya, tribal impact could also be considered as a key component of the ongoing conflict and insecurity there. A tribe is considered as a key political and socio-economic actor and currently around 90% of the total population of Libya is linked to a tribe (Lamma 2017, 8-11). Hence, Libyans empowered themselves within the society by highlighting their tribal affiliations. Through the *Table 3.1*, the variety of Libyan tribes could be understood and the location of some of these tribe were shown in the *Figure 3.2*. From that point of view, while analyzing the historical background of the events occurring in Libya, it would be useful to keep in mind these underlined facts since they have gained prominence repeatedly within time.

Table 3.1. Some of the tribes located in Libya (Lamma 2017, 8-11; World View from Off the Strip 2011)

1.	Tribes in Tripolitania (West of Libya) Qhadhadfa, Zentan, Warfallah, Tarhuna, Warshafana
2.	Tribes in the Barqa region (Cyrenaica) Al-Abaidat, Abid, Ailat Fayid, Arif, Al-Awaqir, Bara'assa, Darsa, Hasa, Magharba, Awwama, Fwakhir, Habbun, Jarrarra, Mnefa, Qatan, Sh'habat, Shwair, Taraki and Zuwaya.
3.	Tribes in Eastern Libya Misurata, Younis, Mousamir, Al-Awajila, Kargala, Tawajeer, Ramla, Farjan

Figure 3.2. Libya's Tribes (Fragile States 2012).



Under these circumstances, through the 2nd World War the region was left to France and UK and in 1949 the UN adopted a resolution (289/4) declaring that Libya would become a sovereign and independent state no later than 1 January 1952 (Bruce 2002, 53; Doğmuş 2016, 24; Erdurmaz 2012, 2-3). The UN Ambassador John Foster Dulles explained the importance of Libya in 1949 as “the relevancy of this area to international peace and security cannot be ignored.....the future of Libya, indeed, intimately affects the whole strategic position in the Mediterranean and the Near East” (Bruce 2002, 37). Although gaining its independence, due to the years of war Libya had confronted various troubles in different field from economy to politics leading dissatisfaction among people and political vacuum. When King İdris el-Sanusi declared the foundation of United Kingdom of Libya on 24 December 1951 as a federal, the country faced difficulties and King İdris required to build a state loyalty and a

national identity for three provinces' people since the Kingdom was established with the help of the Great powers and lack of a sense of unifying ideology (Vandewalle 2012, 43).

Until 1961 the kingdom earned money from the foreign military bases, petroleum and foreign investment on particularly agriculture throughout the assistance of a range of institutions such as Libyan Public Development and Stabilization Agency, Libyan American Technical Assistance, and Libyan American Reconstruction Agency (El-Kihya 2011, 124-125; Dođmuş 2016, 28). All these agencies were a tool of the Western powers in order to support the Kingdom to complete its state-building as well as with the help of experts in specific fields. These can also be considered as tools of the West through which they could interfere in Libya's social and political affairs. For instance, Benjamin Higgins, an economist appointed by the UN, summarized the causes of challenges of Libyan economy as that the appointments to the state jobs were based on personal ties, manual labor was unreputable, and the absence of women from workforce (Vandewalle 2012, 52). Based on these troubles, together with his team he prepared social and economic plan to be applied by Libya. On the other hand, with the finding of oil Libya faced a dual economy containing modern petroleum economy and traditional economy based mainly on agriculture which are totally separated branch (El-Kihya 2011, 125; Dođmuş 2016, 132-233). Despite the increasing income from the former branch of economy, the country could not take a significant step for growing and improving. The socioeconomic changes demanded by the society could not be meet by the government and even since the mid-1960s King İdris was unaware of the political demands and realities of the region (Bruce 2002, 84). There was a growing Arab nationalism which particularly increased with the Arab-Israel War through which people demanded a more radical approach to Palestinian issue, criticized oil policy and the military bases alongside with soldiers prone to coup (Dođmuş 2012, 28; Bruce 2002, 85).

From that point of view, all these both political, economic, and social factors intensified the public demonstrations since they mainly wanted to be detached from the West domination. Therefore, Libya fell under the governance of Muammar al-Qhadafi since the military coup in 1969 which paved the way for the rise of an authoritative and despotic regime in Libya again under his rule (Türkmen 2014, 10). Throughout time, Qhadafi increased his harsh

behavior over the citizens of the country and in order to legitimate its power he did not abstain from violating the rights of people. The aggressive attitude of Qhadafi over his citizens led to the dissatisfaction of the people in the process of time which made his people eager to react against him. However, in order to have a better understanding of the series of events which led the Libyan civil war in detail which have direct impacts on the initiation of humanitarian intervention, it will be useful to explain briefly who is Muammar Al Qhadafi and how he became the ruler of Libya by overthrowing King Idris.

3.1. The Period of Qhadaffi

To begin with, the overthrow of the monarchy was a planned series of actions and realized by the Libyan Free Unionist Officers' and particularly by the committee of twelve officers who called themselves as the Revolutionary Command Council (RCC) on 1 September 1969 (Bruce 2002, 87). Qhadafi was the chief of this committee and soon after became the head of the new government. However, while this plan was conducted by the RCC, it also gained supporters from the society who are also dissatisfied with the rule of the country. The reason of this dissatisfaction could be separated into sub-categories which are interconnected and feed each other. Initially, the hostility against the Western dominance in Libya was among the main factors. The military bases founded by the Western powers and their increasing investment disturbed the poorer part of the society located in the rural areas because these had directly positive impacts on the people living in urban areas. The argument of the members of RCC has a direct relation with this explanation since all of them came from poor families and small tribes and attended the military service (Bruce 2002, 87). RCC took action to overthrow King Idris since they regarded him as the leading political figure cooperating with the West and allowing their interference in the country. Also, the wealth provided through the development of energy sector based on petrol caused an unbalance throughout Libya, and some part of the country did not benefit from both the economic developments and political reforms and liberties equally (El-Kihya 2011, 78). The political participation of people was restricted and even their participation was less in rural areas.

Another crucial reason behind this revolution is the increasing sense of Arab nationalism throughout the country. Qhadafi thought that the ongoing conflict among tribes throughout the modern history of Libya could be solve by overthrowing the political, cultural and economic differences among them and uniting these tribes under the umbrella of an Arab identity (Kohl 2014, 424). Lacking a unifying identity, Arab nationalism easily prevailed around Libya and reach its pick with the occurrence of Arab-Israel War in 1948. The demand of Libyans to have a more radical position and discourse against Israel and to support Palestinians was not meet by the government. Alongside, the affinity of RCC to Gemal Abdul Nasser who became the president of Egypt after the revolution in 1952 was also a driving force behind One September Revolution since they were mostly influenced by the Egyptian revolution and experience (Bruce 2014; Bruce 2002, 84). However, this affinity was not restricted only to the RCC. Most of young Libyans, especially in the mid-1950s, were affected by Nasser by arguing that Nasser represented the heart and mind of Arabs (El-Kihya 2011, 82). Since the independency of Libya, a new ideology to unify people was not reproduced, so Nasser's ideology gain readily prominence around the country. Especially young people educated in Egypt returned and tried to apply whatever they learned including law-making, ruling, economic policies in Libya.

Qhadaffi became the leading figure for supporting and encouraging people to achieve these aims. As a person born in a family descending from a minor tribe, Qhadafi ended his academic education in the University of Tripoli and participated to the armed forces which provided higher education possibilities to man in Libya coming from especially less advantageous economic environment (Bruce 2014). He entered to the Libyan Royal Military Academy in 1963 where after he became a member of Libyan Free Unionist Officer in 1967. (Bruce 2014). To enter the military forces and meet with RCC gave a chance to Qhadafi to be able to participate in politics. Qhadaffi personally was also influenced by Nasser's coup and aimed to overthrow king Idris' regime and participated in pro-demonstrations during his student life. Nasser could be called as a "hero" for him because of the attractiveness of the Egyptian Revolution and the Voice of Cairo Radio denouncing Western imperialism which were the targets for Qhadafi since his youthful (Arnold 1996, 1). All his life experience

developed a sense of nationalism in Qhadafi but which is based on an Arab nationalism rather than Libyan one.

These indicated series of events and thoughts led and shaped the coup and were effective in bearing hostility to the western power. In brief the factors affecting the foreign relations of Libya could be summarized as the “changing dynamics of Libya’s domestic politics; the policies that major powers have pursued toward Libya; and developments in regional politics of the Middle East” (Niblock 2001, 21). From that regard, RCC succeeded its aim on 1 September 1969 mainly referring to rescue the country from Western domination and providing equality and freedom to all people not only in Libya but also over the Arab countries. As owning the characteristics of a coup, Qhadafi and his counterparts called it as a revolution or “Savratul Fatih Min September” (Revolution of the Beginning of September or Conquest Revolution of September) in formal media or discourses (Doğmuş 2016, 44). Therefore, the concepts of coup and revolution are used interchangeably to refer 1 September 1969. Qhadafi defined himself as a conqueror, so he thought himself liberating Libya from foreign occupation and from a violent ruling class by increasing the socio-economic and political freedom of the citizen as understood from his own words.

“Freedom means the social, economic, and political freedom of the citizen. Freedom is not a slogan we call for or raise-it is an activity we must carry out and achieve by carrying it out.” Muammar Al Qhadafi, 1969 (Bruce 2002, 87)

The coup was not realized unintentionally, on the contrary it was planned by a group of 12 military officers including Qhadaffi under the name of RCC. On the morning of 1 September, starting with the Radio and Television stations, police stations, and military units were busted and captured, and some deputies or ministers were taken into custody (Doğmuş 2016, 48) The message of these soldiers including that corruption and reactionism would not prevail so long in the newly established Libyan Republic was announced from the radios. (Doğmuş 2016, 48). From here, the international community started to recognized the recently founded state. Britain, the US, Sudan, Egypt are among these countries. As noted above, the coup in Egypt was a crucial inspiration source for the Libyan revolution and Nasser himself was a mentor for Libyan Free Unionist Officers. Qhadafi continued to imitate Nasser also during

and after the coup; for instance, by changing the Libyan flag and likening it to Egyptian flag and replacing the national anthem with Egyptian military cadence (Doğmuş 2016, 50-51)

One of the most significant steps that RCC took after the revolution was the cancellation of the constitution accepted in 1951. On 11 December a new constitution was accepted which guarantee an independent judiciary, to establish a welfare society, and to liberate economy from foreign investment (Arnold 1996, 6-7). As stated in the preamble of the constitution in *Table 3.2.* the actions taken by the RCC are in the name of all Arab nations and promote to struggle with all inequalities in Libya based on development, freedoms, and economic growth by overthrowing the monarchial system and establishing a republic. In other words, the Constitutional Proclamation of Libya could be read as a document including all the commitments of the new power. This was also the reason of the non-reaction against the coup. The constitution generally argued that social justice would be provided, just distribution and production would be supported, corruptions would be overthrown, and the Arabic and Islamic heritage would be preserved (International Labor Organization 1969; Arnold 1996, 7). Particularly the believe of people that Qhadafi was able to unify Arab nations and maintain a radical discourse against Israel was among the main reason of the silent support to the RCC. However, with the death of Nasser in 1970, who was seen as the leader of the revolutions in the Arab region, countries like Egypt, Sudan, Tunisia, and Syria started to re-evaluate their cooperation with Libya (El-Kihya 2011, 90).

Table 3.2. Constitutional Proclamation of Libya (International Labor Organization 1969)

***Adopted on 11 December 1969, Preamble**

The Revolutionary Command Council,
in the name of the Arab people in Libya, who pledged to restore their freedom, enjoy the wealth of their land, live in a society in which every loyal citizen has the right to prosperity and well-being, who are determined to break the restraints which impede their growth and their development, who will stand with their brothers from all parts of the Arab Nation in the struggle for the restoration of every inch of Arab land desecrated by imperialism and for the elimination of all obstacles which prevent Arab unity from the Gulf to the Ocean. In the name of the Libyan people who believe that peace cannot be achieved without justice, who are conscious of the importance of strengthening the ties which unite them with all the people of the world who are struggling against imperialism; who understand fully that the alliance of reaction and imperialism is responsible for their underdevelopment despite the abundance of their natural resources, and for the corruption which spread through the governmental apparatus; who are conscious of their responsibility in the

establishment of a national, democratic, progressive, and unitary government. In the name of the popular will, expressed on September 1 by the Armed Forces who overthrew the monarchical regime and proclaimed the Libyan Arab Republic in order to protect and strengthen the Revolution until it attains its objectives of freedom, socialism, and unity. The present Constitutional Proclamation is made to provide a basis for the organization of the state during the phase of completion of the national and democratic revolution, until a permanent constitution is prepared, defining the objectives of the Revolution and outlining the future course.

Apart from these, another reason of the coup which is not indicated above is to close down foreign military bases mainly established by Western powers including particularly the US and Britain. In line with this aim, Britain signed an agreement on 13 December and Americans agreed on 23 December that they would withdraw their forces respectively from al-Adam and Wheelus (Arnold 1996, 7; Niblock 2001, 21). After the revolution, RCC had to make some arrangements also in the economic front in order to liberate Libya from foreign influence as they committed. In this time, oil production provided %99 percent of the income of Libya but it was not distributed justly around the country, therefore the nationalization was given to the banks and support arrangements to increase the benefits of the country by decreasing the interests of particularly Britain and the US (Vandewalle 1996, 8). All these attitudes continued in following years of the coup. Also being a religious figure Qhadaffi banned alcohol, insisted to change the signs in the streets into Arabic, showed himself as a serious and uncorrupt leader (Arnold 1996, 9) and and restricted all kinds of political activism which were considered as trason (El-Kihya 2011, 90). From that regard, it can be concluded that despite the attempts to liberate the country from foreign impacts and increase the liberties of people, the freedoms of Libyans were still restricted. Nevertheless, the first statements and some of Qhadaffi's first executions sympathize the coup and the opinion that "the coup is a good one" prevailed around the country (Doğmuş 2016, 54).

As the leader of the country, in 1971 Qhadaffi founded Arab Socialist Union (ASU) which was the sole political party of the country and shaped the political structure of the country to prepare people to be organized in a popular framework (Obeidi 2001, 47). The foundation of ASU was another indicator of the imitation of Nasser who was also the founder of an identical named political party. The main speech through which Qhadaffi summarized his thoughts about the rule of the country was given at Zuwara in 1973. This speech was also called as the

Zuwara Declaration in the name of a popular or cultural revolution and formed a basis for both the Third Theory articulated and Green Book written by Qhadaffi later. The five basic points which would change in the country are listed in the *Table 3.3.* and explained in detail below.

Table 3.3. Zuwara Declaration (Doğmuş 2016, 63-63; El-Kihya 2011, 98)

<ol style="list-style-type: none">1. All the existing rules would be abolished, and the coup would be maintained.2. The country would be cleaned from all forms of opposition. (political parties, opponent etc.)3. All things about bourgeoisie and bureaucracy would be overthrown with and executive coup.4. Popular committee which strengthens the society would be established.5. A cultural coup would be staged to preserve the society from all harmful thought.

Through this speech, Qhadaffi draw the limits of the coup and provided a legal framework for his actions. To begin with, the eradication of the existing rules would provide an area of freedom for Qhadaffi to legitimize his implementation. Thus, the former rules which limited him were abolished. Also, the closing of political parties or arresting of opponents would lead the occurrence of a leader which could not be criticized. The cultural coup aimed in order to preserve material and non-material values of the society is another point which restricted mainly the freedom of speech in Libya, especially due to the prohibition of books. The executive coup had also negative impacts on the society since RCC captured all executive positions around the country in an unjust manner. These five changes, in fact, have contradictions with the first statements of Qhadaffi who ensured that all citizens would be treated equally and justly by preserving all their freedoms. Despite the main ideological slogan since 1969 was “Freedom, Socialism, and Unity” (Obeidi 2001, 45), Libyans witnessed some restrictions under the rule of Qhadaffi, but these seems to be more tolerable by people since it did not face a strict opposition during the first years of the revolution.

On the other hand, Qhadaffi announced that “every village, town, college, factory, and school should form popular committees under the control of the masses to fulfill the five basic changes” (Aşula 2011). The establishment of the popular committees would strengthen the society and guarantee their freedom. To understand the philosophical goals of this and other

regulations promoted by Qhadaffi, it would be useful to analyze the Green Book written by him in detail throughout the following part.

3.2. Green Book

Summarizing the political thoughts of Qhadaffi, the Green Book could be considered as the manifestation of 1 September Revolution (Aşula 2011). The book, in its broadest sense, was based on the explanation of a new political system different from communism and capitalism which were criticized. Through this book, Qhadaffi claimed to find solutions to all problems within the country from both political to economic as well as social aspects. Before moving on the parts of the book in detail, it would be useful to identify *Jamahiriyah* (state of masses) (Bruce 2014) as the new form of state declared by Qhadaffi during a speech on 2 March 1977 when the country's name was changed to Socialist People's Libyans Arab Jamahiriyya (Bassioumi 2013, xxxv). According to this new political system, the political community would govern the country from bottom-up without any political parties or civil society which would enable the citizen to participate directly in policy-making and consultation process (Mundy 2018, 3; Vandewella 2012, 101). Qhadaffi replaced the representative system by providing a new form of direct participation. In other words, this system was based on the rule of popular committees and congresses mentioned above. Thus, committees from different sectors such as agriculture, education, and health were created to enable people to take place in decision-making processes.

However, despite the realm of authority and responsibilities of the committees were not explicitly defined even unimportant problems became a reason of conflict among them (El Kihya 2011, 105). Moreover, the continuing harmony among the members of RCC ended with this newly established form of state argued by Qhadaffi which led to harsh contradictions within time and resulted in two coup attempts by Omar el-Mihaysi and Başir Havadi repressed violently (El-Kihya 2011, 105-106). Referring to these attempts and all other criticism toward the popular committees, Qhadaffi announced the first part of the Green Book in 1976. As mentioned above, the book was written to re-organize the rule of the country by pointing out

the problems and its solutions. Composed from three parts, the first volume of the book is about “The Solution of the Problem of Democracy: The Authority of the People”, the second volume explain “The Solution of Economic Problem: Socialism,” and the final volume is based on “The Social Basis of the Third International Theory” (Qhadaffi 1975, 1977, 1981). The Green Book is a statement of political principals and theory and should be considered as Qhadaffi’s declaration of the revolution (Arnold 1996, 17). It can also be read as the generalization of the five basic changes announced in Zuwara and the charter of the ASU.

Throughout the first volume, Qhadafi proposes a solution to the problem of democracy which he defined as the rule of a minority and the defeated party is people. He argues that instead of parliaments which are only representative bodies, popular congresses and people’s committees should be established. Therefore, a new and unprecedented form of direct democracy would be possible for people rather than a dictatorial kind of government.

“Political struggle that results in the victory of a candidate with, for example, 51 per cent of the votes leads to a dictatorial governing body in the guise of a false democracy, since 49 per cent of the electorate is ruled by an instrument of government they did not vote for, In actual fact, dictatorship is established under the cover of false democracy. This is the reality of the political systems prevailing in the world today.” (Qhadaffi 1975)

Besides the explanations on forming a direct democracy, Qhadafi also has an interesting discourse about press in the section of “The Law and Society.” He argued that press does not exist for personal or institutional thoughts, it is only for the expression of the society, thus press could not belong to an individual person or institution (Qhadaffi 1975). This was an important obstacle for freedom of speech and freedom of press. The second volume of the book published in 1977 proposes final solutions to economic problems. He aims to converge Islamic beliefs with socialist ideas. For this reason, he claims that wage-earning system should be abolished since people continue to be slaves as long as they work for their employer.

“The ultimate solution lies in abolishing the wage-system, emancipating people from its bondage and reverting to the natural laws ... These natural rules have produced natural socialism based on equality among the components of

economic production and have maintained public consumption almost equal to natural production among individuals. The exploitation of man by man and the possession by some individuals of more of the general wealth than their needs required is a manifest departure from the natural rule and the beginning of distortion and corruption in the life of the human community.” (Qhadaffi 1977)

In other words, the economic system developed by Qhadaffi was based on the needs of people and the efforts of people to meet these needs. However, while people work to meet their needs, they should not exploit others. This system will substantially liberate them. Thus, all people would be able to profit from the wealth of the nation equally. The first two volumes are mainly designed to explain the system of “Jamariyyah” which includes all the political and economic developments in the country. From that regard in 1979 the third volume of the Green Book was published. This could be read as the strongest part of this work since it provides the basis the Third International Theory articulated by Qhadaffi. Third International Theory condemned both capitalism and communism to be monopolistic regimes and based this theory on nationalism and religion which he considered as the most important forces driving humankind and human history (Bruce 2014). For him the sole religion is Islam and therefore prioritizes the Koran and tried to correct the existing religious practice.

“Nations whose nationalism is destroyed are subject to ruin They are nations whose nationalism has been destroyed and which are thus torn apart. The social factor is, therefore, a factor of life - a factor of survival. It is the nation's innate momentum for survival.” (Qhadaffi 1979)

To summarize, these three volumes, under the name of the Green Book, represented all the philosophical thoughts of Qhadaffi and were written by him to protect the freedoms of people. These freedoms are mainly based on the direct political participation of people to the decision-making process of policies. Moreover, by proposing a system different from communism and capitalism which referred mostly to socialism, he eliminated the inequalities within the country and re-distribute the wealth of the nation equally to all people.

3.3. The Rule of Qhadaffi from 1980s to 2011

All the policies mentioned throughout the Green Book was implemented by the help of the Revolutionary Committees founded in 1977. These committees became the ruling class which “systematically implemented the ideas of the Libyan leader” (Vandewalle 2012, 106). All of the crucial offices such as municipality of foreign affairs, interior affairs, and justice and all security units belonged to the members of the revolutionary committees (Doğmuş 2016, 82). These were directly bound to Qhadaffi, and so did not feel any responsibility to the popular congresses. This situation directly affected the participation of people in the congresses and people’s committees since they started to think that their opinions are not valuable anymore. Through the revolutionary declaration in 1980, the committee strengthened its positions by getting the power of pursuing and physically liquidate (al-tasfiya al-jasadiya) the opponents of the revolution both internally and externally (Vandewalle 2012, 120; Doğmuş 2016, 83-84).

The dependency of the revolutionary committees to the leader and their power to act how they desire and even use force against whom they called opponents created an unstable and unsecure environment within the country. Also, since the new regime was established based on the rule of people, the attitudes of these committees decreased the participation of people who believed to their ineffectiveness. Nevertheless, in the following years of 1980 the reforms had some positive impacts on the society such as increasing the literacy rate to 88 percent, providing free health-care country-wide, prohibiting polygamy and supporting women for higher education (Wehrey 2018, 13). However, the Arab nationalism as one of the starting points for Qhadaffi’s revolution continued to prevail and an increasing opposition against the west still existed. This ideology caused a militancy in Libya which led the support of militants such as Palestinian groups, Irish Republican Army, European and Latin American Leftists, African insurgents, South Pacific separatists (Wehrey 2018, 13; Niblock 2001, 23). Libya’s support to these groups and even the continuing war with its neighborhood Chad break down its relations with the international community, particularly with western powers and some African and Arab countries between 1981 and 1989 (Niblock 2001, 23).

The support of violent radical groups by Libya and its militant manner particularly worsen the relations with the United States. When Reagan took office, he aimed to reassert American influence and power in the world and in the Middle East, accused Qhadaffi to destabilizing the region by supporting terrorists, and would like to eliminate Qhadaffi to decrease Soviet influence in the region (Bruce 2002, 122). In line with this perception, the US waged a bombing raid to overthrow Libya in 1986 and put sanctions on Libya such as stopping oil and oil-service companies' operations here (Bruce 2002, 141-144). Following these economic sanctions, the United Nations also lay an embargo on Libya in 1992 by regarding Qhadaffi responsible for the bombing in 1988 of Pan Am Flight 103 over Lockerbie that killed 270, and a French airliner over Niger in 1989 that killed 156 (Wehrey 2018, 14).

The SC imposed sanctions on Libya mainly in response to not returning the two accused for leading Lockerbie bombing (Thakur 2005, 306). In response to these sanctions, the Libyan government sought to find supporters around Arab and African countries. The Arab League and Organization of African Union (OAU) were among the main actors who suggested that the two suspects should be tried at the ICJ neutrally, and particularly the OAU declared in 1998 that African countries would stop implementing sanctions on Libya (Niblock 2001, 46-47). This was important to show the alienation of Libyan government from the Arab countries and its goal of unifying Arab nations. Despite the support of OAU, the sanctions continued more than a decade and ended with the paying of a compensation accounting for more than \$ 2.7 billion by Qhadaffi to the victims' families of Lockerbie in 2003 (Doğmuş 2016, 96). However, Libya was strongly affected by these sanctions economically, socially, and as well as politically. For instance, economic conditions in Libya downturned, the society faced inflation because the wages and salaries remained stable since 1982, and there was limitation on spending on education and health (Niblock 2001, 61-81). However, this was mostly one part of the society who was affected from these negative standards of living in Libya.

Although Libya followed policies against the west and the economic system prevailing in the world since 1969 and particularly after the publication of the Green Book, this changed with the sanctions. The egalitarian economic system promised by the government was broken and those who had international contacts and foreign currency did not experience an economic

pressure (Niblock 2001, 77-78). This produced a gap among the citizen and resulted with the complaints against government and showed that both economic and political liberalization project of Libya ended with frustration. In 2003 the oil export of Libya was around 11.5 barrels per day which was less than exportation in 1970s (Vandewalle 2012, 186). Apart from the impacts of these sanctions, also the lack of accountability in financial issues, the lack of a mechanism to control and monitor the spending of Qhadaffi and his children intensified the reactions of the society (Doğmuş 2016, 97-98). To rephrase, the low income and stable wages of people, increasing bribery and corruption and the continuing embargo over Libya put a significant challenge to the rule of Qhadaffi and can be considered as the basis for the protests in 2011.

The economic and political circumstances in 2003 in Libya, even after the lifting of sanctions, was not as it was promised in following One September Revolution and the reforms ensured by the government could not be sustained. The period between 2003 and 2011 was the last chance of Libya to deal with these noted problems (Vandewella 2012, 192). Hence, this period refers to an era in which Qhadaffi proposed a series of reforms from political, economic, and social aspects. With the help of his reformist son Saif-al Islam, Qhadaffi aimed to solve the social and economic crisis through a reformist camp comprising the liberalization and privatization of the economy which was previously under the tight control of the state (Mezran and Alumni 2015, 251).

However, these promised reforms could not be maintained because of two significant issues: the lack of viable institutions and existence of coalitional and patronage system (Vandewella 2012, 194). All reforms could be implemented only through a working system of institutions. In Libya, especially during the last decades of Qhadaffi's rule, the institutions became more and more coercive rather than being distributive and working on the behalf of the society. Moreover, as indicated above, in Libya there was an increase in corruption and Qhadaffi and his family member could not be monitored. This situation caused the creation of a powerful patronage system. Both problems were not solved and growingly disturbed the people living in Libya. While at the beginning of its rule Qhadaffi was a leader working for the well-being of its people, he became a despotic ruler within time (Erdurmaz 2012, 9). The killing of 12

people on 17 February 2006 who were among the people protesting Qhadaffi's actions, attracts the reactions (Doğmuş 2016, 143). Through 2006 protests, there was an increase in the anger of people since Qhadaffi's regime could easily use force.

3.4. 2011 Revolution in Libya

Just before the incidents arose in Libya and extended as a civil war, Qhadaffi announced from television on 14 January that he felt sadness due to events occurring in Tunisia (Erdurmaz 2012, 25). He argued that "Tunisia now lives in fear. Families could be raided and slaughtered in their bedrooms and the citizens in the street killed as if it was the Bolshevik or the American revolution" and he urged Tunisia to adopt Libyan model of government by claiming this model as "the final destination for the peoples' quest for democracy" (Weaver 2011). In fact, Qhadaffi could be aware of the unrest prevailing around the country and tried to soothe the society to prevent an oncoming revolution. Nevertheless, despite his efforts, uprising which led the violent response of Muammar Qhadafi in Libya started in the mid-February of 2011. One of the main driven forces behind this uprising is the fact that Libyan people were inspired by the intensified protests occurred around them in the Middle East and North Africa. Libya's revolution derived from the "Arab Spring" protests throughout the region from Tunisia to Egypt in the first months of 2011" (Bellamy and Williams 2011, 838). Libya was the third country in the region after Tunisia and Egypt to remove a dictator leader, but unlike its predecessors, the rebel in Libya was a long-standing bloody war continuing for eight months (Mezran and Alumni 2015, 249).

In countries experiencing revolutions during the Arab Spring, people were demanding the extension of their rights, in general, against a powerful and generally despotic ruler. Libyans demands were also toward the overthrow of Qhadafi, who had been the head of the state since the military coup of 1969 and govern the country as one man. However, unlike in other Middle Eastern countries, the response of the government in Libya was more violent since the army refused to open fire to the civilians in Tunisia and Egypt. Protests against Qhadafi,

which started in the east of Libya and spread to the capital of the country, arose due to the fact that some part of the society were excluded from the government, benefited less from the wealth of the country, and were exposed to pressure and killing policies systematically for years (Ceviz 2011, 9). The reasons of the 2011 Revolution in Libya are listed in detail throughout *Table 3.4*.

Table 3.4. Leading factors of the 2011 Revolution in Libya (Erdurmaz 2012, 21-22)

<ul style="list-style-type: none">• Qhadaffi had governed the country from solely his personal and political vision• He abolished all opponent institutions, so he became rule the country on the basis of his own interpretation of Islam• He did not allow the establishment of an opponent political party, an independent union, and a civil society.• He tried to control tribes which he could not overthrow with a tactic of dividing and ruling• He charged his family members or close friends with important tasks such as advisor• Despite believing in Islamic Socialism, he did not rule the country in this way and centralized the ruling power on a small group• Being more advantageous than Tunisia and Egypt, Libya had oil income. However, this was not distributed to the society equally

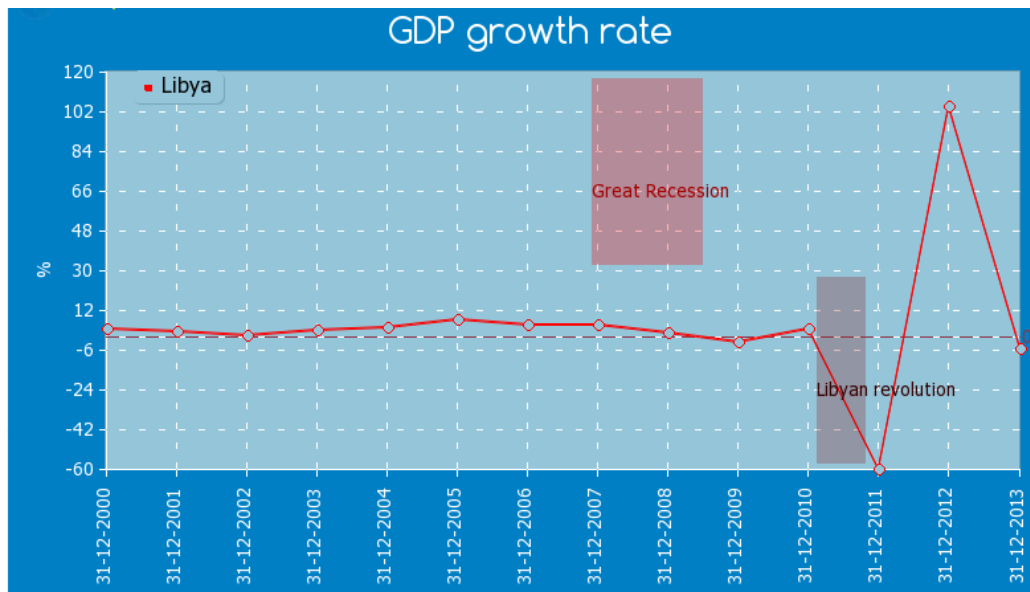
As mentioned above, the deep Libyan history is based on the conflicts arisen because of the differentiation between tribes located in different regions of the country and also on the clash of interests among them. This situation is also prevalent in the uprising organized against Qhadaffi's regime. Despite the efforts of Qhadaffi to unify all the society toward a common sense of identity and to provide equality among them by establishing popular congresses and people's committees which gave voice to all parts of the society, in long term he could not be successful. While arguing the end of tribalism in Libya in the beginning of his rule and strengthening his position with this discourse, he tried to rule the country under the dominance of a "State Clan" deriving from the tribe of Gaddadfa which called for the inclusion of other tribes such as Magarha, Warfella, and Al-Awagir (Ladjal 2016, 11). Therefore, Qhadaffi would be able to manage these tribes within the scope of monopoly power and decrease the conflict among these tribes. Actually, this situation enforced the hand of Qhadaffi and promote a ground for him to strengthen his monarchy. However, the situation shifted over time and the project of Qhadaffi to unite all tribes under the rule of a state clan

failed. During the Qhadaffi period almost 30 tribes played a significant role in the country among which the first tribe announcing their revolt against the regime was Warfella tribe as the biggest tribe in Libya by sending a message to Qhadaffi that “you are not my brother so long and you should quit the country” (Ayhan 2011, 13). Zuwayya tribe which claimed that if assaults against the society do not stop, they will cut the petrol flow, Misurata tribe, Zintan tribe and Tuwarik tribe are among the other tribes which stepped in the issue and revolted against Qhadaffi (Ayhan 2011, 13).

Throughout his 42 years reign, the influence of the tribe Gaddadfa quietly increased and in 1976 eight of twelve members of the Revolutionary Command Council (RCC) (Bruce 2014, 247) who belonged to “marginalized and oppressed groups” from other tribes were replaced by people from Sirte and members of Qhadaffi’s tribe (Ladjal 2016, 12). Because the most important offices were given to people around Qhadaffi mainly belonging to his tribe, the moderate manner of other tribes changed over time and the conflict suppressed for a while burst again. Despite the most critical tribes were satisfied by Qhadaffi in the first years of his rule, this situation did not continue so long.

In addition, since the absence of an executive branch under the system of Jamariyah, Qhadaffi did not have a formal role in the rule of the country which caused a gulf between formal and informal structures in the country (Brahimi 2011, 607). In spite of the aim of Qhadaffi to establish and sustain a state ruled by masses, he gave rise to a state ruled by a minor group. All these conditions also prevent Qhadaffi to establish a strong state capacity mainly because of the absence of working independent state institutions. Moreover, inequalities in the distribution of wealth deriving from oil revenues again disturbed the society in Libya. The sharp decrease in the GDP growth rate from 2010 to 2011 also established a ground for Libyans to revolt. In other words, it was shown in the Figure 3.3. starting with the year of 2010 there was an instability in the GDP growth rate which could be a critical factor contributing to people’s dissatisfaction around the country.

Figure 3.3. GDP Growth Rate of Libya (Macro Economy Meter)



The protests started on 17 February during the fifth anniversary of 2006 protests and spread all around the country. 17 February was declared as a “Rage Day” and the protests shifted from economic and social complaints including lack of housing or employment to a demand of regime change (Bruce 2014). 14 civil was killed and so the day after protestors captured a military base and executed fifty African mercenaries and two assassins (Prashad 2012, 107). During time, the violent and brutal actions of Qhadafi against the peaceful protests have evolved in a manner of killing the civilians just as it occurred in Rwanda genocide in 1994. On the next day the number of deaths reached to hundred (Bruce 2014). The bloodiest response of the government against the revolts in the first days was the starting point of the process which ended with the use of force by the international community. The declaration of the uprising groups to control Benghazi and Tobruk, as well other major cities of the country increased the repression of Qhadaffi (Bellamy and Williams 2011, 839). The harsh actions of Qhadafi against these rebellions could be understood straightforwardly from his own words taken from a speech made during the protests of Libyans;

“...and we will march in our millions to purify Libya inch by inch, house by house, home by home, street by street, person by person until the country is clean of dirt and impurities.” (NATO, 2012)

The violent manner of Qhadaffi continued over civilian people which were unarmed and innocent and the number of deaths increase incrementally. His actions as well as speeches were important indicators that he insisted on his harsh repression to maintain his power. On February 20, the claim that Qhadaffi fled to Venezuela and the speech of Saif al-Islam (Doğmuş 2016, 187-202) the son of Qhadaffi through which he said they would continue to fight until the rest of one opponent provoked more and more the protestors (Doğmuş 2016, 186).

From that regard, the situation in Libya directed the attention of the international community since the actions of Qhadaffi was considered as massacre or genocide. Both international organizations and states felt responsible to stepped in Libya civil war to end these crimes. Otherwise, as Qhadaffi mentioned the country would be purified in order to clean the country of dirt by killing people acting against the regime. The death of a great number civilian and the violation of their rights in Libya, as mentioned above, directed initially the attention of the UN in accordance of the principle of 'Responsibility to Protect.' As noted in the previous chapter, this principle replaced the principle of humanitarian intervention and is launched in cases of crimes against humanity occur. R2P is also relevant in cases when these crimes are caused by the state over its citizens and when the state is not able to stop it.

Within this framework, only 7 days after the events occurred on 22 February, the UN' s High Commissioner for Human Rights declared that the "widespread and systematic attacks against the civilian population may amount to crimes against humanity" (Reuters 2011). Crimes against humanity are among the main reasons which lead military interventions. According to the reports of Human Rights Watch these crimes were including gang rape and sexual assault of men and women by Qhadaffi's authorities (Human Rights Watch 2012). However, the exact extent of rape and the number of deaths is unknown since people exposed to such crimes did not always share it to protect themselves from further violence. Simultaneously, the former British Foreign Minister David Owen called for a "military intervention and on 23 February Luxemburg Foreign Minister Jean Asselborn defined the situation in Libya as "genocide" (Prashad 2012, 107-108).

From this respect, the United Nations Security Council adopted two resolutions in February and March 2011 to overcome the situation in Libya by ending the civil war. The initial one is the *Resolution 1970* adopted unanimously by the Council condemning the use of force and violence against the civilians. Through this resolution the case was referred to the International Criminal Court, an arms embargo on the country and a travel ban and assets freeze on the family of Qhadafi and certain government officials was imposed (United Nations Security Council 2011). Following the adoption of the text on February 27, the Secretary-General of the UN Ban Ki-moon welcomed the Council's decisive action by mentioning that;

“While it cannot, by itself, end the violence and the repression, it is a vital step and a clear expression of the will of a united community of nations.” (United Nations 2011)

As it can be inferred from Ban Ki-moon's own words, the international community rapidly participate and complement the decision taken by the Council. In other words, besides the Council's members also the organizations located in the region supported the resolution by acting in terms of condemning the actions of Qhadafi and proposing draft for solution. Despite all these pressures coming from the international organizations and particularly from the regional organizations, Libyan authorities ignored the warnings and did not stop their violent actions against their citizens. This caused a mass migration toward Tunisia and Egypt since Libyans wanted to flee from the bloody repression of Qhadaffi authorities, and according to the UN refugee agency the number of people moving to these countries reach almost 100000 just after ten days of the beginning of the uprising (Global Security 2011). Therefore, the international community continued to step in the events and to take and imply more rigid decision

ns. Despite the skeptical approach of Germany, in order to stop Libyan authorities France and UK introduced a draft of resolution on no-fly zone several days before serious negotiations on Resolution 1973 started (Bellamy and Williams 2011, 840). Supported by the LAS, the US, UK and France worked together to persuade the international community to take stronger measures. Before the decision of the Resolution 1973, Alain Juppé, French

Minister of Foreign Affairs, claimed that this new Arab springtime is good news for all and the changes required the international community not to “give lessons”, but to help the people of those countries build a new future (United Nations 2011). This could be considered as a call for the international community to act on the favor of the civilian in Libya considering them during and after the civil war.

Thanks to all the pressures coming from various international actors, secondly, the United Nations Security Council adopted the Resolution 1973. The most important reason for a new resolution is the insufficiency of the former one and the need for more strict implementations. This resolution, through which the Council imposed a ban on all flights over the country (established a no-fly zone) and 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 passed by a vote of ten in favor, with five abstentions from Brazil, China, Germany, India and Russian Federation (United Nations 2011). In fact, the authorization for the use of all necessary measures is straightforwardly the authorization of intervention by using military power in the country. Since Libyan crisis involved crimes against humanity by including use of force against innocent civilians, intervention under the principle of R2P was allowed. The Resolutions 1970 and 1973 directly refers to the principle of R2P in order to justify the intervention of the UN since Libyan authorities failed to protect the rights of their citizens and event conduct attacks against civilians (Cannizaro 2014, 215). Based on these resolutions the US, Britain, and France used force against Libya then after NATO started to pioneer the use of force (Aksar 2014, 51).

However, unlike the Resolution 1970, the Resolution 1973 was not supported by all members of the UNSC. As being the non-permanent members of the Security Council, Brazil, Germany, and India argued that the use of military force will cause more harm than good, exacerbate the conflict, and exceed the call for protection requested especially by the Arab states in the region (Walling 2013, 225). In other words, they worried that the use of all means necessary to stop the actions of Qhadafi could increase harshen his attitudes as well as extent the conflict over the region through a possible cooperation among the countries in the region. Moreover, also China opposed to take all necessary measures because through its policy

objectives it supports the principle of non-interference. China evaluated the issue by emphasizing on the sovereignty of the states which forbid any internal or external power to intervene in domestic affairs. The approach of China could be understood better from the words of the Security Council President Li Baodong who claimed that

“The continuing deterioration of the situation in Libya was of great concern to China and the current crisis must be ended through peaceful mean. China was always against the use of force when those means were not exhausted.” (United Nations 2011).

On the other hand, despite being against the humanitarian crisis and not supporting the despotic government of Libya, Russia was also worried about the resolution. Russian ambassador Vitaly Churkin suggested that many questions having remained unanswered regarding the resolution, including how it would be enforced and by whom, and what the limits of engagement would be (United Nations 2011). Therefore, without hindering the resolution, Russia abstained and did not support the resolution. However, because the nonexistence of any veto, as soon as the resolution passed, France conducted the first strikes against Libyan armed forces on March 19 and then NATO took over the responsibility of the no-fly zone and then on 24 March, the Resolution 1973 was fully implemented through the mission “Unified Protector” until 31st October 2011 (Türkmen 2014, 12). Initially the goal of the operation was to protect civilians in Benghazi but then after security was promoted here the operation transformed to an open-ended operation and the arm embargo was disregarded on the behalf of the rebels (Erdurmaz 2012, 81-81). Moreover, at the beginning of March, an organization called Transitional National Council (TNC) was established in Benghazi which became an important group through which Libyan protestors could communicate with the international community (Mueller 2015, 15). The NTC represents the rebels and call for international help to maintain the security of Libyan by overthrowing Qhadafi’s regime.

Before the intervention ended, the UN Security Council adopted a new resolution (Resolution 2009) on 16 September to amend the previous resolutions. Through this resolution the SC reaffirms the sovereignty and independency of Libya and decided to establish a United

Nations Support Mission in Libya (UNSMIL) (NATO 2011, 1). This resolution could be considered as a guarantee for the protection of the territorial integrity of Libya by emphasizing its sovereignty. Moreover, the launch of UNSMIL provided a framework for the country to recover its economic and political institutions which were damaged through the civil war and even during the rule of Qhadaffi. Another important point emphasized in the resolution is the public security which should be restore by ending human rights violations. Through this resolution, the UN showed its concerns for state-building then after the civil war ended.

Table 3.5. The Duties of UNSMIL (NATO 2011, 3-4)

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| <ul style="list-style-type: none">(a) restore public security and order and promote the rule of law;(b) undertake inclusive political dialogue, promote national reconciliation, and embark upon the constitution-making and electoral process;(c) extend state authority, including through strengthening emerging accountable institutions and the restoration of public services;(d) promote and protect human rights, particularly for those belonging to vulnerable groups, and support transitional justice;(e) take the immediate steps required to initiate economic recovery;(f) coordinate support that may be requested from other multilateral and bilateral actors as appropriate. |
|--|

NATO ended up its action with the capture and then the death of Muammar Qhadafi which is also the end of the civil war. The Libyan civil war ended on 23 October with the success of the society willing to end Qhadaffi's regime. Although the criticisms toward the decisions taken by the UN and NATO, all this process demonstrated that Libyan crisis is one of the substantial cases to be analyzed to understand deeper the principle of R2P associated with humanitarian intervention. Libya military intervention has also been a great instance because it can be counted as an accomplished task. From that case, states have realized how can the international community can step in when a state commits crimes against humanity and systematically violates human rights. It is worth to note that the UN and NATO were not the sole political actors effective during and before the process of intervention in Libya. While individual states such as France, the UK, and the USA, as indicated above, had an initiator

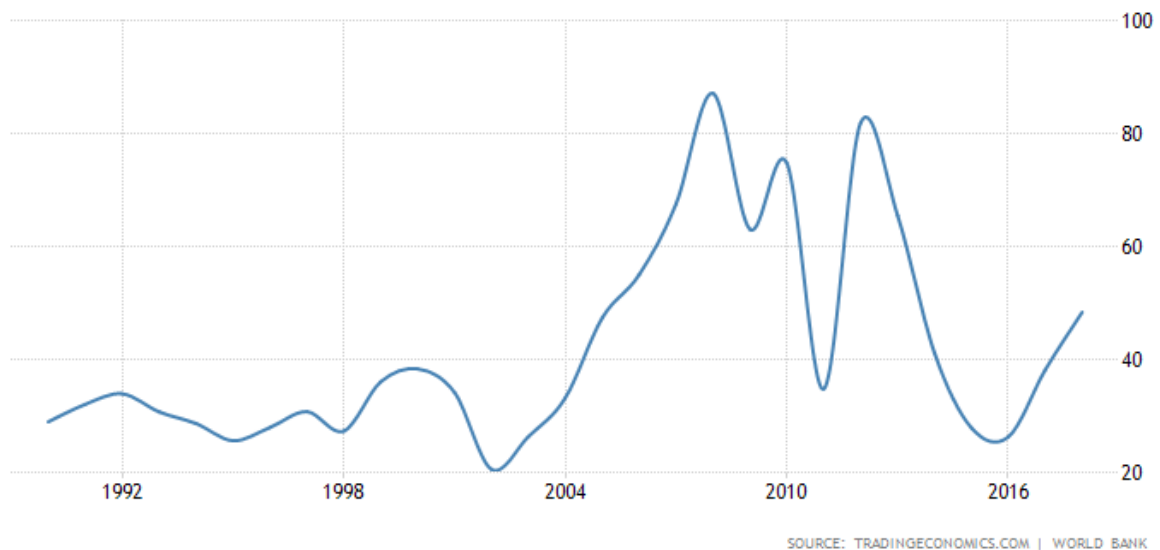
role on the decision-making process of intervention and contributed to military power, regional organizations other than NATO also step in the process. In particular, the Arab League, the African Union (AU) and the European Union (EU) are among the most significant organizations that directly involved in the Libyan crisis. The impact of these organizations, their views and preferences for the Civil War and their contribution to the intervention would be analyzed in detail throughout the next chapter by referring to their discourses and resolutions.



4. THE ROLE OF REGIONAL ORGANIZATION IN LIBYA INTERVENTION NORTH ATLANTIC TREATY ORGANIZATION, EUROPEAN UNION, ARAB LEAGUE, AND AFRICAN UNION

Muammar Al-Qhadafi rules Libya for more than forty years which did incrementally attract the reactions of Libyans who were dissatisfied with the conditions prevailing around the country. One of these sources of dissatisfaction was the economic conditions which was unstable during his rule and especially which worsened in 2011. As it was shown in the Figure below, the gross domestic product (GDP) which refers the national income and output for a country's economy was quietly low for Libya during almost the last two decades of Qhadafi's rule despite the increases during a few years (Trading Economics 2019) On the other hand, regarding the scores of Freedom House which categorizes countries as free, partly free, and not free based on the political rights and civil liberties, Libya was considered as "not free" since the end of the 1990s (Freedom House 2011). This situation became another source of dissatisfaction in Libya. Actually, all these economic, political, and social problems gathered people around a common goal to search for their rights. These demands were mainly based on being treated equally and benefiting from the wealth of the country justly. Although all these are mainly promised by Qhadafi in his famous work the Green Book, throughout his rule Qhadafi failed to maintain his reforms. Especially by the end of 2000s, Libya has become a country of corruption and Qhadafi and his children together with his relatives and close friends were in an uncontrollable position. Considering these conditions, just after the uprisings arose in Tunisia and Egypt, people in Libya started to revolt against Qhadafi's government.

Figure 4. 1. Libya GDP (Trading Economics 2019)

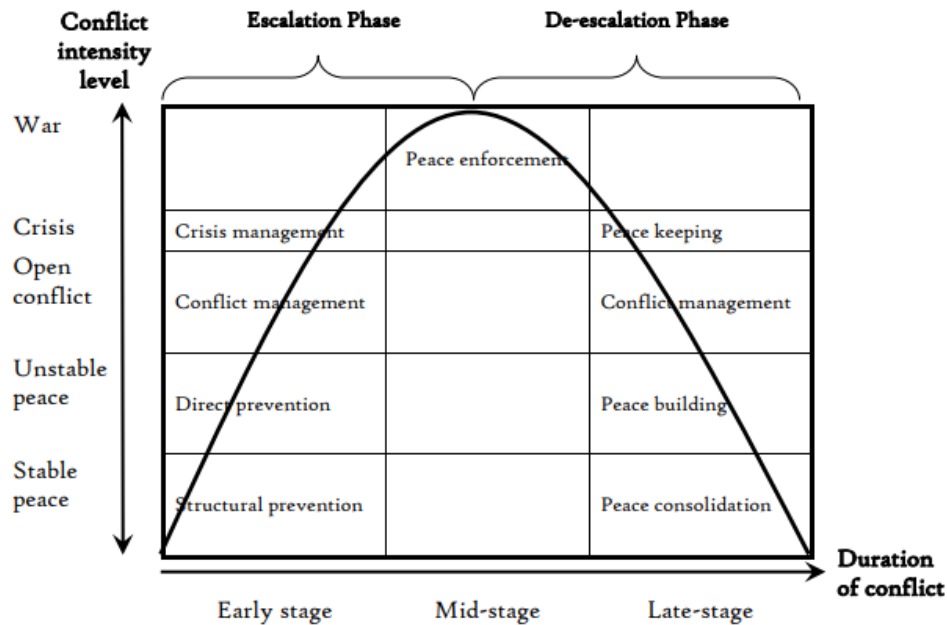


Qhadafi's response to these uprisings was bloody and caused a great number of deaths. From that point of view, the international community shifted its attention on the events occurring in Libya. Through the previous chapter all the factors leading the uprisings as well as the reactions of the UN and individual states are presented in detail within the framework of Libya's history. However, apart from those, international community does also contain a wide range of political actors such as regional organizations and non-governmental organizations.

The focus of this chapter would be mainly on the role and impacts of regional organizations in Libya intervention. As it was indicated through the evolution of the crisis in Libya, NATO conducted the intervention in Libya since the end of October, 2011 with the contributions of various international political actors. Due to the significant discourses developed by regional organizations in Libya crisis, through this part the role of regional organizations which are organized within a specific geographical area in order to increase and strengthen cooperation and coordination among countries in various fields from economy to politics, from development to security would be analyzed in detail. Besides NATO, the role and impact of

the European Union, the Arab League and the African Union in both the decision-making process of the intervention and during the intervention would be indicated one by one.

Figure 4.2. The Conflict Cycle (Swanstrom and Veismann 2005, II)



In other words, the intensity level and duration of any crises is flexible and these mentioned organizations could be influential in all these phases. The *Figure 4.2.* demonstrates the intensity level of a conflict and the various stages of the conflict. In this line, the inclusion of regional organizations in Libya crises considering these levels would also be analyzed throughout this chapter.

4.1. North Atlantic Treaty Organization (NATO)

In 2011, just after the uprisings had started and Qhadaffi intensified his violence against its citizen, the international community immediately responded to the issue. First of all, the UN declared its two main resolutions through which the states and international organizations attributed their acts. The first one, Resolution 1970, was adopted on February 26 to condemn Qhadafi's use of force against his citizen and to warn him to stop his actions. This resolution also called for the International Criminal Court to investigate the situation in Libya. However, as noted in the previous chapter, instead of ending his violence which led a continuing bloody civil war, Qhadafi increased his attacks against the protestors. Therefore, before adopting the Resolution 1973, a meeting was hold in Brussels to discuss the situation in Libya as well as in the Middle East region. The meeting was hold in the headquarters of Brussels with the participation of NATO Defense Ministers during which the NATO Secretary General Anders Fogh Rasmussen had no intention to intervene in Libya but emphasized the prominence of NATO as a *"defence Alliance and a security organization"* to act in coordination with other international and regional organizations to stop humanitarian crisis in Libya (NATO 2011). To rephrase, during this meeting NATO did not decide to intervene militarily in Libya, it mainly describe the situation of the country and accused the Libyan government for its actions. The only decision taken in the meeting was that NATO will increase its naval force in the region, accelerate humanitarian aid to protect civilians, and strengthen the arm embargo over Libya which was put through the resolution 1970 (Chivis 2015, 16).

A few days after this meeting, the UN passed the second resolution 1973 on 17 March which suggested to use all necessary means against Libya government to stop humanitarian crisis and secure and save civilians. Despite the abstention of some countries such as Russia, China, Germany, India, and Brazil, the resolution was adopted without including the proposition of France and UK to establish a no-fly zone (Chivis 2015, 20). However, as noted in the previous chapter, it was France as well as with the support of the UK which was eager to intervene. In this line, on 19 March, after the Paris summit Sarkozy declared that French aircraft were already in action in Libya around Benghazi with the support of the UK and the US (Mezran and Alumni 2015, 261). This attack was planned and realized unilaterally without the contribution of any inter-governmental organization and conducted under the

name of “Operation Odyssey Dawn”. There are many reasons for France to be disposed to react actively against the violence of Libyan regime to its citizen. These reasons with the position of other European countries would be analyzed under the part of the role of EU in Libya intervention.

It is worth to note again that this operation was conducted unilaterally without the participation of NATO or any other organization. However, at the end of March NATO decided to take action to end the civil war and by March 27 the mission + under its command (Mezran and Alumni 2015, 261). Before moving on the process of NATO’s intervention, it would be useful to indicate the reason behind this decision of intervening since NATO was unwilling to intervene in Libya at the beginning of the civil war. To begin with, the UN Charter itself provided a ground for NATO to intervene. According to the Article 48 of the UN Charter, the decisions in order to promote international security and peace should be taken unanimously and these decisions should be practiced by the member states of the UN or by other international organizations of which they are members. Through this article, NATO as well as other regional organizations found a ground to intervene in Libya which was an area of trouble since QhadaOffi started to use force against its citizen.

Table 4.1. Chapter VII - Article 48 (The Charter of the United Nations, Chapter VII)

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|---|
| <ol style="list-style-type: none">1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members. |
|---|

Thus, NATO drawn itself a duty to protect civilians and stopped the crimes against humanity in Libya. In accordance with this article also Resolution 1973 had a great impact over NATO. While this resolution, by strengthening the former one, emphasized on takin all necessary

measures to protect civilians and the authorizations for the member states to do it, it underlined the role of both nations itself and the regional organizations.

“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 to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya” (NATO 2011)

Although NATO did not support it, the Resolution prepared a ground to establish a no-fly zone with the help of the regional organizations. Another crucial factor behind the intervention of NATO was its New Strategic Concept which affirms that member states could practice an active role and cooperate with other intergovernmental organizations when political and security problems concerning themselves occur out of their boundaries (NATO 2010). Adopted in November 2010 by the Heads of States of NATO member states in Lisbon summit, this New Strategic Concept promoted a ground for NATO to become a more effective Alliance and engage more actively in international issues by cooperating with other international organizations (Balteş 2011, 15).

Finally, the impact of this Strategic Concept strengthened with the spreading idea of a Global NATO instead of a regional one. As an organization founded initially to deter Soviet expansionism, forbid the revival of nationalist militarism in Europe and encourage European political integration with the full support of the US, the North Atlantic Treaty signed in 1949 ensures a military preparedness with the participation of all member states in order to attack against any international threat disturbing its member states (NATO 2012). However, with the fall of the Soviet Union and the end of the threat of communism, NATO's position as a security provider for Europe and North America has shifted. From that point of view, the idea of Global NATO has spread. This idea was based on expanding NATO's traditional focus which was on the North Atlantic region and changing NATO's operational level in an international level by dealing with all security threats to democracy or capitalism (Campbell 2013, 21-22). Additionally, the investment of European governments in Libya suffered

damage and citizens of Alliance members were under threat due to the civil war (erdurmaz 2012, 92). By intervening in Libya, NATO aimed to end the economic troubles in European countries caused by the war and secure civilians. From that point of view, one year after the adoption of the New Strategic Concept, NATO decided to intervene in Libya which is not geographically located in the North Atlantic. Consequently, all these facts including the Charter of the UN, the resolution 1973, the idea of a Global NATO, and the New Strategic Concept constituted a legal framework for NATO to intervene in Libya and command the operation. This operation was a collective intervention through which NATO cooperate other international and regional organizations to prevent humanitarian crisis and maintain peace.

Figure 4.3. Libya Frontiers – March 2011 (NATO 2011)

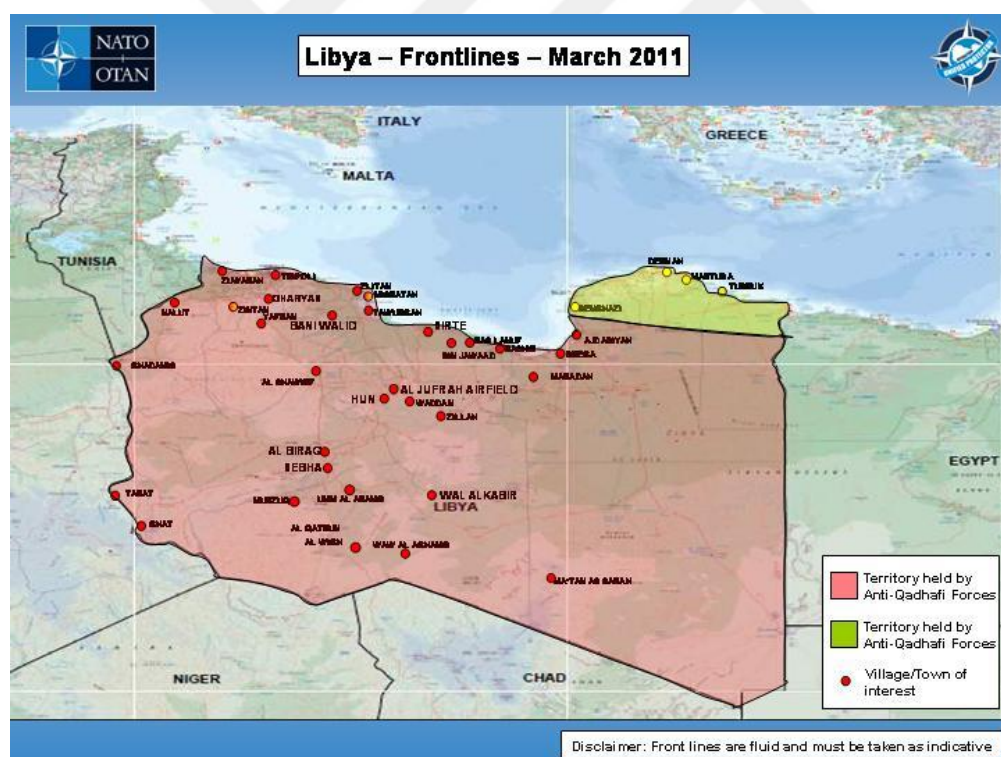
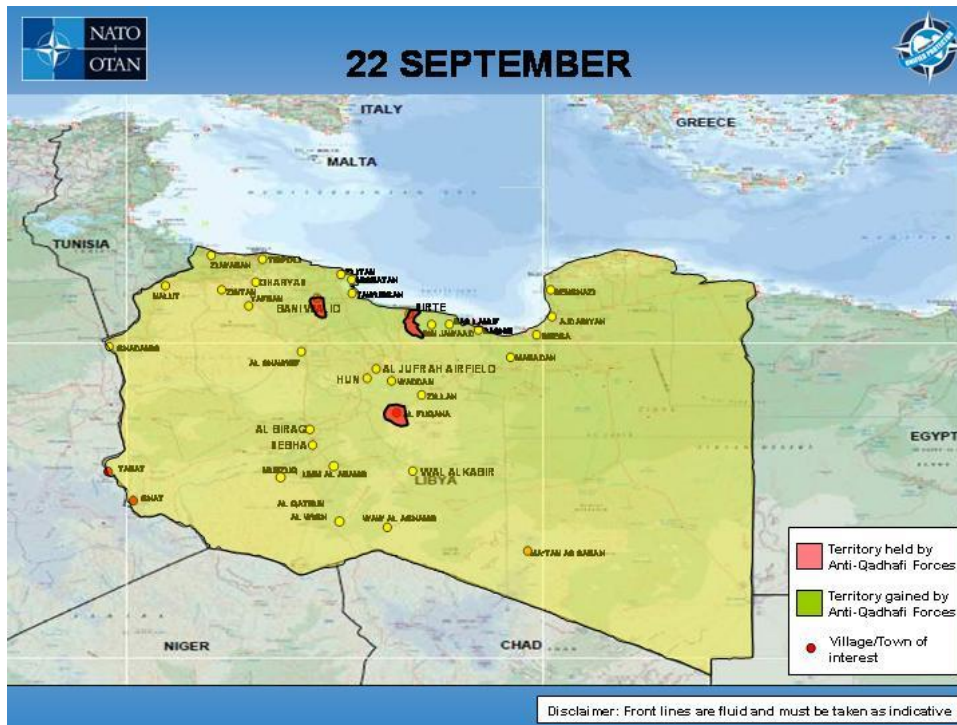


Figure 4.4. Libya Frontiers – September 2011 (NATO 2011)



From that point, NATO allies started seven months continuing air campaign against Qhadaffi which ended with the demise of the regime when Qhadaffi was captured and killed by demonstrators (Chivvis and Martini 2014, 1). The air campaign was conducted by NATO through an operation called “Operation Unified Protector (OUP).” After the enforcement of no-fly zone area and the sanctions over Libya, NATO became the sole command and control mechanism for international military intervention in Libya by March 31 and in order to protect civilians it cooperated with other international actors (NATO 2015). To be more precise, the goals and features of OUP can be summarized as

“enforcing an arms embargo in the Mediterranean Sea to prevent the transfer of arms, related materials and mercenaries to Libya; enforcing a no-fly zone to prevent aircrafts from bombing civilian targets; and conducting air and naval strikes against military forces involved in attacks or threatening to attack Libyan civilians and civilian populated areas.” (NATO 2015).

Throughout 2011, while the operation was underway, multiple conferences were held to discuss the situation in Libya and propose a solution to end civil war in Libya. The continuing air campaign of NATO against Qhadaffi's regime in response to its use of force against civilians had great impact on Qhadafi who lost power day by day. On 20 October, the Alliance decided to end OUP with the capture of the last territory of Sirte and the death of Colonel Qhadafi and on 31 October NATO's forces concluded its last sortie (NATO 2015). The success of the military intervention hand in hand with the demonstrators was shown in the *Figure 4.3.* and *Figure 4.4.* above. Consequently, by October anti-Qhadaffi forces captured all territories of Libya and hence the civil war ended. NATO's military intervention in Libya could be considered within the framework of the principle of R2P. All the process of intervention as well as the decision-making process was based on the protection of civilians which was closely related with the principle of R2P. The UN call for NATO and the ambition of its member states to step in the war demonstrated the stance of the international community against crimes committed by government toward its citizens. In other words, NATO's military intervention was interrelated with and based on the UN principle which emphasizes the responsibility of international community to react against humanitarian crimes and to stop them.

4.2. The African Union (AU)

Since the World Summit Outcome Document covering the principle of "Responsibility to Protect (R2P)" was declared by the General Assembly in 2005 the international community including various international political actors started to discuss the issue of intervention with the target of protecting the life of citizens when the state fails to do it (Abass 2012, 214). NATO was one of the main contributors of these interventions since its wide range of resources. However, despite its limited capacity when intervening in large scale, the AU is also willing to step in some cases (Pattison 2012, 173). Considering its foundation and main objectives, the AU has become another significant actor in the process of military interventions for humanitarian purposes. It has become important in the region through its

ability to take action in different cases as it was during Libya crisis. Like NATO and other regional organizations, the AU did this in accordance with the UN' s Charter and its main principles because the resolutions adopted by the Security Council has a primary role on directing interventions.

Despite the focus throughout this part will be on the role of the AU in Libya intervention including both the process of decision-making and intervention, it would worth to point out the main factors driving the AU to step in the intervention after explaining briefly its role in general. The AU stance in cases when crimes against humanity are committed goes back to an earlier time. From that regard, the Secretary General Report of the High-Level Panel on Threats, Challenges and Changes (United Nations 2004) could be considered as the first step through which the AU recognized the principle of R2P. The panel mainly identified five conditions through which military intervention could be authorized by the Security Council and practiced with the support of regional organizations and emphasized on the sense of collective security (Abass 2012, 218). The panel was mainly interrelated with the Charter of the UN. As referred above, the Article 48 of the Charter underlined interventions as the sole decision of the Security Council and should be participated and supported by its member states as well as several regional organizations.

In response to the High-Level Panel, the Executive Council of the AU declared a report called "Ezulwini Consensus" through which the organization revealed its position against the reforms proposed by the UN. Through this Consensus, the AU claimed that in times of conflict regional organizations are empowered to intervene in the issue due to its proximity, therefore it accepted the criteria of the Panel that the SC should authorize the intervention without preventing the AU to step in the issue in the first place (United Nations 2005). Although the responsibility of the AU to protect the civilians are underlined, the Consensus also suggested that these interventions should not aim to break down the sovereignty of the states (United Nations 2005). The Panel and the Ezulwini Consensus have great impact on shaping the position of the African Union against the crimes against humanity, war crimes and genocide.

Furthermore, the positioning of the AU in such cases is not based only on these developments. Launched in 2002 as a successor of the Organization of African Unity (OAU), the AU mainly aimed to achieve greater unity among African countries by promoting and enhancing cooperation in a wide range of field from politics to security, from economy to development (African Union). Particularly the Article 4 (h) of the Constitutive Act of the Union is in accordance with the UN Charter's Article 51 (The Charter of the United Nations 1945, Chapter VII) which commit the responsibility of the SC to take action in order to maintain international peace and security. To be more precise, the Article 4 (h) underlines "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" (African Union 2000). By listing the circumstances through which it could be intervened, in fact, the Act directly refers to the principle of humanitarian intervention.

The last but not least feature of the AU to be noted in order to understand its position in the Libya crisis as a regional organization is its "Peace and Security Council." Based on the Article 5(2) of the Constitutive Act of the Union which provides a ground for the establishment of any organ, the General Assembly established a Peace and Security Council (PSC) as a "standing decision-making organ for the prevention, management and resolution of conflicts" (Peace and Security Council of the African Union 2002). Bound with the objectives and principles of the Union, PSC was established with the target of facilitating peace and security promotion around the continent and being able to interfere in and resolve conflicts in the region more effectively (Idike and Agu 2014, 467). With the contributions of many other of AU's organs, the PSC also has the right to authorize peace-support missions, impose sanctions on governments, and to have priority in responding a potential or actual conflict. For instance, it has been active in crises such as in Darfur, Comoros, Somalia, Democratic Republic of Congo, Burundi, and Cote d'Ivoire and adopted resolutions to conduct operations to maintain peace and security in some of these countries (Idike and Agu 2014, 467).

All these developments have great impacts on the AU holding a complementary role to the UNSC in terms of undertaking a peace keeping and peace promoting duty. Through the Panel, the Consensus and the establishment of PSC the Union has demonstrated that it has the right to intervene in conflicts occurring in the region with the authorization of the UNSC and sometimes by itself. Therefore, it could be concluded that the principle of R2P was interiorized by the AU due to the Act through which it was established, its main objectives and principles, as well as its cooperation with the UN. From that point of view, the role of the AU, embodied with all these perspectives, during the Libya crisis would be analyzed. The importance of Libya case for the Union is the location of the country in Africa and the Union was mainly founded to maintain peace and security in the region. Moreover, Libya, along with Algeria, Egypt, Nigeria, and South Africa, is one of the most important member states of the AU and Qhadaffi was the most eager leader to support cooperation and coordination in the region (Campbell 2013, 89-90). As noted previously in this work, after the death of Nasser who was the leader of Egypt and mentor of Qhadaffi and the decline in the relations of Libya and Arab countries, Qhadaffi focused mostly on forming an African unity.

Right after the demonstrations and the harsh response of Qhadaffi to these demonstrations, the international community's concerns about the issue increased. Within just a week after the protests began, the AU took its first action. On 23 February 2011, the Peace and Security Council (PSC) assembled its first meeting to discuss the Libyan crisis. The member states of the Union focused on the Libyan government's repression on the demonstrations and the threats of Qhadafi against the opposition in order to have an impact on resolving the crisis and rallying the international community forces behind AU's forces (Dewaal 2012). Only three days after the PSP met, the UNSC passed the resolution 1970 which highlighted the situation in Libya and imposed sanctions to stop Qhadaffi's attacks.

Following this resolution, the PSP met again in Ethiopia on 10 March which resulted with two decisions covering the drawing of a roadmap and the establishment of the AU High Level Ad Hoc Committee on Libya to mediate between opposite parties (Apuuli 2017, 194). The

former decision is a roadmap composed of four points to protect civilians in Libya and suggests that an urgent African action was required for “the immediate cessation of all hostilities, a cooperation of the concerned Libyan authorities to facilitate humanitarian assistance to the needy populations, the protection of foreign nationals including African migrant worker in Libya, and the adoption and implementation of the political reforms necessary for elimination of the causes of the crisis” (African Union Peace and Security Council 2011). Additionally, the second decision to establish an ad-hoc committee comprised of five heads of state and government who were Denis Sassou Nguesso (Republic of Congo), Amadou Toumani Toure (Mali), Mohamed Ould Abdelaziz (Mauritania), Jacob Zuma (South Africa), and Yoweri Museveni (Uganda) was in the aim of coordinating and undertaking mediation (Apuuli 2017, 194). As it could be deduced from these significant decisions which showed the positioning of AU since the beginning of the crisis straightforwardly, the union did not support any decision including the referral of the case to the ICJ and imposing sanctions over Libyan government. After the adoption of the Resolution 1973, the AU’s members were among the countries which opposed the decision to establish a no-fly zone over Libya by supporting some of the permanent members of the UNSC such as China and Russia which abstained from passing the Resolution. The main cause behind this situation is that the AU, like other countries, suggests that any decision of intervention would break the sovereignty of Libyan government (Goulter 2015, 156). To rephrase, the AU mainly rejected the military intervention in Libya but supported an assistance and a mediation role among parties in order to resolve the crisis without any intervention.

However, while the AU positioned itself against the intervention and the establishment of a no-fly zone initially countries such as France, the UK, and Qatar and branches of media such as Al-Jazeera, BBC, and CNN emphasized on the massacres in Libya conducted by the Libyan government under the rule of Qhadaffi (Campbell 2013, 90). The main claim of the policymakers from the EU and the US was that AU could not preserve its impartiality in the resolution and intervention process since Qhadaffi was the pioneer leader in the region by financially supporting the organization (Campbell 2013, 90). The AU could not be totally independent because at least the 15% of the AU’s budget was provided by Libya in 2009 (Madlada 2011).

All these criticisms from the West was strengthen with the fact that EU cut of funding the AU' s conflict response budget and delayed the request of the Union for weeks (Dewaal 2012). Therefore, the AU was not be able to realize its aim to be a mediator and maintain negotiation among the opposite parties because of the lack of political and financial resources. Nevertheless, the efforts of the AU to mediate between Qhadaffi and the protestors continued. On 10 April, an Ad Hoc Committee under the leadership of Jacob Zuma, as the ruler of South Africa, and the participation of leaders from Uganda, Mauritania, Congo and Mali met with Qhadaffi in Tripoli and then after went to Benghazi to meet with the rebels (Mezran and Alumni 2015, 251). A new road map including five points was proposed by this committee "which called for a ceasefire and the protection of civilians, alongside the provision of humanitarian aid for Libyans and foreign workers in the country" (Al-Jazeera 2011). While this roadmap was accepted by Qhadaffi after the meeting, the rebels were suspicious about the manner of Qhadaffi and rejected the mediator role (Al-Jazeera 2011); Erdurmaz 2012, 97-98).

Mustafa Abdel Jalil from Transitional National Council (TNC) said that the plan was rejected because "the African Union initiative does not include the departure of Qhadaffi and his sons from the Libyan political scene; therefore it is outdated," and added that "the initiative speaks of reforms within the Libyan system was rejected" (BBC 2011). In fact, the proposed way of resolving the crisis in Libya was based on a diplomatic kind of mediation which did not commit the break of Qhadaffi's government but pointed out a series of reforms including a dialogue between rebels and the government. As mentioned above, this situation attracted the reactions of both western powers and countries from Arab region.

Another important point criticized was that despite the ability of the AU to act in accordance of the principle of R2P in order to "safeguard the wellbeing of Libya's citizens," the organizations showed its reluctance to intervene in cases of crisis (Madlada 2011). During the following meetings after the visit of the AU's committee to Tripoli and Benghazi, such as on 26 April, the PSP emphasized the gravity of the crisis in Libya but claimed that this was a political issue and could be solved only by diplomatic efforts rather than NATO' s bombings (African Union Peace and Security Council 2011). However, the AU faced a series

of obstacles to achieve its goal. One of these was that Africa was divided since most of the countries in the continent wanted Qhadafi gone with minimal disruption, but some were against him and support heavily the TNC like Sudan and Niger (Dewall 2012).

Moreover, the meetings held on the following months of the crisis were mainly focusing on the same issues. Finally, on August the TNC fighters entered Tripoli and captured the city. This was a turning point for the end of the crisis on the favor of TNC which was then recognized by key African governments of Nigeria and Ethiopia which called the AU to do the same (Dewall 2012). Within this framework, it could be concluded that all the efforts of the Union became unsuccessful and it failed to achieve its mediator role since the beginning of the crisis. This situation also demonstrated that despite the focus on the Article 4 (h) of the Constitutive Act which authorizes intervention in member states in circumstances of war crimes, genocide, and crimes against humanity, the AU did not act in that manner.

Although the opposition for an intervention, the AU decided for deploying a small African troop to investigate civilian killings and the uprising besides establishing a political dialogue between the TNC and Colonel Qhadafi (Mahadew 2011, 35). However inadequate resources because of both the crisis in Libya and the reactions of the EU prevented the AU to success its goal. Consequently, AU could not act as a united and credible organization to solve the crisis and end up killing of civilians. The positioning of the AU during all the process revealed that intervention by military forces was more effective compared to diplomatic negotiations in order to put an end to crimes against civilians. Hence, the PSP met last time on 20 October to discuss the situation in Libya at Addis Ababa and concluded that a commission would be established “to be headed by a Special Representative, to assist, in cooperation with the United Nations, the League of Arab States and other stakeholders, in the efforts aimed at stabilizing the situation in Libya, promoting national reconciliation and inclusivity and facilitating the transition process towards democratic institutions, building on the relevant provisions of the AU Roadmap” (African Union Peace and Security Council 2011, 1)

4.3. European Union (EU)

The European Union (EU) is one of the major regional organizations which played a crucial role in Libyan crisis and the subsequent military intervention. The main reason for this presence is the willingness of some of its member states such as France and the United Kingdom (UK) to have an active role in the process. However, the role of the EU could not be restricted only to these two countries since its relations with Libya back to earlier times. For instance, after the Barcelona Declaration of the Euro-Mediterranean (EuroMed) partnership was signed in November 1995 to further cooperation between the EU and Mediterranean and Arab countries, Libyan governments was not invited because of the UN's sanctions over the country (Bruce 2014). However, with the solution of the Lockerbie incidence in 1999 the EU lifted most of its sanctions over Libya and the relations enhanced during time and the EU attracted 85 percent of Libyan exports (Bruce 2014). These years correspond to the years when Qhadafi tried to implement reforms to respond the demands of his citizens. The first years of the 2000s were the last chance of Qhadaffi to get back his strength because of the increasing disturbance around the country caused by inequalities and corruption, as referred in the previous chapter. Libya has remained one the two countries, in line with Syria, in EuroMed without a Euro-Mediterranean Association Agreement in force (European Commission). Another critical point to be indicated in order to understand the relationship among the EU and Libya is the European Neighborhood Policy (ENP). Initiated in 2004, ENP's objectives were to protect peace and security by providing European norms and values, rule of law, human rights, market economy, and trade around EU borders (Silander and Nilsson 2014, 460). Nevertheless, as a member of ENP, alongside with Syria and Egypt, Libya has currently been a country of turmoil which has an ongoing civil war without a true and elected government which could pose a challenge to EU security (Silander and Nilsson 2014, 473).

From that point of view, it would be worth to analyze the role of the EU when the uprising in Libya arose. However, before moving on the specific steps of the EU during the crisis, the positioning of the EU when human rights violations occur and when it should take a

responsibility to protect civilians from massacres would be briefly summarized. First and foremost, among the international political actors it is the UN which is mainly responsible for the prevention as well as the management of the conflict around the world. However, as it is explained throughout this work based on its Charter the international and regional organizations should act in accordance with and under the control of the UN in times of crisis. As the Chapter VIII of the UN Charter suggests the regional agencies have pivotal role and from that regard the EU has become a crucial actor in conflict prevention and management (Cuyckens and De Man 2012, 116). The EU possesses a great capacity of crisis management instruments including “diplomatic measures, humanitarian assistance and civil protection, military and civil operations, and migration and trade related activities” which makes the organization able to conduct various crisis prevention and management operation within the framework of the Common Security and Defense Policy (CSDP) (Koeing 2011, 14).

Therefore, the CSDP should be keeping in mind in order to understand the stand of the EU in cases of crisis world widely. CSDP has a special status and follows the principle of unanimity through which the member states give priority to NATO in circumstances of defense (Kadelbach 2014, 247). From that point of view, the EU could be considered as a complementary body to NATO’s defense activities from both political and civilian perspectives. In other words, the CSDP “enables the Union to take a leading role in peace-keeping operations, conflict prevention and in the strengthening of the international security and it is an integral part of the EU's comprehensive approach towards crisis management, drawing on civilian and military assets.” In addition to this policy area the Common Foreign and Security Policy (CFSP) has been another crucial point to be analyzed in order to analyze the EU position when crises arise around the world. Through CFSP, the EU addresses the preservation of peace and strengthening of international security in accordance with the principles of the UN Charter (Treaty on European Union 1992, 123). Based on this policy the EU attributes itself a duty of “reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world” (Treaty on European Union 1992, 4). Both of these policies are significant to understand the external policies of the EU mainly based on the issues of security and defense. Considering the European Union, CSDP and CFSP referred the basis for the principle R2P which was

accepted in World Summit in 2005 because of their ability to promote and maintain peace and prevent conflict regionally and globally.

As mentioned above, the EU among other regional organizations was the fervent supporter of the principle of R2P after its adoption in the World Summit in 2005 (Wooters, De Man and Vincent 2012, 259). During a European Council meeting in 16-17 June 2005 the EU “reaffirms the importance which it attributes to the concept of responsibility to protect, which must be implemented by the Security Council, supports the reinforcement of the role and resources of the High Commissioner and the establishment of a Human Rights Council meeting” (Council of the European Union 2005, 10). By emphasizing the importance of human rights, it articulates the concept of R2P considering that the UNSC has the priority role on enforcing the principle. The support of the EU for R2P is enduring and four years after the World Summit, a European Security Strategy was adopted in 2009 which has been an important document indicating the role of the EU in crisis occurring out of its borders. Through this strategy the European Council commits that it would work to build human security, address root causes of conflict and security, deepen its cooperation with NATO in crisis management around the world, and hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity (Council of the European Union 2009, 7-9).

Considering all these points, it could be referred that the EU’s member states are among the most powerful countries to support the principle of R2P and took action when required. The Union mentions its commitment to the principle several times through its discourses or resolutions. In fact, theoretically the EU should be equipped with enough instruments to react during humanitarian crises but during the past instances the EU did not act independently without the prior consent of UNSC and without a cooperation with NATO (Kadelbach 2014, 250-251). In other words, any deficiency exists within the EU to implement the principle of R2P technically or in papers but in practice there are some differences on the side of the EU to intervene in crisis coherently. Nevertheless, a range of its instruments including CDSP,

CFSP, and the ESS came to effect when the Libyan government started to violate the rights of its citizen.

The direct reaction to the crisis came firstly from some of its member states individually. First of all, it was France who led the intervention in Libya supported then by Britain. As being the leading voice of military intervention French Prime Minister condemned Qhadafi's actions and called for his break down (Mueller 2015, 14). On March 10, two representatives of the Libyan opposition met with Sarkozy at the Elysée Palace and announced that "France recognizes the Libyan Transitional National Council as the legitimate representative of the Libyan people" (The Economists 2011). This was the main reason behind the Operation Odyssey Dawn referred above. On March 19, President Sarkozy organized an emergency meeting of Allied and Arab leaders in Paris through which he called for an immediate deployment of military aircraft on Benghazi and support the establishment of a no-fly zone area (Gertler 2011, 15). In the same day, just two days after the adoption of the UNSC Resolution 1973 which authorized its member states to act nationally or regionally to protect civilians under threat and attack of Qhadafi's government in Libya, the operation was launched (Global Security 2011). Based on the discourses of the French President, it was primarily France which unilaterally took action without the consent of the UNSC or the European Union.

The major driving force behind France to intervene was the advantage of a great moral gain, a new image in the Arab world, and a hope for political recovery after the failed diplomacy of Sarkozy during the events in Tunisia and Egypt (Nougayrède 2011). The main supporters of France at the beginning of military attacks against Libya was the UK as well as with the contributions of other countries such as the US, Italy, and Canada (Global Security 2011). Among them as mentioned in the historical background of the crisis, the stand of the UK has great importance. During the emergency summit in Paris on 19 March, British Prime Minister Cameron announced that "the time for action has come" and "British forces are in action over Libya" (BBC 2011). In accordance with other EU's member states, France and UK

overemphasized the necessity of the collapse of Colonel Qhadafi's regime and ending up crimes against civilians in Libya.

Considering the main instruments of EU to implement the principle of R2P and the stand of its two most eager states in the intervention process, it would be worth to point out the discourse of the EU and its following resolutions proposed for the solution of the crisis. After the demonstrations burst in 17 March and Qhadafi started to respond aggressively against the rebels, the EU as a regional organization criticized Qhadafi's regime and took a part during the process. The first reaction coming from the Union could be deduced from the words of the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton on 20 February.

"The European Union is extremely concerned by the events unfolding in Libya and the reported deaths of a very high number of demonstrators. We condemn the repression against peaceful demonstrators and deplore the violence and the death of civilians ... The EU urges the authorities to exercise restraint and calm and to immediately refrain from further use of violence against peaceful demonstrators" (European Union 2011)

Moreover, the first resolution adopted by the UNSC on 26 February 2011, the Resolution 1970 which imposed an arms embargo on Libya was directly supported by the EU. After positioning itself against Qhadafi's regime and strictly criticizing its implications, the EU announced a package of sanctions against Qhadafi and his close collaborators on 28 February (Mezran and Alumni 2015, 260). While working in coherence with the UN during the crisis, particularly due to the pressure coming from its member states, the EU announced some crucial resolutions on how to react to protect civilians and how to stand on the process of the crisis. For instance, British Secretary of State for Foreign and Commonwealth Affairs William Hague and his German counterparts Guido Westerwelle signed a letter indicating that "the EU should agree to an ambitious, clear response with a series of concrete actions both for the short and longer term" (BBC 2011). In line with this pressure, initially a resolution was adopted by the European Parliament in 10 March which examined the rapid

adaptation of EU's instruments to provide and maintain peace in Libya and focused on the transition and transformation processes (European Parliament 2011). In its broadest sense through this declaration the EU condemned the systematic violation of human rights, called for the immediate end of the dictatorial regime, fully supported the Resolution 1970 of the UN, and urged the international community to take necessary measures (European Parliament 2011). As it can be deduced from this decisions and declarations, the EU preferred to position itself as an ally and supporter of the UN and UNSC Resolutions.

Nevertheless, just after the immediate military actions coming from its member states in cooperation with other UN's member states and the adoption of the Resolution 1973 which promoted a ground for the establishment of a no-fly zone area on Libya, the EU offered an operation called EUFOR Libya. EUFOR Libya was a humanitarian assistance operation decided by the Council on 1st April 2011 in response to the crisis in Libya (Official Journal of the European Union 2011). The first Article of the decision mentions the mission of the operation which demonstrates clearly that the operation would be a civilian or humanitarian one rather than a military operation.

Table 4.2. Mission of EUFOR- Article 1 (Official Journal of the European Union 2011)

<p>1. With a view to underpinning the mandates of United Nations Security Council Resolutions 1970 and 1973 (2011), the Union shall, if requested by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), conduct in the framework of the Common Security and Defence Policy a military operation, hereinafter called 'EUFOR Libya', in order to support humanitarian assistance in the region. The operation shall fully respect the Guidelines on the use of Military and Civil Defence Assets to support United Nations humanitarian activities in complex emergencies and the Guidance on the use of Foreign Military Assets to Support Humanitarian Operations in the Context of the Current Crisis in North Africa.</p> <p>2. In support of this political objective, EUFOR Libya, if requested by OCHA, shall, in full respect of the Guidelines and the Guidance referred to in paragraph 1:</p> <ul style="list-style-type: none">— contribute to the safe movement and evacuation of displaced persons,— support, with specific capabilities, the humanitarian agencies in their activities
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This operation was designed to maintain UN's efforts in the humanitarian field but became most likely a symbolic gesture rather than a real response to Qhadafi's regime since it was a measure of last resort (Koeing 2011, 11). The main reason behind this situation was the lack of a collective decision among the governments of the member states of the Union to intervene militarily. Despite the wish and pressure of countries such as France and Britain to directly take part in a military intervention, countries like Italy opposed the necessity for a military intervention to deliver humanitarian aid and the argued that the deployment of forces was just because of the desire to demonstrate EU's military capacity (Marchi 2017, 3). While these disagreements were continuing, Catherine Ashton tried to convince the member states that the EU should authorize the planning for a military operation and told that "nothing significant in the delay of the operational concept" (Togel 2011).

The EU did not conduct any military operation until the end of the crisis because of these ongoing contradictions among its member states. However, during time the EU continued to provide humanitarian aid to civilians in Libya with the help of different international political actors. On 24 August 2011, Kristalina Georgieva, the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, said that "*we have prepositioned humanitarian stocks in the accessible zones of Libya and have coordinated all efforts with our humanitarian partners. We are ready. Europe will continue to help in an efficient and non-discriminatory way all Libyans who need humanitarian assistance*" (European Commission 2011). The European Commission funded almost 60 million euro for humanitarian aid in Libya and from March to May 2011 facilitated and coordinated the repatriation of more than 31,700 people from neighboring countries of Libya (European Commission 2011).

From that point of view, one of the main points which could be concluded from all this process and contradictions occurred among the member state is that the EU stood itself with the UN and provided it a humanitarian assistance. However, since the inability of the Union to take military action its defense policy was highly criticized. For instance, the French Foreign Minister Alain Juppe announced that the EU's defense policy was dead (Koahane 2016). Another concluded point was that EU military role was mainly focused on securing

European homeland and concerned with internal security (Koahane 2016). In other words, the reason behind a common response to the crisis through CSDP was mainly because of the fact that the EU's member states prioritized their national interests and concerns (Marchi 2017, 8). Apart from these points, finally, it would be useful to indicate that the EU managed this process in cooperation with other political actors. Humanitarian partners such as the International Committee of the Red Cross, UN agencies and NGOs were important coordinating and cooperating bodies for the EU's Commission (European Commission 2011).

4.4. The League of Arab States (LAS)

The last but not least organization to be analyzed in this part is the League of Arab States (LAS). LAS is another important regional organization acting in the process of intervention in Libya. While explaining the role of other regional organizations during the crisis in Libya, it was several times referred to the cooperation and coordination among regional and international organizations as well countries. Within this framework, the LAS has been greatly significant since it is established in the Arab Region and it is a regional organization which could be an ally to the UN and NATO considering the UN Charter and the Resolutions adopted during the crisis. Before moving on its specific actions and discourses, it would be useful to briefly underline the goals of the Union in general. The LAS or in other words the Arab League was founded on 22 March 1945, a few months before the establishment of the UN with a general goal to provide Arab unity in throughout the Middle East and Libya became its eight members in 1953 (Bruce 2014). Additionally, according to the Pact of the Arab League of the States, the organization should further relations among its member states with the aim of establishing a collaboration among them to ensure their independence and sovereignty (MidEast Web 1945).

Considering this point, the participation of Libya to the League overlaps with Qhadafi's discourses during his first years. Since one of the main arguments of Qhadafi during and after the 9 September Revolution was to gather Libyans toward a sense of Arab nationalism and to create an Arab unity, the LAS became an important ground for achieving this goal for him. However, as mentioned above there was a shift in the discourse of Qhadafi from an Arab nationalism to an African nationalism. Therefore, the stand of the LAS during the crisis has been worth to be analyzed. The involvement of the LAS in the process of decision and implementation of the intervention could be based on different circumstances. First of all, one of the main political ground for the LAS to be active in the process was the Arab Awakening or so-called Arab Spring prevalent in the region. The series of rebellions in the region starting in Tunisia set the conditions necessary which facilitated Arab military involvement (Nardulli 2015, 339). Since the Middle East and North Africa witnessed the wave of peaceful and violent demonstrations which ended up with political crises or conflict (Global Security), the LAS was eager to step in Libya actively to prevent further civilian deaths and to overthrow Qhadafi's regime. The recognition of the Transitional National Council (TNC) and the support of anti-Qhadafi demonstrations could be listed as other political or diplomatic steps of the LAS (Nardulli 2015, 240). This political argumentation of the LAS was directly linked with the will of some of its member states, particularly Qatar and United Arab Emirates (UAE), to intervene in Libya. While the former one is a more political reason, the pressure coming from these countries to intervene could be considered from a military front.

Besides countries like France, the UK or the US, Qatar was another significant country supporting military intervention. It considerably contributed to the establishment of a no-fly zone in Libya and due to its wealth, it supported financially the demonstrators (Zhdannikov 2011). For instance, Salah Fouad, an oil engineer from the eastern coastal city of Tobruk, said in May 2011 that "We are receiving a huge help from Qatar. Its role is unforgettable. Even the little child knows Qatar's role and assistance to us" (Zhdannikov 2011). This revealed that Qatar did not intervene only militarily to Libya but also had a significant financial support to demonstrators. After the Libyan revolution started in February, the UAE

became the second influential country intervening in the issue. Both of these countries provided political and humanitarian support for Libyans, but compared with Qatar, the UAE took a much more military role (Gamaty 2017). At the same time, Egypt dealt with its own upheavals, Saudi Arabia was interested with Bahrain which had security priority compared to Libya, and other Arab states are generally focused on their internal situations as unrest was continuing in the region (Nardulli 2015, 340-341).

From that point of view, after the break out of the rebellion, initially, the LAS wedded to the principle of non-interference declared the suspension of Libya's participation until the violence was stopped in the country, on 22 February (Bellamy and Paul 2011, 839). This decision was a rapid and crucial step taken by an international political actor different from the United Nation which is the inventor of the principle of R2P and embraces the notion of intervention when the rights of the civilian are violated by a state. Also, despite non-interference is among its key principles, the LAS stepped in the issue which demonstrated the significance of the issue. In other words, based on the Pact in times of conflict or disputes the member states are not allowed to involve in the sovereignty or territorial integrity of another state and the issue should be solved through the mediation of the Council of the LAS (MidEast Web 1945).

At the end of February, the Resolution 1970 of the UNSC was adopted which was followed with the call of the LAS on 8 March to establish a no-fly zone over Libya aviation and a safe area which was an explicit condemnation of Libyan authorities by the Arab world and particularly the Arab League (Wooters, De Man and Vincent 2012, 255). However, this was not a decision to be implement privately or lonely by the LAS. While arguing for the establishment of a no-fly zone, the LAS proposed to achieve it in close connection with regional organizations in the Middle East and Africa during both the decision-making and the implementation process (Wooters, De Man and Vincent 2012, 255). The Resolution adopted on 12 March was also crucial in supporting this decision. As mentioned in the *Table 4.3.*, it comprised the condemnation of Qhadafi's regime's actions, a call for the immediate end of the use of force against civilians, and a call to member states and other international

institutions to promote humanitarian assistance to Libyans. As it could be deduced from the resolutions of other regional organizations, this decision also emphasized the importance and effectiveness of acting in collaboration with other international political actors. Just two days after the opposition of the AU to the proposition of conducting foreign military intervention in Libya, on 12 March nine of the twenty-two member states of the LAS approved the resolution to mainly support the UN (Campbell 2013, 47). By adopting this Resolution, the LAS straightforwardly declared its opposition and criticism to Qhadaffi's regime and actions (Erdurmaz 2012, 100). The Secretary General of the Arab League Amr Moussa announced in its speech in Cairo on 12 March that "the no fly-zone is a "preventive measure" whose chief goal is to "protect Libyan citizens" and "the main priority right now is to stop the deadly situation" (Leiby and Mansour 2011).

Table 4.3. Decisions Taken by the LAS on 22 February 2011 (League of Arab States 2011)

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| <ol style="list-style-type: none"> 1. To call on the Security Council to bear its responsibilities towards the deteriorating situation in Libya, and to take the necessary measures to impose immediately a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in Libya, while respecting the sovereignty and territorial integrity of neighboring States, 2. To cooperate and communicate with the Transitional National Council of Libya and to provide the Libyan people with urgent and continuing support as well as the necessary protection from the serious violations and grave crimes committed by the Libyan authorities, which have consequently lost their legitimacy, 3. To reiterate the call on Member States, friendly countries, international organizations and Arab and international civil society to provide support and urgent humanitarian assistance to the Libyan people during this critical period of their history through various channels, and to express its thanks to the countries and entities that are providing such emergency assistance, as well as to countries that are contributing to the evacuation of Arab citizens wishing to leave Libya, 4. To continue to coordinate with the United Nations, African Union, the Organization of Islamic Conference, as well as the European Union on the situation in Libya. |
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Resolution 1973 was adopted on 17 March to impose no-fly zone over Libya and authorized the member states to take all necessary measures to protect civilian under attack or threat of attack (United Nations 2011). Therefore, the decision taken on 12 March could be easily considered as a facilitator for the passing of this Resolution (Welsh 2012, 189). In other words, through the Resolution adopted by the LAS a significant step in building international

support for Resolution 1973 was achieved (Paris 2014, 581). Also, this could be considered as the proclamation of the LAS to act in accordance with the UN and support its resolutions. This step became also crucial in the part the LAS since it was the first time during its history that it authorized for a military intervention abroad (Nardulli 2015, 341). Moreover, by solely analyzing the statement of the Resolution 1973, it could be directly made reference to the importance of the Arab League in the process. The role of the LAS during the crisis management in Libya was mentioned by the Security Council throughout different articles of the Resolution and these articles are listed on the *Table 4.4.* While suggesting a cooperation among the members of the international community, from international organizations to individual states, the SC authorized its member states to step in the issue by notifying the Secretary-General of the League of Arab States apart from the Secretary-General of the UN.

Table 4.4. Articles of the Resolution 1973 concerning the LAS (United Nations 2011)

<p>The United Nations Security Council;</p> <ul style="list-style-type: none"> • Recalls 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, • Takes 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, • 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 • 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, • 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.
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On 19 March, before launching an aircraft over Libya Sarkozy organized a meeting in Paris with the participation of several countries and organizations world widely. In order to understand the role of the Arab League in Libya intervention, the invitation and participation of the Arab League Secretary General Amr Moussa, Iraqi Foreign Minister Hoshyar Zebari, Qatari Prime Minister Sheikh Hamad bin Jassim bin Jabr al-Thani, Jordanian Foreign Minister Nasser Judeh, Moroccan Foreign Minister Taieb Fassi Fihri, and the Foreign Minister of the United Arab Emirates to the summit became important (Reuters 2011). These Arab countries as well as in line with the LAS pledged their commitment to the establishment of a no-fly zone over Libya. Furthermore, as it was France which initially launched a military operation against Libya, its pressure over the UNSC to cooperate with other international political actors could not be denied. The coalition proposed by France was mainly based on the participation of Arab leaders and their contribution to military operations (Grand 2015, 187). Nevertheless, the close and long relationship among Sarkozy and Emir of Qatar facilitated for them to act in accordance, and so Qatar became the first country proposing military contribution and supporting the Operation Dawn (Nardulli 2015, 345).

As a result of the conference held in London on 29 March, the Chair Foreign Secretary William Hague of London announced the decision to establish the Libya Contact Group which will “ meet to provide leadership and overall political direction to the international effort in close coordination with the UN, AU, Arab League, OIC, and EU to support Libya; provide a forum for coordinating the international response on Libya; and provide a focal point in the international community for contact with the Libyan parties” (NATO 2011). Since its establishment, Libya Contact Group met several time until the crisis in Libya ended. Different Arab countries hosted these meetings, for instance the first meeting was held in Doha on 13 April (NATO 2011), and the third one was held in Abu Dhabi on 9 June (United Nations 2011). However, any of these meetings or statements was sufficient to deter Qhadafi to use force against the demonstrators as well as other civilians. From that point, the Transitional National Council, which was the interim opposition government in Libya, was recognized and accepted as the governing body of Libya firstly by the Contact Group on 25 August, then by the LAS on 27 August, the UN General Assembly on 16 September and finally by the AU on 20 September (League of Arab States 2011).

4.5. Post-Qhadaffi Period

Considering the variety of international organizations participating to the intervention, it can be concluded that violence against the civilians who reacted against their government attracted the attention of different international and regional organizations apart from the United Nations. As mentioned throughout this part, the intervention in Libya was composed of the contributions of a series of different organizations. The stance of these organizations in cases of human rights violations was based on their general discourses as well as on their establishing treaties. Additionally, the close relationship among these organizations and their cooperation to intervene in such processes also derived from their adopted resolutions and discourses. The UN Charter and the Resolutions 1970 and 1973 adopted in resolving the crises promoted the ground in this area. Besides, the New Strategic Concept of NATO, the establishment of the PSP in the AU, and CFSP and CFDP areas of the EU are among the main instruments used by these regional organizations to step in the intervention. Nevertheless, despite the existence of different means their impact on the crisis was not equally distributed. The will of the organizations, their capacity to intervene, and also their proximity to Qhadafi's regime are among the main factors causing this diversity. For instance, while the LAS was eager to step in the process and contribute to military operation over Libya, the AU was prone to solve the problem from a more diplomatic perspective. Also, the EU organized itself mostly to have an effective role on humanitarian assistance in Libya. Despite its great capacity to contribute military operation, it became a strong proponent and contributor of humanitarian assistance for Libya while NATO command the military intervention in Libya from 31 March to 31 October when the crises ended. The stance of these organizations and their means of involvement in the crisis process in Libya is summarized in the *Table 4.5.* below.

Table 4.5. Role of Regional Organizations in 2011 Libya Intervention

Regional Organizations	Practice	Means of Intervention	Do they have a direct military contribution?
NATO	Operation Unified Protector	- Enforcing arms embargo, - Establishment of no-fly zone, - Conducting air and naval strikes	Yes
African Union	Establishment of a High Level Ad Hoc Committee	- Diplomatic assistance, - Drawing a roadmap for both sides	No
European Union	EUFOR Libya	- Humanitarian assistance and aid - Supporting for NATO and UN's decisions - Contributing to the safe movement and evacuation of civilians in Libya	No
Arab League	12 March Decisions	- Supporting for NATO and UN's decisions - Calling for taking preventive measure" - Facilitating the passing of Resolution 1973	Yes

From that point of view, it would be useful to briefly examine the situation in Libya in the post-Qhadaffi period. Hence, it would be possible to understand the level of achievement of this intervention. Libya intervention became a unique case and the low profile of the US and its search for an Arab support were the two points which differed the intervention in Libya from others such as in the Balkans, Afghanistan, and Iraq (Chivvis, Crane and Mandaville 2012, 2). After the end of the war and the defeat of Qhadaffi, there were little violence in Libya and a high popular support for the transition process existed which encouraged NATO to not deploy stabilization or peacekeeping forces after the war (Chivvis and Martini 2014, 15). However, the decision of NATO as well as other international actors to not deploy forces in Libya at the end of the crisis led some troubles and the rise of violence around the country

in long term. In fact, the reasons for a relatively stable Libya at the beginning could be read as the advantages of Libya.

Within this framework the strengths of Libya after and during the war could be summarized as peaceful revolutions in the region created a ground for peaceful transition, Libyans do not fight against each other, Libya's energy resources provided welfare for the country and the damage of Libya was limited compared with previous cases (Chivvis, Crane and Mandaville 2012, 4). The demonstrations against Qhadaffi gained a total success which in fact was affected by the fact that despite the tribal conflict around the country, the rebels fought all together toward a common interest which was overthrowing Qhadaffi. In other words, they were gathered around a specific goal which empowered them. Additionally, the military operation conducted by NATO was planned and cared to not damage the infrastructures of the country. The impact of these conditions led the international community including regional organizations to left Libya alone in rebuilding the country. Nevertheless, it should be noted that some actions came from their part, but they are very limited on their capacity. For instance, the establishment of UN Support Mission in Libya (UNSMIL) on 16 September 2011 with the adoption of the Security Council Resolution 2009 aims to support "Libyan institutions and provide, upon request, essential services and humanitarian assistance" and has the duty of monitoring and reporting human rights and uncontrolled arms (United Nations 2011). However, due to its limitation to directly step in Libyan politics and its low number of staffs, UNSMIL became highly restricted to achieve its goal (Chivvis and Martini 2014, 18). A number of like-minded missions were also supported by other political actors such as the EU, France, Britain and Italy, but the essential duty of "establishing security, building political institutions, and restarting the economy were left to Libya's authorities (Chivvis and Martini 2014, 19).

Because Libya was not able to do these requirements solely, the situation in Libya a while after the end of the crisis started to have an impact on the security of the country and people living there. The institutions of security sector were extremely weak and very limited to promote security, Libya thus need a reform in its institutions which tried to be achieved by revolutionaries who fought during the war and other armed groups who were themselves a

source of insecurity (Chivvis and Martini 2014, 22-24) The attack killing the American ambassador J. Christopher Stevens and three of his staff in Benghazi immediately attracted the reactions world widely and the American and European officials primarily announced that “the assailants seemed organized, well trained, and heavily armed, and they appeared to have some level of advanced planning” (Kirkpatrick and Myers 2012). The security problem arisen over Libya after the end of 42 years of Qhadaffi’s rule demonstrated that it faced a fragmentation of political leadership, collapse of internal security, increase in economic disputes, and a legacy of neglect and corruption (Randall 2015, 199). In other words, the lack of a united political leadership, security, a working economic system and an accountable government during the years after Qhadaffi’s death prevented Libya to sustain a peaceful environment and led the rise of different armed groups demanding voice in the rule of the country. Nevertheless, within such conditions a historical election was held on 7 July 2012 which was realized with the support of the UN and other actors and through that elections Libyan General National Congress (GNC) gained power (Chivvis, Crane and Mandaville 2012, 17).

After the new government took place in Libya some problems started to occur around the country. As being historically a place where rivalries among its regions and cities exist, Libya faced again such conflicts. Libyans, as indicated throughout the chapter of historical background, have not developed a collective self-development or self-government which have caused ideological, regional, religious and tribal fragmentation (Randall 2015, 210). These fragmented parts of the society came together while protesting against Qhadafi’s regime but clashes among them sprang a few years after the end of the crisis. The most visible result of these fragmentation today is the existence of two competing governments in Libya: a Tripoli government including members of the GNC and led by Prime Minister Omar Al-Hassi and Tobruk government led by Prime Minister Abdullah Al-Thinni including the House of Representatives elected in 2014 (Randall 2015, 211). Both of these governments are supported by armed groups which are Libya Dawn armed coalition supporting the former government and Libya Dignity coalitions supporting the second government in Tobruk and both of them are struggling for state power and resources (Catham House 2014, 2). This deep fragmentation affected all the developments in the country from the economic ground to

politics. Especially, this situation has prevented the establishment of a stable rule over the country supported by the lack of a monopoly of power. Also, the fragmentation in armed forces prevented Libyan authorities to establish a strong united army. During the post-2011 period, the decision-makers empowered the armed groups instead of building a national defense and security apparatus to dissolve the militia from their origin (Perroux 2019, 205). Despite the efforts of Libyan interim government, NTC, and the international actors to disarm rebel groups during the first year of post-Qhadaffi period, armed groups differentiated within time and has increased in number which directly led the proliferation of conflict around the country (Chivvis and Martini 2014, 20).

Table 4.6. Armed Groups in Libya (European Council on Foreign Relations)

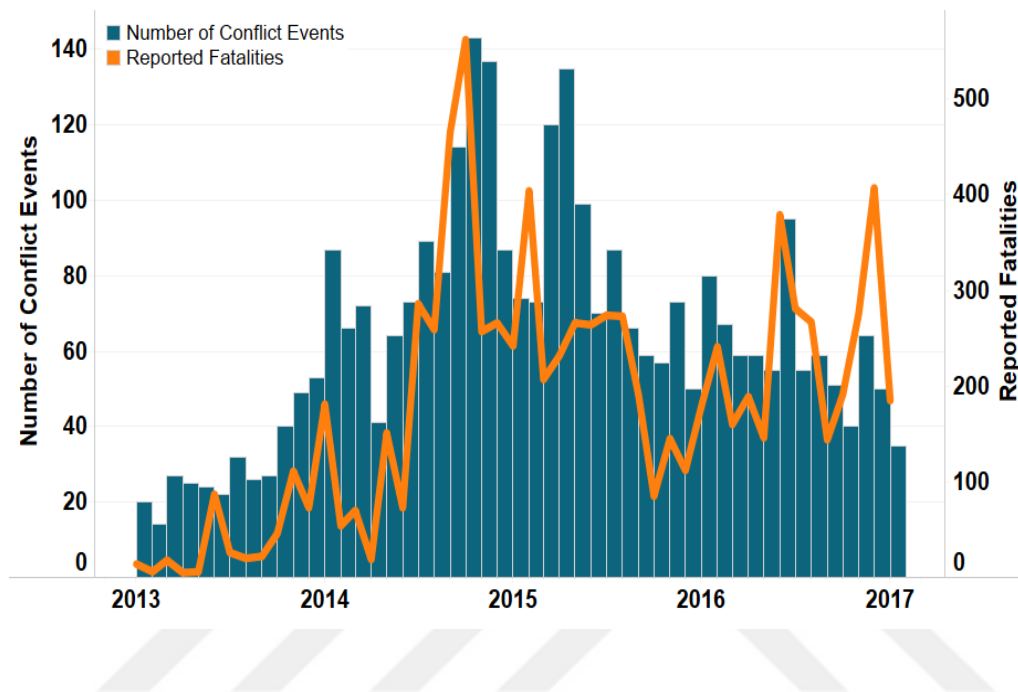
<ol style="list-style-type: none"> 1. Libyan National Army supported by Haftar 2. Libya Dawn Militia 3. Misrata and the Bunyan Al Marsous Operation 4. Zintan and the Tribal Army 5. The Benghazi Revolutionary Shura Council - Ansar al-Sharia 6. ISIS 7. Libyan Islamic Fighting Group 8. The Benghazi Defense Brigade 9. The Petroleum Facilities Guards 10. Operation Dignity in Benghazi 11. Al-Qa'ida in the Islamic Maghreb (AQIM)
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Apart from the security issues in Libya, the state-building challenges should also be focused. Since the UNSMIL suggest establishing political institutions, the instability within Libya and conflicting powers complicated and even precluded the stabilization of political institutions. Despite the successful election and the empowerment of the GNC, by the end of 2013 dissatisfaction have arisen due to disagreements among two major groups in the parliament and the incredibility of the GNC (Chivvis and Martini 2014, 51). Moreover, the economic factors in Libya have also been a source of conflict in Libya since 2011. Despite the efforts of Qhadaffi to control and manage oil economy from a state power by one hand, with his death both state and non-state actors in Libya have competed to build a control over oil sector which contributed to the increase of informal economy and illicit activities (Costantini 2016,

416). The inclusion of different actors acting informally in oil economy has increased the inequality which resulted with conflict in the society. Considering all these factors it could be noted that the conflict among various groups for reaching resources and for obtaining power are interrelated and so, economic and political struggles are feeding each other.

In response to the situation in Libya and the increasing violence among the rivalry groups, international actors took some actions to end the conflict in Libya and stabilize the country's transition process. The meeting of the Libya Working Group in 2014 could be an example for these actions. Through this meeting, Bernardino Leon, the UN representative and head of mission in Libya, "tried to engage all parties in mediation efforts" and it was claimed that "if the vacuum in state power continues, the potential for terrorism inside and outside Libya will grow" (Catham House 2014, 2). The concern of the international community was mainly based on the fear of the spread of the conflict over the region, so they did not want to leave Libya becoming a fail state. However, despite this concern and some steps to maintain peace in Libya, the requirements were not adequately supplied, and their support became insufficient in building a working state capacity. The graphic presented in the *Figure 4.5* demonstrates the wideness of conflict events in Libya and the numbers of fatalities occurring from 2013 to 2017.

Figure 4.5. Number of Conflict Events and Reported Fatalities in Libya, from January 2013- January 2017 (The Armed Conflict Location & Event Data Project, 2017).



After the death of Qhadaffi, a civil war in Libya did not began immediately. However, the country has become a place where insecurity has spread through the rising uncontrolled armed groups, the government has lost its reliability due to the lack of accountability and economic conditions based on oil production have worsen. Therefore, considering the case of Libya, it could be noted that despite the need for a close cooperation and coordination among international political actors when human rights are violated particularly by their own government, the inclusion and intervention of these actors could not always result in success. Within the context of the principle of R2P or humanitarian intervention, the regional organizations analyzed throughout this work which stepped in the crisis in Libya did not accomplish their mission. Their weakness is essentially because of their lack of capacity or eagerness to establish strong and effective peace stabilization missions. Nevertheless, these organizations can also be reluctant to act actively in the post-conflict process because of their self-interest to act in their own region and their preference to use their means to increase security or welfare within their boundaries. In other words, regional actors while supporting

the intervention in Libya they are not fully successful because of partly excluding the state-building level of intervention. This level of intervention refers to the de-escalation process which includes peace keeping, conflict management, peace building and peace consolidation as shown in the *Figure 4.2*. As a result, Libya have become a fragile state and continued to rank as “the most-worsened country of the past decade, closely followed by Syria, Mali, and Yemen, as all four countries find themselves embroiled in ongoing civil conflict” (The Fund for Peace 2019, 10). According to the Fragile State Index Libya is ranked as the 28th country out of 178 countries, and its score is 92.2 out of 120 by 2019 (The Fund for Peace 2019).

Figure 4.6. Fragility Level of Libya (The Fund for Peace 2019)



Moreover, according to Freedom House which is an organization monitoring the expansion of freedom and democracy around the world and categorizing countries as free, partly free or not free based on the accountability of governments, the rule of law, freedoms of expression, association, and belief, and the rights of minorities and women, Libya has been identified as a “not free” country (Freedom House 2018). Finally, it would be worth to note that while millions of Libyans hoped to be ruled with newborn democratic state institutions, these were unable to provide even the basic services composing electricity, health, and education which at the end caused an increased insecurity, human rights abuses, and lack of access to basic service (Perroux 2019, 206). All these factors immediately have increased the dissatisfaction of the society once again in Libya’s modern history. The failure of the foreign intervention of regional organizations in Libya during and after the crisis as well as with the contributions of its domestic challenges including tribal conflicts, economic troubles and lack of justice have been the major factor behind the fragmentation, instability, and insecurity in Libya.



5. CONCLUSION

In this thesis, I conducted a case study to reveal the role of distinct regional organizations in the processes of decision-making and implementation of humanitarian intervention. I choose Libya intervention realized in 2011 as the case for this study since it has been the first intervention authorized by the UNSC under the principle of R2P. Unlike the 2011 Syrian crisis during which Russia and China vetoed drafted Resolutions drawn to end conflict by intervening in Syria, Libya intervention is critical to be analyzed because the Resolutions 1970 and 1973 which formed the basis for a military intervention in Libya were adopted by the UNSC without any veto. To demonstrate the role of regional organizations within this context, I analyzed the discourses developed by NATO, the AU, the EU, and the LAS. In this study, I have argued that intergovernmental organizations, particularly regional organizations, increasingly use international norm statements including the norm of human rights to protect civilians in countries facing intrastate conflict. However, the facts of this study show that despite the eagerness of some political actors to step in humanitarian crisis and their achievement to do it do not always result with a history of success for the intervened country since Libya has been currently a failed state.

In accordance with this main topic, to understand the driving forces behind humanitarian intervention or latterly R2P, in the first part of this study I provided a conceptual framework based on the in-depth analysis of the norms of sovereignty and human rights prevailing in international law. Before and during the Cold War the international community including states and intergovernmental organizations put the norm of sovereignty forward to prevent interventions in other countries internal affairs. The prominence of the sovereignty of the

states and their inviolable nature mainly derive from the political thoughts of the early philosophers such as Jean Bodin and Thomas Hobbes. The modern understanding of sovereignty was drawn with the sign of the Westphalian Treaty and then after the establishment of the UN system both of which emphasize the non-intervention principle. Nevertheless, especially following the tragedies in Bosnia and Rwanda, the international community tried to step in issues where human rights violations occurred in order to prevent civilian deaths. In that point, to justify and legitimize the interference, the norm of human rights has been asserted. Despite the evolution of this norm was based on the thoughts of political philosophers such as John Locke and Immanuel Kant, it was considerably the changing nature of war which highlighted human rights norm in international politics. Currently, the concept of security has widened and deepened and so many different actors have been included in the crisis occurring around the world among which civilians stand a critical place. In other words, with the rise in intrastate conflict and the emergence of the R2P in 2005, the international community have become more visible and active in humanitarian crisis by supporting the norm of human rights. Therefore, through this chapter, apart from the evolution of these two norms, the shift of paradigm from the norm of sovereignty to the norm of human rights was presented by referring human rights law and humanitarian law.

Taking consideration of this shift, it could be noted that Libya intervention conducted in 2011 is a critical case to be focused. Since it was realized in the aftermath of the adoption of the principle of R2P, Libya military intervention demonstrates the will of distinct political actors to step in the crisis because of their increasing concerns about human rights violations. Therefore, in Chapter III, I examined the historical background of Libya by referring the main causes of the conflict. Since Libya has been a country dominated by different civilizations such as the Ottomans and Italians, the crisis in 2011 had a series of precedents. My researches revealed that the weak state control, the absence of well-established political institutions, and the deep fragmentation among tribes have been among the main sources of instability in Libya throughout its modern history. The objective of the revolution, so-called coup, organized by Qhadaffi and his counterparts in 1969 was to overthrow the present monarchy by ending these listed challenges in the country. Based on the Green Book, which

was the ideological mirror of Qhadaffi, the regime established by him satisfied people for a while particularly due to the establishment of popular committees and congresses which increased the direct participation of people in decision-making process by giving a voice to all parts of the society.

The abundance of tribes in number and their weight in the political system in Libya caused a trouble within time because Qhadaffi failed to fulfill his promise and to sustain an equal environment for everyone living in the society. Those who are close to Qhadafi and particularly his family members were drafted into critical position and this caused the empowerment of the tribe to which Qhadafi belongs. The appearance of tribal conflicts and the ongoing economic problems in Libya were supported with the incidents occurring in the neighboring countries encouraging people in Libya to rebel with the aim of breaking down the current regime. The revolution in Libya started on February 2011 faced with the violent attitudes of military powers and caused a great number of deaths within a short time which immediately attracted the attention of the international community. The UN called for the cooperation and coordination among the intergovernmental organizations with the adoption of its two significant Resolutions 1970 and 1973. These resolutions promoted a ground for its member states to take all necessary measures and establish a no-fly zone in Libya to end Qhadafi's atrocity which directly targeted the lives of civilians.

Apart from the UN, solely countries such as France, the UK and the US were also eager to act to stop Qhadafi. Particularly, France was the first country to use force in Libya since Sarkozy announced that they launched an aircraft over Libya without the authorization as well as contributions of the UN. However, the political actors which took a role in this process was not restricted to these. The regional organizations including NATO, the AU, the EU, and the LAS were among the most influential actors during decision-making and implementation process of the intervention. Therefore, throughout the Chapter IV, I examined the impact of these organizations in Libya military intervention and their stance against the emerging conflict. This provided me to understand the differentiation among these organizations when human rights violation occurs. Despite the driving forces behind

the involvement of the regional organization in Libya intervention varied, their common goal was to cooperate and fulfill the responsibility to protect. As it was identified in the introduction part of this study, one of the pillars of the principle of R2P was the responsibility of the international community to intervene with the objective of ending genocide, ethnic cleansing, war crimes, and crimes against humanity. When acting together, these regional organizations also referred to the Article 48 of the UN's Charter which argued that the primary body to decide on interventions is the UNSC, but these decisions should be supported and contributed by the UN's member states and other regional organizations.

Within this framework, on 31 March 2011, NATO became the conductor of the military operations in Libya with the full support of the LAS and particularly with the support of its member states the United Arab Emirates and Qatar. The EU was also eager to step in the crisis in Libya. However, its intervention was mostly by providing humanitarian assistance and aid to civilians in Libya in spite of the will of some of its member states such as France and the UK to intervene by military means. On the other hand, the AU was also reluctant to intervene in the internal affairs of Libya by asserting the norm of sovereignty. The AU, instead of a military intervention, proposed to find a solution in a diplomatic ground and conducted meetings with both conflicting sides which resulted in failure. This situation directly triggered the criticism of other regional organizations, because of the affinity of Qhadafi to the AU during his rule. It was claimed that the AU could not act against Qhadafi's regime, since Qhadafi was its primary financial supporter. Taking the differentiation among these regional organizations into consideration, I reached the result that the concerns toward human rights violation does not always lead humanitarian intervention. The impetus of international political actors for intervention could be affected by their own interests as well as their technical capacity.

Then after analyzing and presenting the statements and discourses developed by the regional organizations, this thesis pointed out that although several political actors are willing to intervene in the Libya crisis to end up crimes against civilians committed by Qhadafi's regime in accordance with the UN and the resolutions adopted by the UNSC, the intervention ended with a failure. In other words, the international community was successful in reacting

against the massacres but failed to sustain peace and security in the aftermath of the war. While starting with an objective of ending crisis and maintaining peace and security in Libya, the conditions in Libya have worsen at the end of the intervention. In the post-Qhadafi period, Libya has become a country of troubles and a place where internal conflicts including tribal confrontations and security threats have arisen once again. One of the main reasons of this situation was the lack of state capacity which has been absent in Libya through its history. Additionally, it could be noted that “the responsibility to rebuild” which is one of the responsibilities and pillars consisted under the principle of R2P have not succeed in Libya. Apart from the inability of Libya to maintain peace and security, the lack of well performed peace-keeping missions in the country, which should be established and monitored by the intervening force, contributed to this failure. The current situation in Libya could be straightforwardly analyzed through reports of some non-governmental organizations. For instance, according to the Fragile State Index, Libya’s fragility referring the weak state capacity and weak state legitimacy has been increased since 2011. Also, the Freedom House listed Libya currently as a “not free” state by analyzing and pointing the freedoms in the country. Considering all these points, finally, I would like to suggest that despite the reactions of the international community and their will to conduct an intervention in Libya, the intervention did not succeed because of their failure to rebuild the country economically and politically in the aftermath of the crisis and the stances of the regional organizations included in this process differed based on their main interests.

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