

ATILIM UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS
GRADUATE PROGRAM



LIBYAN-CHADIAN CONFLICT (1976-1994)

Master's Thesis

Talal Ibrahim. Moh. Shebli

Ankara, 2017

T.C
ATILIM UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS
GRADUATE PROGRAM

LIBYAN–CHADIAN CONFLICT (1976-1994)

Master's Thesis

Talal Ibrahim. Moh. Shebli

Supervisor

Prof. Dr. Hasan Ali Karasar

Ankara, 2017

ACCEPTION AND APPROVAL

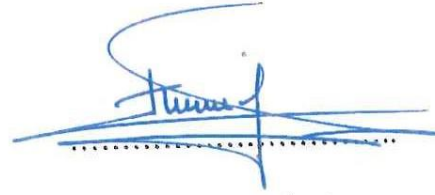
This is to certify that this thesis titled "Libyan-Chadian conflict (1976-1994)" prepared by Talal Ibrahim. Moh. Shebli meets with the committee's approval by the majority vote as Master's Thesis in the Field of International Relations, following the successful defense of the thesis on January 27th, 2017.



Director: Prof. Dr. Dilaver Tenglimoğlu



Supervisor: Prof. Dr. Hasan Ali Karasar



Examining Committee Member: Prof. Dr. Hasan Ünal



Examining Committee Member: Assoc. Prof. Dr. Uğur Güngör

ETHIC DECLARATION

I hereby declare that:

- I prepared this thesis in accordance with Atilim University Graduate School of Social Sciences Thesis writing Directive.
- I prepared this thesis within the framework and ethics rules.
- I prepared all information documents, evaluations and finding in accordance with scientific ethical and moral principles.
- I cited all sources to which I made reference in my thesis.
- The work of art in this thesis is original.
- I hereby acknowledge all possible loss of rights in case of a contrary circumstance.

(In case of any circumstance with my declaration)

27.01.2017

Talal Ibrahim.Moh.Shebli

ÖZET

Bu tezde Libya ve Çad arasındaki çatışmanın siyasi ve askeri yönlerinin etkilerini araştırılacaktır. Bu çalışmada, savaş ve nedenleri üzerinde durulacaktır. Esas olarak, iki ülke arasındaki arazi Aouzou şeridine odaklanacaktır. Söz konusu olan bölge, Afrika ve güç sahibi olan koloniler arasında çekişme alanı ve kalıntıları olmuştur. Bu çalışma aynı zamanda çatışan gruplar hakkındaki Birleşmiş Milletlerin yaklaşımlarına yer vermektedir.

Bu çalışma, Libya ve Çad arasındaki sınır çatışmasını incelemek ve her iki ülke üzerindeki sosyal ve politik etkilerini analiz etmek, çatışmadaki iki tarafın da izlediği politikalar ve askeri hedeflerinin zorluklarını ve sosyal etkilerini analiz etmeyi hedeflemektedir. Ayrıca, bu çalışmada bahsedilen çatışma sonrasında toplumda ortaya çıkan toplumsal ve siyasal yapı değişikliklerini değerlendirerek, uluslararası toplumun çatışmaya tepkisini gözden geçirerek elde edilen bilgi ve tüm bulguları sonuç kısmında özetlemektedir.

Anahtar Kelimeler: çatışma, Libya, Çad, Uluslararası Adalet Divanı, süper güçler, Aouzou Şeridi

ABSTRACT

This thesis studies the effects of the political and military aspects of the conflict between Libya and Chad. The present thesis will focus on the war and its leading causes. The thesis mainly focuses on the Aouzou strip as a strip of land between the two countries. The zone had been an area of contention among the powers possessing colonies in Africa and remains as such. The study also gives priority the opinions and the approaches of the UN to conflicting parties.

This thesis examines the border conflict between Libya and Chad and analyses its social and political impacts on both countries. It analyses the challenges and social impacts of the policies and military objectives pursued by both sides in the conflict. In order to evaluate changes in the social and political structures emerged in the societies in the aftermath of the conflict; it reviews the reactions of the international community towards the conflict and to summaries all the findings in the concluding remarks.

Keywords: conflict, Libyan, Chadian, International Court of Justice, superpowers, Aouzou strip

ACKNOWLEDGEMENT

This thesis would not have been possible to write without the support of many people. First, I would like to express my sincere gratitude to the supervisor Prof. Dr. Hasan Ali Karasar, who read my endless revision and inspired me much in writing this thesis .I appreciate his vast knowledge Libyan, Chad conflicts and his valuable guidance, which assisted me a lot in the writing process.

I would like to express my appreciation to Professor and Head of Department of International Relations Prof. Dr. Hasan Unal to see the value and shared with us during the main session.

I would like to thank my family for moral support and inspiration they gave me during the three years of the chase this class, especially. My Wife and my children for their patience and care during the writing process.

I am also grateful to the military for the extension Libyan Embassy in Ankara, Colonel Ali Tormal, management team and my friends, on their advice at all stages of the writing process and emotional support during difficult moments.

Finally, I want to thank the management team in Atilim University, the Institute of International Relations Department and Preparatory School of English Language.

TABLE OF CONTENTS

ACCEPTATION AND APPROVAL.....	I
ETHICS DECLARATION.....	II
ÖZET.....	III
ABSTRACT.....	IV
ACKNOWLEDGEMENT.....	V
TABLE OF CONTENTS.....	VI
INTRODUCTION.....	1

CHAPTER 1

1.1. Problem Statement:	6
1.2. Research Scope:	7
1.3. Research Goal.....	7
1.4. Research Questions:.....	7
1.5. The Importance Of Research:.....	8
1.7. Methodology:	8

CHAPTER 2

HISTORICAL BACKGROUND

2.1. Aouzou Sector:.....	9
2.2. The Occupation of Aouzou Sector:.....	10
2.3. Appearance of The Dispute To The Public.....	12
2.4. French – American Facts:	13
2.5. A View of Gaddafi’s Ambitions In Sub-Saharan Africa:.....	14
2.6. Gaddafi And Creation of Instability (Armed Grouping):.....	15
2.7. The Beginning of The Escalation:	16
2.8. Events Between 1986 And 1987:.....	18
2.9. Chad’s Reaction:	19
2.10. The Significance of Aouzou:.....	20
2.11. Gaddafi Back On The Defensive:	21

CHAPTER 3

CHAD AND THE LIBYAN INTERVENTION

3.1. The Ethnic-Social Viewpoint of The Conflict – Chad:.....	23
3.2. Post – Independence Chad: Absence of Political Unity:	26
3.3. Post- Independence, (1960-1975): Tombalbaye's Rule:	27
3.4. South -North Enmities:	27
3.5. Divisions of The Disputants:	28
3.6. Hussein Habre:	28
3.7. The Cluster Undertaking And Its Outcomes:.....	28
3.8. Compromise Governments, (1978-1979)	30
3.9. Transition Governments, 1979-1980:	32
3.10. The Second Modern Government:	32
3.11. Ejection of Habre:.....	33
3.12. Libya Intercession, 1980:	33
3.13. Consolidation of Chad And Libya:.....	34
3.14. Ejection of Libya, 1981:	36
3.15. Habre's Return, 1982:	37
3.16. Goukouni Attacking 1982-1983 Government During Displacement:.....	38
3.17. Once More, Libyan Association; The Fall of Faya Largeau:.....	38
3.18. No Further Advances:	40
3.19. Administrative Response, Military Help:	40
3.20. Recovery of Faya-Largeau:	41
3.21. Goukouni's Hostile Restoration:	42
3.22. Rebel Siege And Recovery of Faya-Largeau:	43
3. 23. French Mediation:.....	44
3.24. Stalemate	45

CHAPTER 4

SUBMISSION OF CONFLICT TO THE INTERNATIONAL COURT OF JUSTICE

4.1. The Franco-Italian Treaty of 1935:.....	47
4.2. The Franco-Libyan Treaty of 1955:	50
4.3.1. August 1990:.....	53

4.3.2. September of 1990:	56
4.4. The Territorial Claim By Libya:	58
4.5. The Struggle And The (ICJ):	60
4.6. The Court Began:	62
4.7. The Pleading By Libya And Chad:	64
4.8. The Verdict:	65

CHAPTER 5

CONCLUSION	69
BIBLIOGRAPHY	76



LIST OF ABBREVIATIONS

FROLINT	National Liberation Front of Chad
BET	Borkou-Ennedi-Tibesti
OAU	Organization of African Unity
FAP	Peoples Armed Forces
FAT	Chadian Armed Forces
FAN	Armed Forces of the Norton
GUNT	Transitional Government of United Nations
USSR	Union of Soviet Socialist Republics
USA	United States of America
CIA	Central Intelligence Agency
UPT	Union Pour le Progress du Chad
PPT	Part Progress Chad
FPLT	Movement Popularize Liberation Chad
ICJ	International Court of Justice
UN	United Nations
The UPT	Union pour le Progress du chad

INTRODUCTION

The present thesis focuses on the political and military aspects of the conflict between Chad and Libya. The Aouzou sector of land between two countries. The zone had been an area of wars among the forces having states in Africa and leftover so.

The Aouzou strip now is the territory triggering clashes between Libya and Chad. The territory of the Aouzou Strip, around one hundred miles wide, is forty-five thousand square miles of Sahara situated in the north of Chad, bordering with southern parts of Libya. The interest of Libya in this territory can be explained by some factors. Firstly of all absence of clear the border between Libya and France were not clearly marked off in the treaty back in 1955. It is important to mention that from which Chad emerged. Despite the treaty was signed none of the parties had ratified it¹. The claims that the Aouzou strip is uranium-rich territory² became the driving reason why Libya decided to attack and capture the Aouzou district from Chad in 1973. As a result, Libya was dominant in Chad against until 1980. Finally, in 1990 both countries agreed to appeal to International Court of Justice (ICJ), which ended the Libyan claim by declaring Chad sovereignty over the disputed territory of the Aouzou strip.

Libyan engagement in Chad began in 1968, in the midst of the civil war in Chad, while the National Front for the Liberation of Muslim Chad sought (FROLINAT) fight against Tombalbaye (who was Christian) toward the north - Borkou-Ennedi-Tibesti (BET).³ Libya's King was persistent about the idea to assist the FROLINAT due to longtime weighty connections between the two sides on the territory where Chad and Libya border. To keep relations with France, which was a colonial possessor in the past and a protector in the present of Chad, King Idris provided the rebels with a shrine in Libya and nonlethal aid.

¹ Cohen Roger, "Chad Wins World Court Decision in Territorial Dispute with Libya," *New York Times*: (On 4th Feb of 1994). p. A6.

² Clayton Anthony, "*Frontiersmen: Warfare in Africa since 1950*". London:, 2001, p. 98.

³ Powell Nathaniel, "*Experts in Decolonization*": France in Chad 1960-1972," https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2874657 (a.d. 1.1.2017)



The situation changed when the change of government took place in Libya: King Idris was overthrown in the Libyan Gaddafi came to head of Libya. He declared that the Aouzou sector belongs to the southern of Libya referring to the Treaty signed, but not ratified, though, by Italy and France in 1935. Libya was a colony of Italy, while Chad belonged to France. Such claims had been already

expressed before when King Idris had attempted to capture Aouzou in 1954. However, his forces were beaten by the French area troops.

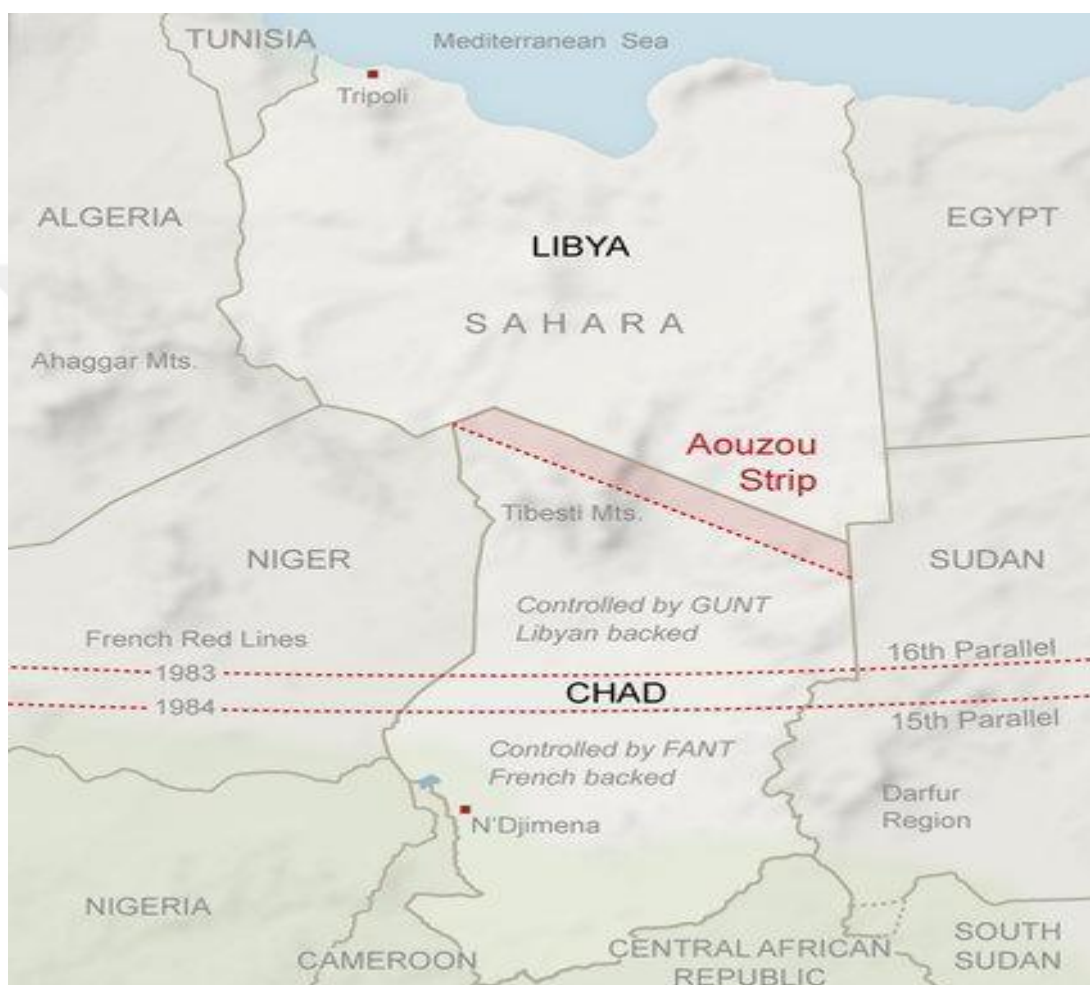
Being suspicious about the FROLINAT during the beginning, Gaddafi started evaluating this organization as helpful to his needs by 1970. Backed by the countries from the Soviet bloc, especially by East Germany, Gaddafi prepared and trained the rebels, giving them non-lethal aid⁴. We can assert that this period was the starting moment for the future developments, which will be discussed in the following chapters of the present thesis.

The reason for this low-intensive dispute was the struggle for the Aouzou Strip, which is one of the most distant and empty lands on Earth. Regarding the border issue, this is an exciting example of what could be called transitional zones: contested territories located between rival countries whose distinctive borders encourage a slow transition from one state to the other. The Aouzou Strip is an enormous part of Sahara named after the settlement in its northwestern half. On the map, it looks like a stretched trapezoid, poorly depicted with a sparse population. With the territory of 44,000 square miles, this area can be called as the world's biggest sandbox. The most significant feature about this territory is its recognition as the area, which is worth being fought for.

That war and the strip itself can serve as an evidence of the capacity of the borders, in particularly if those borders are contested ones. Although this territory is being referred to as storage of oil and uranium, the primary reason for Libya to occupy the area in 1973 was the disputable outline of its borders with Chad. The cause of this dispute was Adolf Hitler. The French foreign minister and Mussolini Laval formal signature the Italian -Franco Treaty. This treaty strengthened positions of Italy in Africa letting Italy increase its positions in Eritrea and Somalia and providing Il Duce control over Abyssinia (now Ethiopia). Besides, it assisted in the separation From Aouzou sector of France dominated the Italian possessions in North Africa. The Franco-Italian Agreement is a lesser-known sample of appeasement, a concept, which was very popular in Europe at the time. It did not succeed to meet the aim to separate Fascist Italy and Nazi Germany: on May 22, 1939, the two countries

⁴ Pollack Kenneth M., —*Arabs at War: Military Effectiveness*], 1948-1991,: Nebraska Press, London 2002, p. 375.

signed the Pact of Steel, a military agreement that would last until Italy's surrender to the Allies in September 1943. Due to Mussolini's costing up to Hitler, France evaluated this treaty as invalid and never and never tried to officialize the "Italianization" of the Aouzou Strip. That apparently didn't prevent the Italians from demonstrating the strip as theirs on contemporary maps and stamps.



The situation was settled down in favor of France when animosity emerged in 1940. Chad was the very first French colony to rally to de Gaulle's cause, and it became the starting point for Free French operations into the Libyan desert.

However, old frontiers never stop existing. They can be compared to the old arguments, which have to be paraphrased. In any case, old frontiers never die. They are resting contentions holding up to start repeated. Which is precisely what

happened in 1973, when Libya demanded the strip, referring to the Laval-Mussolini agreement as one reason for its right to the territory? Col. Gaddafi planned to use the strip as a springboard for interfering in Chadian affairs. His ultimate aim was the same to the goal proclaimed by Mussolini: to establish an African Empire under his supreme leadership.



CHAPTER 1

1.1. Problem Statement:

There were many problems between Libya and Chad, which were mostly artificial ones, however. The problems declared by the Libyan regime to persuade the Libyans and convince the armed forces that this war had to be fought. There were some undeclared motives and reasons for this war.

The present thesis will focus on the war and its leading causes.

Gaddafi accused the monarchy of misconduct: treason, selling out homeland, and negligence related to Aouzou issue. The issue had to solve even by force if necessary. By declaring this Gaddafi aimed to achieve more than one goal and questioned the ownership of the region. Moreover, justifies the decision of military intervention on the one hand, and gives a national cap on this heroic intervention to a third party. Moreover, highlights the "revolution" as a national alternative to the ownership of the other hand is supposed to profit - a variant of the dignity of the nation and the liberation of "rapist" is a part. Uranium, Also the soles of Aouzou another reason lies in the enormous wealth of uranium, contained in Aouzou sector. That added wealth Economic importance of the industry after the national and political significance. After the discovery of this wealth astute turning Aouzou sector, then just a desert, to the land of strategic economic value is immense, based on, for this reason, the military intervention not in Aouzou bar but, also in the whole of Chad.

Security problems, the main reason in securing the southern border of Libya. The Libyan regime has consistently, the claimed that the forces of world imperialism and colonialism and Zionism, he planning to invade Libya from the south, to hit the "revolution." Also, Gaddafi was always repeating, that the revolution not threatened from the north only, but also from the south. The southern border secure, protected

from the forces of colonialism, is a thing Important, without military control of Chad⁵

1.2. Research Scope:

The present study will examine the border conflict between Libya and Chad. After this, it will analyse the current state of relations between Libya and Chad. The present research aims to conduct a study in such a way where all the participants of the conflict are represented, without any bias. The key figures of the research are the politicians and military officers, soldiers and leaders who were involved in the conflict. This sample of the figures will assist in generating better knowledge of the social and political effects of the conflict.

1.3. Research Goal:

The main objectives of the present thesis are following:

1. To examine the border conflict between Libya and Chad and analyse its social and political effects on both countries.
2. To analyse challenges and social impacts of policy and military objectives pursued by both sides in the conflict.
3. To evaluate changes in the social and political structures emerged in the society in the aftermath of the conflict.
4. To review the reaction of the international community towards the conflict.
5. To summarise all the findings in the concluding remarks.

1.4. Research Questions:

The nature of the war Chad and Libya for the Aouzou sector had exclusively political and legal aspects which led to a conflict where thousands of people both Muslims and non-Muslims from two sides died. The present research aims to answer the following research questions: how did the legal and political conflict between Libya and Chad transform into war? Was this conflict only for the territory? If no, what are other reasons for Libya and Chad going to the war?

⁵ Azevedo Mario J. , *“Chad A Nation in Search of Its Future”*, American University (1971) Paris.

1.5. The Importance of Research:

The importance of this research can be explained from different perspectives. First of all, the present thesis aims to fill the gap in existing literature by providing the analysis of the military, and political challenges appeared as a result of the border between Libya and Chad. Providing a deep analysis and valuable information it will be useful for students who want to learn more about this topic. Moreover, this research may serve as a useful source for those who would like to continue examining this conflict. Finally, this research, providing analysis of the military and political factors of the conflict, indicates the strategies implemented in this dispute. Current policy makers may use the findings of the research in their political agenda.

1.7. Methodology:

Qualitative methods are applied in the present research and namely descriptive research methods. This particular method can help to understand how the conflict impacted people both in Libya and Chad. Another method which is used in the thesis is personal interviews and focus group discussions.

CHAPTER 2

HISTORICAL BACKGROUND

The Aouzou Strip conflict did not emerge exclusively as a fight for control over that territory; it includes other dimensions too. Those dimensions refer to the colonisation era and touch upon the economic and political facts. Although none of the sides accepts the political and economic interests in this conflict.

The reason why the tension between Chad and Libya arose in 1987 was the question for control of the Aouzou sector, located in northern Chad. It should be noted that this case should not be seen as part of Libya's attempts to reach Arabic union or its participation in Chad's civil problem. However, it has to be noted that Libya planned to use any opportunity to gain strong positions in the Aouzou Strip. There is a documentary proof that there is a *bona fide* local case exists⁶.

Moreover, it is important to note that while the Libyans accepted the win over of Habre in that war, the occupation of Aouzou sector by Habre resulted in military reaction together with the OAU (Organization of African Unity) in September 1987. Colonel Gaddafi declared that in case for Chad surrendered the Aouzou sector, he will admit that the conflict came to an end. The goal of the present thesis is to examine Libya's regional standing to the questioned territory⁷.

2.1. Aouzou Sector:

The Aouzou sector is a significant degree of forsaken area situated in the desert. The zone has been an area of contention among the powers possessing colonies in Africa and remains so. Currently, the struggle takes place between two sovereign nations – Libya and Chad. The claims that the Aouzou strip is uranium-rich territory⁸ became the driving reason why Libya decided to attack and capture the Aouzou district from Chad in 1973. As a result, Libya was dominant in Chad against until 1980. Finally, in 1990 both countries agreed to appeal to International Court of Justice. ICJ announced its decision in June 1994, declaring that the Aouzou strip

⁶ Naldi, J, "The Ouzo sector conflict – A Legal Analysis", *Journal of African Law*, {spring, 1989},

⁷ *ibid*

⁸ Hubert .N, Alyea and Abe N. Holden. "Uranium." vol. 22. New York:, 1990, p. 750.

belongs to Chad, ending the Libyan claim by stating Chad sovereignty over the disputed territory of the Aouzou strip. The total length of the strip is about six hundred miles. It extends to the south to around one hundred miles and different display from one area to another (between 50 to 90 Kilo miles). A vast area of about 80 thousand square meters, located in the north "TBISTI" area, is rich in uranium and manganese. The country, in general, is a comfortable spot of the continent and the economic reasons play a major role in the dispute. When Gaddafi and before him, King Idris Senoussi realized the strategic importance of the strip. Even Mussolini himself claimed that the strip belongs to Italian territory since Libya was an Italian colony at that time.

2.2. The Occupation of Aouzou Sector:

The beginning of the conflict dates to the time when Libya was already an independent state and while Chad was a French colony. Libyan claims over the strip had been already expressed before when King Idris had attempted to capture Aouzou in 1954. However, his troops were defeated by the French Colonial Forces⁹. Libyan engagement in Chad begun in 1968 amid the Civil War in Chad when (FROLINAT) Spanned fight against Tombalbaye (who was Christian) toward the north - state (BET).¹⁰

However, old frontiers never stop existing. This is precisely what happened in 1973, when Libya demanded the strip, referring to the Laval-Mussolini agreement as one reason for its right to the territory. Col Muammar Gaddafi planned to use the strip as a springboard for interfering in Chadian affairs. His ultimate aim was the same to the goal proclaimed by Mussolini: to establish an African Empire under his supreme leadership¹¹

The wilderness asserted by the Chadian government depended on a 1955 settlement amongst Libya and France, which alluded to an 1899 understanding amongst France and the UK. In 1954 Libya's King Idris unsuccessfully attempted to occupy Aouzou.

⁹ Brecher. M , Wilkenfeld. J, "*A Study of Crisis*", Ann Arbor: Michigan Press, 1997, p. 84

¹⁰ Clayton Anthony, p. 98.

¹¹Pan-Africanism was a recurring theme of Gaddafi's erratic foreign policy, which also had spells of fervent pan-Arabism

these two parallels is almost the same as the Aouzou Strip representing a transitional zone between rival countries. If Gaddafi played had used his opportunities wisely, the southern border of Libyan influence could have been next to red lines. However, the Colonel opposed the allies in France and Chad.

Chad continued that struggle by changing the strategy. 1987 was the year when situation completely changed when President of Chad Hussein Habre tried to return the Aouzou strip to Chad from Libya. The Chadian forces occupied of the city of the sector with the same name as the Strip itself – Aouzou. However, occupations it by Chadian forces lasted only a couple of weeks since the Libyan forces retook the town using superior weapons.¹³

Rather than basically staying in Chad, toward the beginning of September 1987, two thousand Chadian forces cut off the conflict territory and crashed Libya, utilizing versatile Toyota trucks furnished Mobile with weapons. The target was a Libyan forces installation as Sarra, found somewhere in the range of sixty miles inside Libya. The strike was effective, with the Chadian killed one thousand and seven hundred Libyan militaries, taking many others prisoners, and destroyer twenty-six planes and seventy tanks.¹⁴ The losses for Chadian, in any case, were less: according to the government there were 112 wounded and 65 dead.¹⁵

Libya immediately reacted. To what Gaddafi was irritated by the success of Chad. He requested two Libyan military aircraft, to attack Chad's N'Djamena, which control 1,000 kilometers borders of Libya in side Chad with Cameroon. Libyan forces have failed on the grounds that the French forces centralize in Chad dropped one from the Libyan aircraft with the United States missile. Libyan plane came back to Libya. Apparently unsatisfied, Gaddafi again attacked Chad in Abeche, a town, located around 500 kilometers east of the N'Djamena close to the border with Sudan. This troop was also unsuccessful, as the aircraft lost their objectives of an airstrip sector.¹⁶ Hostilities were stopped by the OAU, by proposing a ceasefire. Since the

¹³ Levin Bob, "Standoff in the Sahara," *Maclean's Archives*: September 21st, 1987, p. 26.

¹⁴ John Greenwald, "Raiders of the Armed Toyotas." *Time*: September 21st, 1987. p. 36

¹⁵ Ibid, Levin Bob, p. 27.

¹⁶ Simons Geoff, "the West and Libya. From Independence to Lockerbiel, Oxford, 2003, pp. 61- 62

Aouzou strip is a desert few people live there. Nomads exist, but settlements are few. The main danger was Libyan attacks in Chad, putting at risk population of Chad. However, since both operations are unsuccessful, there was no high number of casualties. In 1986 Libya dramatically lost in the Toyota War and had to leave the Aouzou Strip. Two countries agreed to a cease-fire in 1988. Following negotiations and the decision of the ICJ that the territory belongs to Chad. Under control of United Nations Aouzou Strip Observer Group (UNASOG), the Aouzou strip was returned to Chad in 1994. Rip was returned to Chad in 1994.

2.3. Appearance of The Dispute To The Public:

International review of the dispute would help better understand the opinion of superpowers at that time. As Geoff Simons points out: “The supposed French discoveries inevitably led to speculation that Gaddafi’s interest in the Strip stimulated by the prospect of finding uranium for a nuclear programmer.

Either to supplement Libya's already abundant energy resources or to provide the means to develop nuclear weapons. One consideration had focused on Libya's role as an energy supplier: ' its ability to supply energy to those who control the real levers of international power or international opinion – particularly on the Israel question – is as important as any issue involving Arab public opinion’.¹⁷

Although the former Soviet Union provided the Gaddafi administration with the weapons, it did not mean that they would assist Gaddafi. Their task was to disturb the West and make a profit out of it.¹⁸ The USSR was not active in this area particularly, and in Africa. France, who possessed colonies in Africa, and particularly, Chad actively, supported this country by providing money and troops. Regarding the Aouzou Strip France needed to get the involvement of ICJ to this dispute and planned to abstain. However, France stated that it supports N'Djamena.¹⁹

The role of USA was similar to the role of the USSR: it provided only Chad with military means. The USA Government had donation a huge amount of money to

¹⁷ Ibid.

¹⁸ "Chad humbles Gaddafi," *The Economist*: August 29th, 1987. p. 12

¹⁹ John E. Jessup, “*an Encyclopedic Dictionary of Conflict and Conflict Resolution, 1945–1996*l. New York: 1998, p. 36.

Chad, together with weapons, with Stinger rockets Capable of destroying Libyan aircrafts.²⁰ The USA against Libya during that war because the USA had disagreements with Gaddafi, was considered as a sponsor of terrorism.

2.4. French – American Facts:

Gaddafi was isolated in the Arab world. He planned to challenge Mitterrand's helped Habre which was a reason on the agreement concluded between France and Chad in 1976, This, however, did not provide the same level of forces help as it provided to neighboring countries, for example. Niger (which produces uranium, necessary for both France and Gaddafi for nuclear purposes), Senegal, Central African Republic and Cameroon. Gaddafi based his assessment taking into account French need for Libyan patrol.

The United States Government effectively thwarted Gaddafi's endeavors to purchase Australia-possessed C-130A Hercules transports. Gaddafi was to purchase Brazil's shinok trainer fighter planes, and the USA was doing everything to prevent the deal.²¹

The Reagan presidency's animosity towards Gaddafi was because of the kid-gloves methods of previous administrations, His expansion of help to the Sandinistas in Nicaragua and also such big scale operations as Libyan attempts to sell arms to Colombian guerrillas, failed at the point When three of aircraft with of weapons from Libya was forced to drop "The" Hit 'gamble in 1981that led a group USA government, at first on the inconsistent expression of a Lebanese source looking for a C.I.A. annuity and gave house in McLean, Virginia, to dread assaults on the President and other senior U.S.A authorities still irritates in Washington, where recollections are frequently short.”²²

Chad was more the means to make President Mitterrand take the unpalatable decision to deal with Gaddafi (meaning not losing Libya oil and Libya as a buyer of arms in France) or appear to meet USA wishes to get harder with him. Gaddafi than

²⁰ Yalowitz Gerson, "Taking on the Libyans," *USA News and World Report*, September 21st, 1987, p. 48.

²¹ Cooley John, *ABC News*, is the author of *Libyan Sandstorm* (A New Republic Book/Holt, Winston and Rinehart. the September 5th, 1983, *New —Republic magazinel*.

²² Ibid.

recently gained a new companion in Francophone Africa. Neighbors, for the time being, were seen that Gaddafi's hurricane will put himself out to fight the rough edges of North Chad's Mountains Tibesti and non-control the fruitful African fields and toward the south.

2.5. A View of Gaddafi's Ambitions In Sub-Saharan Africa:

For most of his political career, Gaddafi has shown a tendency to turn history and its precedents to his ends. In the wake of seizing force in a demonstration of regicide or King Idris in 1969, he displayed his tent on that of Egypt's Abdel Nasser, the praised champion of Arabism. A win by feeling, Gaddafi blacked out twice amid Nasser's memorial service in Egypt in 1970 Wall (2013). Army adventurism was an element of Gaddafi's Saharan Policy and that Chad and Sudan endured the worst part of that propensity. Gaddafi's role with Chad was demonstrative of his endeavors to develop his range of authority in Sahel in between as a supporter of various war groups. As a major aspect of the regional disagreement about the Aouzou sector in North Chad, Gaddafi upheld differently equipped groups, including Tabu guerrillas, to fight Hussein Habré's administration. That had been raised in the mid-1970's, 1983 to 1987 Gaddafi had led a wide mediation extending from money related and forces backing for equipped groups to the huge contribution of Libya forces. Libyans definitively vanquished during 1987 (Huliaras, 2001; Cole, 2012)²³. His plan was not just to oust, Habre, a previous "agitator" who now appreciates the West gift and restore jealous, Goukouni, in that time a radical, once in the past the "genuine" president according to many Africans, and for the USA and French too. Gaddafi was battling what he considered "reactionary" and "neo-pioneer" administrations and connections in between dark African and Arab world; He was tied to fight the French influence; and fight USA weight imposed USA government air forces, and maritime developments in, Khartoum, Cairo and the Mediterranean. Close neighbors of Gaddafi and Algeria. Gaddafi had planned to annex the Aouzou sector, the north piece of Chad, when he asserted that it was part of Libya on the grounds of an ineffectual bargain of the frontier period²⁴. His objectives as of 1972 were: to have

²³ A. Huliaras, "Gaddafi's Comeback: Saharan Africa and Libya in the 1990s," *African Affairs*, vol. 100, pp. 5-25.

²⁴ K. Pollack, p. 375

Libyan base, Some Arab countries after that would keep up stop relation of Libya; and utilization of Chad as a basis to grow his control to dominate Africa.²⁵

The association with Chadian was enhanced only during 1990 as King Idriss Déby, a pioneer of a guerilla group already upheld by Gaddafi, expelled Habré during a rebellion. Libya consequently became Chad's monetary and discretionary supports²⁶. Gaddafi's priority was to go between the contentions in Chad. He conveyed insurance to Tibesti, an outskirt sector in north-west Chad, chiefly inhabited by people with the Tabu, with expediting a progression of insurance understandings between both the administration and querulous. The action of Gaddafi was intended to prevent precariousness from Tibesti flooding into Libya. Gaddafi likewise handled various peace assertions between Chadian and Sudan – effectively encouraging contact amongst N'Djamena and Sudan in 2009 with a specific end goal to keep the next battle²⁷.

2.6. Gaddafi And Creation Of Instability (Armed Grouping):

A large number of trucks and carrying systems with the transnational scope were driving south Libyan's reconciliation into the Sahel and Sahara district. Despite full outer discernments, the radicals in connection to the political battles remained a minor concern in the south and west (Fezzan) at any rate. Contentions above the control of outskirts, sneaking courses, patrol fields, and urban communities, and also clashes in regards to the citizenship countries of whole groups, are of far more prominent noteworthiness. These contentions are focused into the south of Libya. However; having a territorial measurement giving the transnational connections included both of the cares. The Gaddafi period legacies weighed vigorously on the south of Libya and his administration's first fortress was alongside Sirte, Tarhuna and Bani Walid. The tribes in these areas were the key cadres for the government security sectors and high position. Key areas depended on specific tribal public voting:

²⁵ Azevedo. Mario J, (1998). —*Roots of Violence: A History of War in Chad*. Amsterdam: 1998, p. 151

²⁶ Dario Cristiani, “Missiles, Money and Migration: The Impact of the Libyan Crisis on the African Sahel,” *Jamestown Foundation Terrorism Monitor*, Volume IX, Issue 15, 2011.

²⁷ International Crisis Group (ICG 2011).” *Africa without Gaddafi: The Case of Chad*. Africa Report No 180. <https://www.crisisgroup.org/africa/central-africa/chad/africa-without-qaddafi-case-chad> (a.d. 1.1.2017)

- i. The Maghawir Brigade situated in Ubari, and Consists only of volunteers from Tuareg tribes of Nigerien and Malian source.
- ii. The Tariq ben Ziyad Brigade, likewise situated in Ubari, was ruled by Gadhadhfa and Awlad Suleiman tribes.
- iii. The Faris Brigade, located in Sabha, was enrolled by mhamyd Gadhadhfa, Tubu, Awlad Suleiman, and Warfalla tribes.
- iv. The Sahban Brigade based in Gharyan.²⁸

2.7 The Beginning of the Escalation:

Libya's relations with in Chad dates back to the mid-1970s when Gaddafi began supporting the anti-government non-conformists (FROLINAT). Has bored it is a garment on the Aouzou zone on the 1935 periphery civil settlement both by the French (who controlled Chad then) and by the Italians (who controlled Libya then). The French Government had not embraced the settlement, between France and Chad. Hence, Libya occupation of the northern province of Chad, the Aouzou strip, since 1973, was a blatant violation of the sovereignty of an African nation, and the West's toleration of that Libyan occupation was a clear signal that the West would do nothing to counter Libyan-and Soviet efforts to undermine and overthrow African governments.²⁹

The 1980 Libyan mediation in Chad was in light of a legitimate concern for Goukouni Oueddei fight the French-supported of Hussein Habra, who at the time got a kick out of Libya sponsorship. Gaddafi's exercises delineated as sponsorship for the Chad North congregations of Islamic, and to a certain degree, Arab society. Yet his target was the making of a legitimate Libyan scope in Chad. In fact, before 1980, Libyan activities in northern regions of the state, working on the one hundred vast Aouzou strips, which Libya got involved in by 1973.

During the 1970s, it appeared pretty much that Libya's desires were refined. Oueddei, a person from the Tebu Muslim nation in the north of Chad, was presented

²⁸ Author's interview with a member of Tended brigade, Ubari, and a former head of Awlad Suleiman brigade, Sabha. September 2013.

²⁹ Michelle L Burgis, *Boundaries of Discourse in the ICJ: Mapping Arguments in Arab Territorial Disputes*, London: 2009, p. 120.

as the leader in April 1979 with Libyan support. During June of 1980, Habré's troops had the control of Faya Largeau, for convergence of Northern Chad. During October 1980, Libyan forces transported to the Aouzou sector in Fight with Goukouni's troops to fight Habré too. Faya Largeau was then used as a base for, enormous firearms, and vigorously clad machines in a direction to south to fight N'Djamena.

A strike started by T-55 and T-54 tanks, and purportedly composed by experts of the German and the USSR. The Libyan forces, around 9,000 soldier. Moreover, the Islamic African Legion, sixty tanks, , had conveyed more than 1,100 miles in the sahara from Libya's south edge transversely, fairly using airdrop. The battle ground's there were 1100 to 1200 miles from Libya's bases on the Mediterranean coast.³⁰

Triggering a reaction other African countries negotiatrans in Chad, Libya forces retreated back during November of 1981; Gaddafi announced that his forces had killed more than 3,000chadian forces while losing 300 soldiers themselves. However distinctive assessments of Libyan misfortunes were fundamentally higher.

Stop anything from Libya to help; Goukouni's troops were not ready to Fight Habré's troops of to the north, as they occupied the capital in June 1982. The second Libyan involvement for Goukouni took place between June and August of 1983. With the capability, Goukouni had been up to now the pioneer of a fomenter bunch to fight the legitimately constituted organization of Habré. So the 1983 battle in chad was between completely law time was for the Chad battle publicity completely indigenous, Libya enlisted, arranged, and equipped Chadian dissidents upon Goukouni's apparent request and supported them by weapons. These guerillas began and vanquished during July by Chadian government, supported by French and USA forces and a small force of Zairian army. Fevers that use. a Gaddafi an oversaw air strike against Faya Largeau a broad ground power was amassed west and east of Faya Largeau by first sending military, covering, huge firearms using air to Sabha, Kufrah, and the Aouzou runways, and after that by shorter transport

³⁰ Samuel Amoo, "*Frustrations of Regional Peacekeeping: The OAU in Chad*", 1977-1982: Indiana University Press, 2010, p.361.

planes to the region of dispute. Ambushed forces of Libya in the desert Faya Largo on August 10, it was under the control of the leadership Chadian government sectors. France intervened forcefully consists of 3000 ended the military's control of Libya while ensuring that the control of Libya on the north of the sixteenth line. Under the statement, necessary to withdraw from Chad, and French troops withdrew in November 1984. However, the Libyan forces were scattered and hid worked on troops.³¹

2.8. Events Between 1986 And 1987:

In December of 1986, regular 2000 to 3000 men strong Chadian forces were moved into the Tibesti Mountains sector of north-west of Chad to fight Goukouni's guerrillas, a lot of the guerrillas were against Libya after Goukouni became frustrated with his Libyan supporters at end of 1986. And they joined Habré and Goukouni compelled then purportedly steered a 1000-men Libya soldiers at Fada, asserting to have caught or wrecked many tanks.³²

The Libyan air base of Wadi Doum In March of 1987 was getting attacked by Chad army. Albeit firmly guarded by minefields, tanks, 5000 strong regiment, vehicles, and air crafts, the Libyan base was captured by a more diminutive Chadian ambushing troop's outfitted rifles and antitank missiles. Two days later, Libyan forces withdrew to their base at Faya Largo, 160 miles to the south run, In the Chadian a device as in the upcoming mounted guns, altered wing airships, and helicopters are captured or destroyed. Now and again, Libya sent to Aouzou strip a fighter jet to attack deserted Libya base to destroy fully. Some of the Libyan troops retreating from Wadi Dome were troops into their own minefields and were relinquished there. Military success helped Habre to stay in control of Chad and in a move to discharge Libya from the Aouzou sector. Since all the facts have not been evaluated during the month of May of 1987. It was understood; they influenced the expectations of the ordinary course of Libyans also essential. They also provided a reason for the feeling of anxiety, particularly in the sharing

³¹ Vaughan Lowe and Malgosia Fitzmaurice (eds.), *Fifty Years of the International Court of Justice*: New York: Cambridge, p. 43.

³² Ibid, p.43.

agreements the country's borders until the end of the tension during the mid-1987 while Habre protested strongly to Chad and Libya partners, and the media to publish insults against Gaddafi McCone and who took advantage of the rules of engagement in the conflict Gaddafi did not work against any step in the evolution of events and did not give any attention to the morale of the Libyan forces as well.³³

2.9. Chad's Reaction:

That had changed when the Chadian national army's decisive attack of Libyan troops, revolted with the occupation the town of Aouzou in the Aouzou strip on the 8th of August this meant that for the first time in years, Libyan-and Soviet-forces in Africa have been challenged. Chad's armed forces conducted a flanking operation to seize the town of Aouzou, sending mobile units into the attack from the north, where the Libyan defenders were positioned to face attack from the south. Chad troops in Toyota trucks raced in from the northeast, having "annihilated" a Libyan column about 65 miles south-east of Aouzou. One Western diplomat was quoted saying, "They just blew in real fast, and hell-bent for attacking anything that got in their way."³⁴

The Libyans lost 650 men in this battle, while the Chadian losses were 17 dead and 54 wounded. Since the beginning of 1987, Libya has lost 6,000 men among whom perhaps one-third were non-Libyan members of the Islamic Legion, and two-thirds were Libyans. A Chad diplomatic source commented that Libyan troops "have no will to fight," and that is why Libya has now altered its strategy, avoiding confrontation and relying on air bombardments. On the eighteenth of August of the same year, Chad announced that its forces had shot down a Libyan MiG fighter and a helicopter over Aouzou and there were almost daily Libyan bombardments of Chadian positions. At stake in the complete rout of Libya forces was the ability of the West to upset Soviet diplomatic and military gains in the same month.³⁵

³³ Virginia Thompson and Richard Adloff, *Conflict in Chad*, Berkeley": 1981, p. 30.

³⁴ Michael P. Kelley, *A State in Disarray: Conditions of Chad's Survival*. Boulder, CO: Westview Press, 1986.

³⁵ Samuel G. Amoo, p. 1.

The Chadian victories emerged as just important as the Western military build-up in the Gulf, aimed at checking Iranian radicalism. Indeed, behind the successful Chadian reconquest of the city of Aouzou, was a war for the future over the entire continent. Chad was the strategic centre of Africa, a landlocked, largely desert nation, bordering Libya in the north and the Republic of Central Africa in the south, Sudan in the east, Nigeria, Cameroon, and Niger, in the west. A long discussed water project to bring rivers from the vast waters of the Zaire up to fill the Lake Chad basin. In the late 1980s, it virtually dried up and could reverse the desertification of the entire Sahel and green of the Sahara.³⁶

2.10. The Significance of Aouzou:

A solid piece of desert, the Aouzou strip was forcefully annexed by the Libyans in 1973, using as a pretext the 1935 Rome Treaty between French Government Pierre Laval and Mussolini, which sold the land to the Italians. However, as the treaty was signed by the French President, Albert Lebrun, but was ever modified neither by the Italian nor the French parliament, it had no international -law value. Its importance for Libya was a twofold, from the Aouzou strip, Libya can control the Tibesti Mountains, hence the Northern Chadian desert. Secondly, the strip was reportedly rich in uranium, a prime raw material for Gaddafi's dream of developing his military nuclear capability. Following 1987 February successful Chadian offensive which freed the entire national territory in the north from Libyan occupation, the liberation of Aouzou was the next target. Chadian President Hussein Habre had two good reasons to launch the offensive now, despite calls by fellow African countries of the (OAU) or Western powers, to rely on international arbitration at the ICJ in The Hague. In parallel with intensified talks between Washington and Syria in recent months of 1987, State Department officials had also intensified indirect negotiations with Libya's Gaddafi, through the Algerians, combined with American-Soviet negotiations for sharing power in the Middle East. Similar plans were drafted for Northern and Central Africa, in exchange for having the Soviets and the Algerians committing themselves to produce a new and moderate Gaddafi, in return , American officials promised to stop any

³⁶ Thierry Lalevee and Mary Lalevee, "Libyan rout in Chad sets back New Yalta," *Executive Intelligence Review Journal*, Volume 14, Number 34, 1987, p. 43,
<http://www.larouchepub.com/eiw/public/1987/eirv14n34-19870828/index.html> (a.d. 1.1.2017)

operations against Gaddafi which included exerting political, economic, and military pressures on Chad to stop claiming sovereignty over Aouzou.

2.11. Gaddafi Back On The Defensive:

Permanent Libyan occupation of the strip was condoned by American officials, in the name of the Northern African deal with the Soviet Union under Gorbachov's "openness" 37 (glasnost) policies. Other victims of such deals had been both the Egyptians and the Morrocans who had been ordered, with the threat of further cuts in the economic and military aid packages, to reconcile with the Gaddafi. In fact, Gaddafi had been using that diplomatic momentum to rebuild his forces. Libya was known to have planned an offensive against Chad sometime in the fall of 1987. It had built a new airbase at Manta Sarah close to Egypt, Sudan, and Chad. It also used economic blackmail against Sudan to strengthen its forces in its western Darfur region. These were good reasons for Habre to call Gaddafi's bluff. There were also indications that despite public statements to the contrary, high intelligence and military factions in both France and the United States, which disagree with a "New Yalta agreement"³⁸ with the Soviet Union, helped Chad as much as they could. And in the last two months of 1987, some Libyan opposition groups also joined the forces, at least politically, with Habre. So far at that period Libyan reactions had demonstrated that Tripoli was taken by. Its army had been still healing its wounds from 1987 February defeat.

Furthermore, the Soviet Union at that time had not yet replaced any of the millions of dollars" worth of military equipment that the Libyans left behind in their hurried retreat. Libyan inability to muster an immediate ground offensive had been shown by the exclusive use of its air forces against Chadian cities. Gaddafi knew that he had to retaliate. However, the statement on the eleventh of August by French Defense Minister Andre Giraud had shown Libyan limits. Giraud underlined that without getting involved in Aouzou, France "is committed to the national integrity of Chad" and would be forced to retaliate "including above the 16th parallel"³⁹

³⁷ Vaughan Lowe and Malgosia Fitzmaurice (eds.), "*Conflict Libya and Chad*," *Fifty Years of the ICJ: Essays in Honour Sir Robert Jennings*, New York: Cambridge, p.43

³⁸ Ibid, pp. 43-44.

³⁹ Ibid, p. 44.

(the former demarcation line between Chad and Libyan-occupied Northern Chad) if the bombardment was to continue. On the contrary, French President Mitterrand's position was not quite clear. According to Arab League Secretary General Chadli Klibi, who was received by Mitterrand on August 14, he and Mitterrand "reached an agreement to consider that there were two distinct problems."; The first was "the national unity of Chad," and the second was "the Aouzou strip" which is the subject of international documents, especially French-Italian, and which belongs to Libya according to these papers."⁴⁰

That implies that Mitterrand accepted the validity of the Laval-Mussolini accord, despite Prime Minister Chirac's strong doubts with cooperation of Chad. However, on the nineteenth of August 1987, while visiting French forces which were part of the "Epervier" forces in Chad to assist the Chadian army, Mitterrand declared that since Chad had won back its sovereignty and unity, the concept of the "16th parallel" was no longer a "military fact," but merely a "geographical point,"⁴¹This meant that French troops are no longer restricted to stay south of the parallel. Gaddafi was once again on the defensive. His failure to retaliate provoked dissatisfaction inside his army, but to do so could give Paris and N'djamena a good pretext to inflict another defeat on Libya.⁴²

⁴⁰ Samuel Decalo, (1987). *Historical Dictionary of Chad* (2 Ed.). Metuchen: The Scarecrow Press.

⁴¹ Madjiasra Nako. "Country Profile: Chad, Reuters Alert net Aug 15, 2016

⁴² Ibid.

CHAPTER 3

CHAD AND THE LIBYAN INTERVENTION

3.1. The Ethnic-Social Viewpoint of The Conflict – Chad:

Dark's Law Dictionary characterises a "state" as "a people for all time possessing a settled region bound together by precedent-based law propensities and custom into one body politic working out, through the medium of a composed government, free power and control over all people and things inside its limits."⁴³

Foundations underlying the dispute Chad began back in the ancient history of the country when they were collected groups of people from different communities and a history of wars together on paper without even before the border settlement, and Chad was accusations France, resulting in the rules of engagement for many civil wars and instability . Such speculation aside, in any case, it should be seen that all and present from various sources have been submitted in any case wrong, if not from the ancient times before the dry season late 1970 and much more were common wars in Chad. Was rated census total population 4.32 million in 1978, that number was probably closer to reality in 1980. In any case, most likely it has been modified previous annual rates of development and until that time.⁴⁴

Peoples of Chad, nevertheless, have not changed. Peoples have truly moved from north to south, east to west and over business courses out of Chad, mixing and pointing significantly extra different masses throughout history. During 1971, many critical national parties lead in the nation, the biggest of whom included some 24% of the population. Nevertheless; those may be grouped into three unique combinations.⁴⁵

Populated lands are arid; northern regions join the Arab and the Toubou. Those two first social groups are Muslims, in the history they were engaged business

⁴³ Harold D. Nelson, ed., "*Area Handbook for Chad*" (Supt. Of Documents, 1972), p. 14.

⁴⁶ Sam G. Amoo Von, On War (Nap) *Frustrations of Regional Peacekeeping*, The OAU in Chad, 1977-1982

⁴⁵ Tarry M. Mayas, Africa"s —*First Peacekeeping Operation*l: The OAU in Chad, 1981-Nelson.

with the tribes of the south. The Arab, in similar manner, found in little numbers all through the state, is over of the most important ethnic Chad. The warrior tradition the Toubou clan has had constant impact on Chadian history.⁴⁶

The Chari River fundamentally divides the nation into two segments. The Northern part includes the desert area famous as the Borkou-Ennedi-Tibesti Prefecture B.E.T and the arid Sahel zone while maybe just fall depicted as focal Chad. The North is Muslim, religious, and associated with the Arab nation. The South is a Savannah for cotton grainy advancement and wealthy in agriculture. The masses in the South are, for the most part, Christian and animist.⁴⁷

The most prominent Sara and south regions are Christian and they have been under the influence of the west. The full fundamental pool in the Sahel north includes the Ouaddaian clan, an Arab clan, the Kanembou, and the Hadjerai. These clans are for the most part heterodox Muslims. On the other hand, the Northerners are desert semi-nomads, free Toubou divided into two groups: the similar Teda of Tibesti and the heterogeneous Daze of Borkou and Ennedi.⁴⁸

The historical relations among the several social groups in Chad are marked with malevolence and strife. In the late the eighteenth and nineteenth centuries, the three Muslim kingdoms of the Sahelian north (Kanem, Ouaddai, and Baguirimi) endlessly battled against each other over unfriendly while being strained along these lines,

Notwithstanding the fundamental division between Muslim North and non-Muslim South had a notable dispute and resistance within the North.⁴⁹ Historical relations between Arabic Muslim North and the African South were the cause of many wars. For a considerable time, the north kingdoms of Ouaddai, Kanem, and

⁴⁶ Samuel Decalo, (1987). "*Historical Dictionary of Chad* ", Metuchen: The Scarecrow Press, pp. 44,45

⁴⁷ Collelo, Thomas, *Chad: a country study*, 1948.

⁴⁸ For a lot detailed description of ethnic groups in Chadian look Thompson and Adolph, *Conflict in Chadian*, pp. 3-5; and Samuel Decalo, "Regionalism, Political Decay and Civil Strife in Chad," *The Journal of Modern African Studies* Vol. 18, No. 1 (1980), pp. 25-29.

⁴⁹ Benjamin Neuberger, "*Involvement, Invasion and Withdrawal: Gaddafi's Chad and Libya*", 1969-1981 (*Occasional Paper* No. 83, Shiloah Centre for African Middle and Eastern Studies, 1982), p. 12.

Baguirimi attacked to Sara country for getting slaves. Small towns, villages and tribes of Sara in the south have sacked continuously.⁵⁰

French rule had a great effect on the relations among the ethnic and group's way to a post- freedom debate. Social and religious different among ethnic groups and their relative points of view towards the French rule made different about to modernization as well.⁵¹ The Muslim north was against anything French and Christian, that coursed the backwardness and poverty of the north in due time. Also the south did not achieve great, Resister to French culture and Christianity was less there. This has related with Sara losing the French recruited its people.⁵²

The French administration additionally disturbed traditional business relations. Before the French rule, trade routes passed through south to north, from Chad to Egypt, Libya, and Sudan. The important thing was to reach Chad from the depths of African continent. The French ensured the historical slave trade, as well as providing and underlining new canter from South Chad to Europe out of the parts of Cameroon and Nigeria.⁵³ Besides, the French planted business crops, especially cotton, into the productive south, and concentrated each one of their interests in the south.

French rule in this way destroyed “the political refight of the north. It equipped South with monetary assets, managerial aptitudes, and military power.⁵⁴

The outcome was an inversion of the society: the old masters have turned into ordinary peoples. However, the new masters wrested the limits and points of confinement for Chadian decision after self-rule: When the sovereignty achieved in 1960, the Sara of the south had advantage. Truly, once the French left, north has faced with backwardness and was not go back to it is previous position.

⁵⁰ Sam G. Amoo, —*Frustrations of Regional Peacekeeping: The OAU in Chad*, 1977-1982 Conflict.

⁵¹ Human Rights Watch” (2007)*Early to War: Child Soldiers in the Chad Conflict*”. pp. 13.14

⁵² Kenneth M.Pollack, (2002); *Arabs at War: Military Effectiveness, 1948–1991*. Lincoln: University of Nebraska Press, pp. 391–397

⁵³ See Neuberger, “*Involvement, Invasion and Withdrawall*”, p. 13.

⁵⁴ Thompson and Adolph, Roger Cohen “*Chad Wins World Court Decision in Territorial Dispute with Libya*” pp. 6-22.

3.2. Post – Independence Chad: Absence of Political Unity:

The year 1959 witnessed transformation the nonappearance of political solidarity in the country. Four brief governmental issues swing up to in their effort to dominate in Chad. The fourth installed with Francois Tombalbaye, a Sara, as its Premier.⁵⁵

At the point when the French withdrew from Chad in 1960, they left the nation divided in parties, groups, and divisions, which were the products of their rule; they were all in cons lift with each other.⁵⁶

"The boondocks passed on by France to Chad when it turned into a sovereign country during 1960 were essentially a casing within which there was nothing to hold the nation together; subsequently, there was no motivator to shield those outskirts. An unequal economy was coordinated by an unbalanced political improvement a little division of success in a largely subsistence economy paralleled a political awareness largely confined to one ethnic gathering and one range. Amid a half century of lead, France had done nothing helpful to build up a national conclusion among Chadians but to give them a political structure that could be utilized on the off chance that they had the will to do as such. The withdrawal of the French organization evacuated the one bringing drive in the nation."⁵⁷

Kenneth L. Adelman, who expressed a portion of the fundamental reasons for African clashes largely, noted the conditions in Africa itself and the conditions left in Chad by France. Those causes he distinguished were:

- I. The extraordinary neediness of a large portion of Africa and previous authentic occasions, which have left dark African states in greatly powerless and helpless positions.
- II. The preposterous limits which have been woven into the political texture of Africa, and

⁵⁵ Tarry M. Mayas," *Africa's First Peacekeeping Operation: The OAU in Chad*, 1981-Nelson.

⁵⁶ Sam. C, (1995). "*Limits of Anarchy: Intervention and State Formation in Chad*". Virginia Press.

⁵⁷ Cohen Roger "Chad Wins World Court Decision in Territorial Dispute with Libya" Conflict in Chad, *New York Times*, Published: p A6, February 4, 1994.

- III. The authentic truth that decolonization is an agonizing, regularly struggle actuating process

We will go into the 1960's the place Chad experienced these circumstances:

3.3. Post- Independence, (1960-1975): Tombalbaye's Rule:

The next fifteen years of Chad, from 1960 to 1975, with Francois Tombalbaye. As are presentation Sara region; Tombalbaye epitomized the goodness of the Sara horde that awarded the Sara people the control of country's commercial and political mechanisms.

In during 1954, he was of thirty-four years old; he started his political with at his election to the regional parliament. In 1959, Tombalbaye suddenly became a major political figure. This year Tombalbaye applied what have been known as an "overthrow through telegram," or the direct functional of dispatch who has travelled to Palestine from Israel. Tombalbaye, in this manner guaranteed a position in the recently formed Progressive Party of Chad (Party Progresses Chadian- PPT). Tombalbaye and the PPT, which had initially grown by favoring the workers of tobacco agriculturists in the south of Chad, could get the support of the cotton strap, as well the in Muslim regions in Bath, Guerra, and Chari-Baguirmi.⁵⁸

Restrictions to the PPT in the nationalistic parliament loosened after Tombalbaye grew his strength. Organization of his party completed during 1962. That happened above the keen dissents of government authorities and with the support of the north. Five Northern governments in March of 1963 started to protest the Sara-under control, and in September of 1963, the revolution at Lamy and in the Salam at sector took place following many tries to catch the other northern moves who repudiated Tombabaye and the PPT.⁵⁹

3.4. South -North Enmities:

The sultanates and Muslim northerners, who traditionally had considered themselves more developed socially than the southern at, were in a situation opposing the correct regime.⁶⁰ They were hostile to the southern control of the given

⁵⁸ Thompson and Adolf, Roger Cohen, "the New York Times". February 4, 1994, p. A6

⁵⁹ Mario Azevedo, "Roots of Violence: A History of War in Chad", (1998).

⁶⁰ Sam C. Nolutshungu, "(1995). *Limits of Anarchy: Intervention and State Formation in Chad*". Charlottesville: University of Virginia Press. P 17

mint. However, the north itself was not united as well. For instance, the Toubou clan stayed isolated among the Muslims sultanates. In any case, bad governance constrained by the southern controlled government in addition to the annoying common threats between the North's and south, have triggered polarization.⁶¹

3.5. Divisions of the Disputants:

On the off chance that we have to pursue reality upon what considered the foundation of the contention, we have to go more profoundly inside the Chadian matter; the upset, the insubordination and the armed forces who contributed to each of these developments. The contention was none just unadulterated for Chadian and Libyan clash but, it initiated the entire Chadian – Chadian matter, the thing that was suitable as a fiddle to the Libyan intervention.⁶² During 1975, three militaries had slid for the vexed of the 1960's; everyone started to fall as the bona fide illustration of the FROLINAT revolution.⁶³

3.6. HUSSEIN HABRE:

The militia of, Hussein Habre was one of them, worked in the BET zone, under the flag of {FAN}. Habre was born in 1942 at the Boukou zone in Chad. After finishing the elementary school, he worked for the French regional administration. Then, he decided to join French military under, Colonel J. Chappelle. Habre then went in France to get a higher education at in social sciences. He went back to Chad in 1971. He worked briefly for a civil-society organization. Then, he went to Libya where he united the FAN faction from the FROLINAT. A little while later Habre was bestowing request of the FAN to Goukouni. In 1972, next target was the French, that soldiers were motivated to show their military power. Habre has established professional army by taxing the Northern region and has equipped his army with Libyan aid. Thales this he has established a de-facto state in the north.⁶⁴

3.7. The Cluster Undertaking and Its Outcomes:

Habre's invasions into cash bringing came about in one episode in 1974, which would adversely affect his communication with other powers, at the expense

⁶¹ Wolfe, Adam; Republic "at the Way back

⁶² *Libya - Sudan- Chad Triangle: Dilemma for US Policy*. USA 1981

⁶³ Adleman Kenneth L., "African Security, Facts and Fantasies," *Comparative Strategy*, November 1980. p.26.

⁶⁴ "Chad ex-leader Habre charged in Senegal with war crimes". *BBC 2nd July 2013*.

of external connection for Tombalbaye assembly and at Habre's connection for his disciples. On 21st April 1974, five French who were active in Chad were kidnapped.⁶⁵ Habre found out that also kidnapped a French scientist, Madame Françoise Cluster, who was the spouse of the head of the MRA French in Chad. The French Journalism had gone through the experience of her three-year's captivity. That was why this events was called as Habre's militia got money and arms in exchange of the captives freedom but that has also changed the policies of French and - "l' affaire Cluster."⁶⁶

A genuine split between the Ndjamea and French governments came about because of the Chadian government's treatment of this undertaking; this split may in the end have been a part of the explanation behind the French refusal to bolster Tombalbaye when the 1975 upset happened.

The Chad government's powerlessness to respond to the abducting may at first have been because of fears for the prisoner's wellbeing. The French every day, *Le Monde* gave an account of April 26 that "with a specific end goal to protect the lives of the prisoners," Chadian powers, as of now on caution on account of the matter, did not mediate.⁶⁷

"L'affaire Cluster" additionally divisively affected FROLINAT with the revolutionary initiative. Habre's own energy and aspirations was strengthened by the occurrence. Thus his strong nature on different matters expanded.⁶⁸ Habre's ascent with one another expanded fits of jealousy of other dissidents in force.⁶⁹ Likewise, a significant number of Habre's supporters were persuaded that he was utilising the payoff cash for his ascent.⁷⁰ A fundamental difference over how the matter ought to be taken care of created the primary deadly danger. The part and converging of the radical powers and groups proceeded all through the 1970 to 1979 a "letter set soup" of parties and piece band subsist in Chadian. Despite V. Thompson and R. Adolph,

⁶⁵ Henry J. Schulte, Jr., ed., *Facts on File Yearbook 1974*, New York, p. 423.

⁶⁶ Thompson and Adolf, Roger Cohen "Chad Wins World Court Decision in Territorial Dispute with Libya" *Conflict in Chad*, pp. 62-63.

⁶⁷ *Ibid*, p 63

⁶⁸ *Ibid*, p. 259.

⁶⁹ *Libya-Chad -Sudan —Triangle: Dilemma for United States Policy*. US GPO 1981

⁷⁰ Kenneth L Adleman, "African Security, Fantasies and Facts," *Comparative Strategy*, 1st November 1980, p.26.

minimal hang up in 1981: "All through the FROLINAT's headway, belief system had hard times to come by; also, the affirmation had on equalisation Intermittence from the FROLINAT power, who has depicted it of its starting, required a way least to changing original, nearby, or dogmatic destinations but to individual potential disputes."⁷¹

3.8. Compromise Governments, (1978-1979):

The legislature amid the years after the upset did not prevail concerning joining the groups in Chad. General Malloum was a Sara from the same territory from Tombalbaye; however, he likewise perceived that the inability to bind together Chadians was notwithstanding his endeavors to join the north and south through endeavors to incorporate delegates of different groups in the administration. The first of numerous endeavors at political compromise in this manner made in August 1978. The compromise exertion came about because of a December 1977 meeting of the heads of different Chadian groups held in, Gabon, with the support of shape another legislature reported. Habre want a leader and General Malloum the leader. southerners and Northerners to be uniformly Unite to in the modern government.

The negotiations in this arrangement for financial and political change; additionally in view of the military stop, now. Malloum want to give a working organization and a globally perceived if unelected, government. Habre was in summon of an unwavering, all around furnished, restrained battling power made from FAN forces with fighters already faithful to Siddik have not possessed the capacity to bolster his always expanding binds to Libya. The risk of Libyan venture into Chad was, truth is told, one territory of assertion amongst Malloum and Habre.

In addition, Habre was turning out to be perpetually worthy to the French government due to his high against Libyan mentalities despite the part he had played in the Cluster illicit relationship. Tragically, the territories of understanding amongst Habre and Malloum were in the end exceeded by their disparities. The allure and forces record of Habre His chances of notoriety, even among Southerners terrified at his steady in resistance to Libya. Habre's rivals in the administration subsequently downgraded to presents or exchanged back on France.

⁷¹ Joshua Sinai Nelson, "*Libya's Pursuit of Weapons of Mass Destruction*" p. 122.

Habre likewise named to the deception and disregarding Malloum's longings to hold that point for CSM Goukouni at the time in 1978 had finished any trust of joining Habre or the FAN with the rest of the FROLINAT. He would likewise demonstrate unsuccessful even in joining other chip multitudes of the FROLINAT, not able to take part in the modern government, and with abundant Libyan supported of USSR forces. Goukouni in 1978 initiated a south attack, which held back before Chad just by the mediation of the French aviation based armed forces.

That activity, notwithstanding, profited caused extra rebellious activity all through the nation. The as of late shaped Army smashed government troops in the west, while the First Liberation forces, now working free from Goukouni's FAP, gotten control of Biltine and Ouaddi domains in the east. Goukouni's FAP misused the demolition of government strengths and been in contact in the money to keep the whole slaughter of Malloum's outfitted constrain.

Amid this chaos between rebellious battling, the French troops in Chad were in control just by their stop to intercede. In spite of the fact that much conventional French estimates still objected to Habre because of his capturing of Madame Cluster, many French soldiers perceived Habre's qualities as a military commander.

The loss of Malloum's powers in capital had grave outcomes among the southern Sara population of Chad. Wadal Abdelkadu Kamougue, Malloum's administrator, went to the south with troops after that joined a large number of the previous government forces who had gotten away in a similar bearing. The sentiments of southerners after the defeat of the cash flow to northern troops enraged by the several Sara regular folks left in Ndjamen and slaughtered by Habre's troops.

It headed by Kamougue, who had replaced Malloum as the prevailing southern agent. Kamougue had already been a stress rival of Libyan intercession in Chadian undertakings; he perceived that the South should have help to fight off saw as an unavoidable northern invasion into the district. Kamougue hence went by Libya and acquired weaponry for the even minded Gaddafi, who stopped prepared to help any drive restricted to a solid focal government in Chad. The principal endeavour at the development of a steady government had in that way fizzled. Instead of the union

of Chadians anticipated by Malloum, no group under control of Chad. No win for both sides. Habre's endeavors to do as such had brought about a moving of the control condition to even out the control between perpetually different groups in the nation. The failure of the Libyans or the French to force loss.

3.9. Transition Governments, 1979-1980:

Nigeria, which fringes Chad toward the south-west crosswise over Chad, reacted to the conditions in Chad by masterminding meeting of compromise during March 1979. that incorporated Civil war, who as of now were the accompanying:

- i. Hissene Habre and the military of the North (Forces Armies du Nord-FAN)
- ii. General Felix Malloum and the military of Chad (Forces Armies du Chad-FAT)
- iii. Goukouni Oueddei of FROLINAT, with the leftovers of the old FAN (Movement Popularise du Liberation du Chad-FPLT).

The principal meeting in March 1979 in Kano. It accomplished a course of action for a truce, the disarmament, and arrangement of a new government. Kano forces additionally told to chad about the danger, in this manner bringing another remote component into the country. Another Kano meeting arranged on April 1 to build up a way to execute the main assertions.

Common viciousness in Chad, in any case, kept on emitting. Relations among both countries and Kano had additionally started to break down, halfway potent lead of Nigerian forces in Chad. Extra people additionally were welcome to take part in the principal new government. Members of the government elected during the meeting during April 29, 1979. Of the members of the modern government, Libya rejected all that and announced its anger and threatened the use of force

3.10. The Second Modern Government:

The fourth Kano supported meeting met in Lagos in July 1979. Every one of the representatives of Chad's troops allies was there, if the representatives of small meeting. A modern government rose, and confidence once more. Surprisingly, the *Government de Union National Chadians* (GUNT) represented all the different

major groups, was very much adjusted amongst southerners and northerners (eleven to thirteen) the neighboring governments. France refused to do so and put obstacles in front of all the negotiations on 2 September.

The understanding came to by the modern government, GUNT, finished like its forerunners; it disintegrated notwithstanding its favorable beginnings. For in spite of the fact that, the representatives of the different groups each embraced wishes for national solidarity and opportunity from the remote impact. Various components kept this: the individual aspirations and hostilities of the representatives, the distinctive global patrons, the different provincial and people, the dread of a stable government, and the compounding financial circumstances in Chad. These were all to demonstrate more grounded than the Government of National Union.⁷²

3.11. Ejection of Habre:

War between the Chadian groups with all through 1979. That turned during conflict among Habre's FAN and forces of Goukouni's FAP on March 22, 1980, and any agreement among both countries.⁷³ The staying French forces in Chad and the unexpected of Congolese forces sent there in January of 1980 by the OAU did not stop the fighting. During March 25, the loss of life evaluated to be more than 700, with three individuals from the French. Five truces were discussion in April 5 when the leader of Togo mediated between Goukouni and Habre. However, by April 9, war had started, and extra forces had arrived to Chad. Kamougue's armed force joined Goukouni's troops, which had beforehand fortified by Acyl's warriors. Goukouni met the northern portion of the city, and Habre met the southern, yet the troops were then problem. No one of the sides could pick up the favourable position. The French and Congolese pulled back totally from the country. The Assembly, met by Goukouni, Kamougue, and Acyl, formally expelled Habre from his post as Defence Minister on April 25.⁷⁴

3.12. Libya Intercession, 1980:

Efforts of mediation in Chad continued. On June 15, Goukouni and the Chadian government had marked a shared resistance bargain with Libya;

⁷² Stephen Orlofsky, *Facts on File Yearbook* March 1981, New York, p 221.

⁷³ Stephen Orlofsky, ed., *Facts on File Yearbook*, 1980, New York, pp. 311, 390.

⁷⁴ Saskia Van Genugten *Libya in Western Foreign Policies, 1911–2011*, 2016.

nevertheless, restricted attention made the worldwide press overlook this occasion in view of Habre's control of the national press and radio, which had concentrated on Habre's military triumphs. Habre's endeavors to in this way build up his notoriety and guide by that arrangement. In December, the FAT and the FAP, supported by Libyan weapons, tanks, air power, and workforce, raged Habre's powers holding capital. Following a week of severe battling, on December 16, Libyan powers and government entered the Ndjamen. Habre and his troops were then obliged to escape to Cameroon over the Chari River. Despite the fact that their nearness was acknowledged and Habre gave a crowd of people with leader Abidjo, a political refuge not allowed. The Habre strengths incapacitated and held up in exile camps. Another FAN constraint in east-focal Chad was crushed, and the soldiers either scattered to their dislodged to UN outcast camps in western Sudan.

An expected 2,500 Libyan troops took part in the ambush on Ndjamen. However, the Libyan part brought on just minor frustration among the invested individuals. The Libyan military adventure provoked just a notice from the French government against further "mediation of furnished outside components" in Chad.⁷⁵

In a held of the OAU in Nigeria, during December 23-24, the OAU declined to require the Libyan out of Chad because of a paranoid fear of infuriating Libya. President Goukouni and Libya, as far as it matters for them, denied the nearness or help of Libyan forces in Chad; in any case, they admitted to the nearness of 'consultants'. These cases from similar sides would hear once more.

3.13. Consolidation of Chad And Libya:

African and Worldwide lack of care to the Libyan contribution in Chad changed on January 6, 1981, with the declaration of the expectation of Chad and Libya to blend or if nothing else 'progress in the direction of the objective of aggregate solidarity'.⁷⁶ The declaration of the merger stunned a few of the unmistakable individuals from the OAU and stimulated feelings of trepidation of

⁷⁵ Stephen Orlofsky, ed., *Facts on File Yearbook* (New York, 1980), p. 965.

⁷⁶ Thompson and Adolf, Roger Cohen "Chad Wins World Court Decision in Territorial Dispute with Libyan Conflict in Chad, p. 139.

Libyan arms on other African states.⁷⁷ Senegal and Gambia severed discretionary relations with Tripoli, as did Khartoum, during June 25. Nigeria generously expanded its troop agreement and fortified its guards in its northern ranges. The danger of Libyan hostility upon the African countries perceived by the USA and proclaimed an "immediate risk along Sudan's outskirts and making incredible stress among different nations circumscribing Chad."⁷⁸ Egypt plainly showed its worry by recognizing providing Habre's recently strengths with little weaponry and ammo. Egypt expressed that it dreaded Gaddafi's turn into Chad was a prelude to an endeavor to destabilize Sudan on Cairo's southern border.⁷⁹ The French additionally frightened by the declaration. France emphatically denounced surprisingly the Libyan attack into Chad; France, in a sudden solidifying of its already wavering approaches in northern Africa, additionally offered to give arms and troops to fortify the strengths of Chad's neighbours.⁸⁰

French military powers strengthened the Central African Republic, Gabon, Senegal, and the Ivory Coast. France's toughened position and the sudden enthusiasm of the United States in Chad's undertakings may have clarified partially by the U.S. Express Department's disclosure on March 13 that Soviet military counsellors have sent to Chad two months beforehand to help Goukouni's legislature.⁸¹ Though the Soviet news organization, Tass, denied the allegation, the accused was steady of French reports on January 30 that USSR pilots had flown at any rate a portion of the Libyan military flies in Chad. The Egyptian government additionally expressed its conviction that the Libyan experience into Chad was Soviet propelled.

The Sudan additionally reprimanded the Soviet part in Libya. The OAU finally prodded to activity by the merger declaration met its Chad subcommittee on January 14, 1981. A judgment of Libya as the violator of August 1979, OAU

⁷⁷ Oye Ogunbadejo, "Gaddafi's Northern African Design," *International Security*, summer, 1983, p. 161

⁷⁸ U.S.A Department of State, "Challenge to Regional Security in Africa: the U.S.A Response," *Current Policy*, No. 431, October, 1982, p. 2.

⁷⁹ Stephen Orlofsky, ed., *Facts on File Yearbook* (New York, 1981), p. 199. *New York Times*, March 1981, p.4.

⁸⁰ David Major H. Henderson, USMC, *Conflict in Chad, 1975 to Present*: April 1984, New York.

⁸¹ Francis M. Deng and I. William Zartman (ed.), *Conflict Resolution in Africa* (Washington, D.C: Brookings Institution, 1991), pp. 153-155

concessions to Chad acquired from every one of the thirteen individuals introduced at the meeting surprisingly.

3.14. Ejection of Libya, 1981:

Worldwide and African lack of care to the Libyan contribution in Chad changed on January 6, 1981, with the declaration of the expectation of Libya and Chad to blend or if nothing else 'progress in the direction of the objective of aggregate solidarity'.⁸² The declaration of the merger stunned a few of the unmistakable individuals from the OAU and stimulated feelings of trepidation of Libyan aims with respect to other African states.⁸³ Senegal and Gambia severed discretionary relations with Libya, as did Sudan, on June 25. Nigeria generously expanded its military spending and fortified its guards in its northern ranges. The danger of Libyan hostility upon African States perceived by the United States and was proclaimed an "immediate risk along Sudan's outskirts and making incredible stress among different nations circumscribing Chad."⁸⁴ Egypt plainly showed its worry by recognizing providing Habre's recently is strengths with little ammo and arms. Egypt expressed that it dreaded Gaddafi's turn into Chad was a do an endeavor to destabilize Egypt on Sudan's southern border.⁸⁵

The Paris was additionally frightened by the declaration. France emphatically denounced surprisingly the Libyan attack into Chad; French, in a sudden solidifying of its already wavering approaches in northern Africa, additionally offered to give arms and troops to fortify the strengths of Chad's neighbours.⁸⁶ French military powers strengthened the Gabon, Central African, the Ivory Coast and Senegal.⁸⁷

The sudden and France's toughened position enthusiasm of the USA in Chad's undertakings may have clarified partially by the U.S.A Express Department's

⁸² Stephen Orlofsky, ed., *Facts on File Yearbook*, March 1981, New York, p. 200

⁸³ Raymond W. Copson, "Peace in Africa?" in Deng and Zartman, *Conflict Resolution in Africa*, pp. 22-23.

⁸⁴ Marie José Tubiana, "Un Document in edit sure les Sultans du Wadday", in *Cahiers detrudes Africains* (Paris), 02.05.1960, pp. 49-112

⁸⁵ Alan Cowell, "Gaddafi's Rule IS Celebrated; Chad and Libya in Peace Pact." *The New York Times*: (September 1, 1989), p. 3.

⁸⁶ Samuel Decalo, "Regionalism, Political Decay and Civil Strife in Chad," *The Journal of Modern African Studies* Vol. 18, No. 1 (1980), pp. 25-29.

⁸⁷ Zartman I. William, *the Negotiation Process* (Sage Publications Inc., 1978), Chapter 4.

disclosure on March 13 that USSR forces counselors had sent to Chad beforehand to help Goukouni's legislature. However, the USSR media organization, lied rumour.

The accused was steady of French reports on January 30 that USSR pilots had flown at any rate a portion of the Libyan forces flies in Chad. The Cairo government additionally expressed its conviction that the Libyan experience into Chad was USSR propelled.

The Khartoum additionally reprimanded the USSR part in Tripoli. The OAU end prodded to activity by the unite declaration met its Chad subcommittee during January 14, 1981. A judgment of Libya of August 1979, OAU concessions to Chad acquired from every one of the thirteen individuals introduce at the meeting surprisingly.⁸⁸

3.15. Habre's Return, 1982:

Hussein Habre, in the meantime, had proceeded with the development of his powers in Sudan; his troops had taken regime of ten states in the eastern piece of Chad, in this manner the vast majority of Ouaddai and Biltine regions on the Sudanese fringe. His victories were incompletely because of the end of Libyan military movement, once the choice to pull back from Chad was reported 86 and to the catch by FAN of extensive amounts of Libyan military hardware. Moving west in December 1981, FAN caught the towns of Ourn Hadjer, Ati, and Faya-Largeau. An OAU true proposition in February 1982 fizzled. Fighting increased, and the FAN's drive to Ndjamená started. Toward the end of May, government strengths had taken protective positions around the capital, yet these debilitated when Lieutenant Colonel Kamougue's powers left Ndjamená to subdue disobedience in the south of Chad. On June 7, the FAN entered Ndjamená and in just three hours had secured control of the city.⁸⁹

No resistance experienced from the OAU peacekeeping powers, whose requests were to battle just in self-preservation. Goukouni, having lost the support of his armed force, boarded a kayak and crossed the Chari waterway into Cameroon, in this way copying Habre's activities in 1980. Habre's hostile had started when Libyan

⁸⁸Stephen Orlofsky, ed, "*Facts on File Yearbook*l (New York, March 1981), p. 803.

⁸⁹ Robert Fraser, ed., "*Keepings Contemporary Archives*l, 27th August-3rd September 1982, p. 31677.

troops pulled back from Chad in 1981, and the triumph guaranteed in 1982 when Libya declined Goukouni's very late demands for assistance.⁹⁰

3.16. Goukouni Attacking 1982-1983 Government During Displacement:

Amid the fall of 1982, Goukouni and his dependable equipped supporters endeavored to regroup in Northern Chad. Habre guaranteed, with satisfactory legitimization, that the rearming of Goukouni's powers had by and by happened with the military and monetary help to Libya.⁹¹ Libya likewise had helped in the enrolling of new warriors for Goukouni, by capturing fifteen-thousand Chadians working in Libya and sending them to preparing camps to join Goukouni's armed force.

Habre simultaneously restated Chadian cases to the Aouzou strip "added" by Libya; he additionally expressed his aim to drive the Libyans from Aouzou, by military activity if essential. On September 20, the Libyan government denied that Aouzou was Chadian domain and blamed Chad for impedance in Libyan inside issues.

Joining with eight of eleven of the groups, which had created the old GUNT, Goukouni on October 28, shaped another, fifteen-man National Peace Government of Chad. Goukouni, obviously, named the pioneer of the new government. Habre sent fortifications to Faya-Largeau in January 1983 to oppose a normal assault by Goukouni's powers. The stage had now set for a conclusion to the impermanent respite in the battling for control of Chad.

3.17. Once More, Libyan Association; the Fall of Faya- Largeau:

In February 1983, the hostile by Goukouni's National Liberation Army (FAL) started. A FANT drive working one hundred and fifty miles upper east of Faya-Largeau crushed by Goukouni's FAL on February 20 and endured more than one hundred twenty dead in the fight. Unsubstantiated reports from the Libyan press and radio likewise guaranteed there were conflicts in different territories of Chad. Extra thrashings of FANT found in the early months of 1983. The main Libyan inclusion

⁹⁰ James Brooke, Libya's and Chad's War of Waiting, Special to the *New York Times* Published: 1987

⁹¹ David H. Major Henderson, USMC "Conflict in Chad, 1975 to Present," *The Guardian*, 4th January 1983 Virginia.

with the aim to topple Habre's administration perceived by Chadians and Western onlookers alike.⁹² Questions about the capacity of Habre's powers to withstand Goukouni and Libya's animosity made him look for extra concedes for military hardware from Western countries and other Arab-African states. Chadian authorities dispatched in mid-February to the Central African Republic to endeavour to ease the military weight on Chad's powers in the south.

An assertion gotten for the Central African Republic to dispatch troops to the Chadian fringe zones where Libyan-sponsored nonconformists were instigating an insurgency. On March 17, Chad asked for help from the United Nations Security Council to expel Libyan troops from the Aouzou strip by requiring the two nations to present the difference to the ICJ in The Hague for a coupling settlement.⁹³

In spite of the fact that Gaddafi's administration had already permitted that court to settle a limit question with Tunisia, he declined to submit to the choice, asserting that Libya did not perceive the Habre government as the genuine legislature of Chad. Close Faya-Largeau. Military airplanes guaranteed to be yet working from the town, in spite of Goukouni's contention that the city had fallen. French President Mitterrand issued an announcement saying that France couldn't acknowledge Libyan or whatever other outside mediation in Chad."⁹⁴

That insignificant French bolster alone, nevertheless, did not stop Goukouni and the Libyan strengths. On June 25, the Chadian Embassy in Paris declared the fall of Faya-Largeau.⁹⁵ Subsequent reports were to uncover that Libyan military aircraft helped the revolt assault, organized by fifteen hundred to thirty-five hundred dissidents bolstered by twelve hundred to five thousand Libyans.⁹⁶ That immaterial French support provided that negligible French backing alone. However, it did not prevent Goukouni and the Libyan powers. On 25th of June, the Chad Embassy in

⁹² Alan Cowell, "Gaddafi's Rule IS Celebrated; Chad and Libya in Peace Pact." *The New York Times*: (September 1, 1989), p. 2.

⁹³ Ibid *New York Times*, 18th Mar 1983, p. 2.

⁹⁴ Ibid , p. 3.

⁹⁵ Kenneth B. Noble, "Libya denounces Chad evacuation", *New York Times*, December 9, 1990,

⁹⁶ Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989). p. A3.

France declared the overthrow of Faya-Largeau.⁹⁷ The following news showed that Libyan military aeroplane helped the fomenter assault organised by 115 -135 radicals and supported by 112 to 5000 Libyans.⁹⁸

3.18. No Further Advances:

Control of Faya-Largeau and accordingly around 33% of Chad set Goukouni's powers in a considerably stable position in the nation, however, their further advances reduced by two variables. To begin with, the street to Ndjamen, however, controlled to some degree by Goukouni's strengths, still obstructed by two high government focuses at Salad and Moussoco. Prior to those armies could strike, the administration army at Abeche in the East must be taken, as it had been in past revolt progresses on Ndjamen⁹⁹ However, debilitating downpours traded off any ambush on Abeche as a result of the absence of cleared streets from Faya-Largeau to Abeche and the consequent danger to the versatility of mechanized segments.

An imaginable second component slowing down the progress was the political moving of Habre. A United Nations Security Council face-off regarding had asked for, and the President of Gabon, Omar Bongo, had been required to orchestrate truce chats with Goukouni as he had done previously.¹⁰⁰ Though these endeavours were unsuccessful, France on June 26 sent its pastor for participation and improvement, Christian Nucci, to Ndjamen as an appearance of France's support for the Habre government. The support of the French, who had extensive and present day strengths positioned all through northern Africa, conceivably kept any dive by Goukouni or Libya until achievement guaranteed.

3.19. Administrative Response, Military Help:

Not content with giving just good support, in any case, Mr Nucci declared on June 28 an expectation to promptly ship to Habre's strengths crisis arms help to give a resistance against the modern weapons gave to Goukouni's powers by Libya.

⁹⁷ Clifford Krauss, "Failed Anti-Gaddafi Effort Leaves U.S.A Picking up the Pieces," *New York Times*, March 12, 1991, p. A15,

⁹⁸ Kenneth B. Noble, "Libya denounces Chad evacuation", *New York Times*, December 9, 1990, p. 2.

⁹⁹ James Brooke, "Chad Trying Wary Détente With Libyans," *New York Times*, November 3, 1988, p. A18.

¹⁰⁰ Kenneth B. Noble, "In Chad, Talk of a Libyan Resurgence," *New York Times*, December 6, 1990, p. A3.

France would send thirty-five tonnes of military supplies to Chad, including against tank weapons and surface-to-surface rockets.¹⁰¹

United States Army experts were likewise getting to be distinctly worried about the risk to Chad. Joined States onlookers saw that Libya's goal was a definitive entrance of Sudan, in this way undermining southern Egypt. Past military tests into Egypt from Libya brought about exorbitant annihilations for Libyan strengths. A strike from Chadian domain advance, south, nevertheless, would hit both Sudan and Egypt where their troops were less thought. The Libyan military danger is seen as considerable, including roughly three thousand tanks, five hundred fifty-five aircraft, thirty outfitted helicopters, twenty tank brigades, and fifty-five thousand men. Indeed, even with Libyan strategic challenges, the identity of Gaddafi, excessive by remote impact, viewed as making such an assault on Sudan and Egypt possible.¹⁰²

As needs be, United States help, again as non-deadly military supplies, sent to Chad.¹⁰³ The crisis help, esteemed at roughly ten million dollars, made out of the dress, nourishment, and military vehicles. An American articulation demonstrated that little arms and different weapons could take after and that the guide viewed as important to keep Libya from setting up in Chad an administration good to Libya and afterwards utilising it as a base for subversion somewhere else in Africa.¹⁰⁴

3.20. Recovery of Faya-Largeau:

On July 30, government powers, invigorated by the United States and French good and material support, recovered the town of Faya-Largeau from the dissidents. The assault shocked the 3000 very much provided and dug in revolt troops there by being propelled under front of a tidy assault on the western ways to deal with the city where the safeguards were forceful yet softly kept an eye on. The conflict took 4 hours and 130 prisoners.¹⁰⁵ Though the Libyan media said on August 1 that Habre

¹⁰¹ "Just a handshake." *The Economist*. vol.312, no. 7613. July 29, 1989, pp.33. 37.

¹⁰² Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989) p 2.

¹⁰³ Leon Dash, "Foreign Intervention Unlikely to End War in Chad," *Washington Post*, 30th August 1983, p15.

¹⁰⁴ "Just a handshake." *The Economist*. vol.312, no. 7613. 23-29th July 1983, p. 32.

¹⁰⁵ *Ibid* p. 27.

had killed near Faya-Largeau,¹⁰⁶ the report proved later to be false. Government troops were, however, under Habre's control, driving the rebel troops north from Faya-Largeau towards the town of Kirdimi, 55 miles north. Faya-Largeau then began to suffer a great aerial attack on June 30 from Libyan aircraft.

Vast areas of the city annihilated, and regular citizen and military setbacks were starting to rise. Government troops in the city were without against flying machine firearms or weapons, and little move could make to keep the attacks. Despite the fact that Libya denied the assaults, Western knowledge affirmed them; along these lines, both the France and USA hurried to supply anti-aircraft weapons to Faya-Largeau.¹⁰⁷ The main French anti-firearms plane conferred in N'Djamena on August 2 transferred to Faya-Largeau the next day, along with French experts to assist the army with weapons. The United States has given the security information and Stinger missiles against aircraft and three armed force U.S.A experts to Chad's help with its defense¹⁰⁸ Aid arrived at Chad from other quarters when the President of Zaire, sent on 2nd August 6 aircraft 600 and troops to assist Habre's troops. These soldiers and hardware career into Chad in 26 trips of U.S. Air Force C-141 Star Lifters.¹⁰⁹

3.21. Goukouni's Hostile Restoration:

The guide Chad got in the principal week of August of 1983 did not end up being adequate to stop the revolt and Libyan powers. Gaddafi, because of Goukouni's thrashing at Faya-Largeau, had requested a Libyan drive of 5,000 to help Goukouni to retake the town. The Libyan strengths and Goukouni's agitators outfitted with tanks, heavily clad faculty transporters, numerous rocket launchers, SA-9 anti-aircraft rockets, and long-extend, 130mm field mounted guns weapons. In addition, the agitators had air bolster gave by Soviet-constructed TU-22 planes, SU-22 close-air bolster warriors, and Mirage F-1s.¹¹⁰

¹⁰⁶ Kenneth B. Noble, "In Chad, Talk of a Libyan Resurgence," *New York Times*, December, 1990, p. 3.

¹⁰⁷ Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September, 1989). p 2.

¹⁰⁸ *Wall Street Journal*, 4th August 1983, p.2.

¹⁰⁹ Chester A. Crocker, "Reagan Administrations Africa Policy: "Current Policy No. 527. November 1983, and p. 2.

¹¹⁰ U.S.A State Department, *Special Report* Number 111, p. 4.

In hate of rehashed solicitations from Habre for French air mediation, none was imminent. In this manner, the air assaults on Faya-Largeau proceeded with expanding fierceness. Monstrous air strikes took after, incorporating assaults with phosphorous bombs,¹¹¹ and the attacks reached out to the town of Qum Chalouba, around 200 miles south-east of Faya-Largeau. The administration drives on the ground were helpless before the air aggressors and the agitators had retaken Qum Chalouba. Extra revolt powers with USSR T-72 and T-62, tanks were likewise moving into Chad from the north-west.¹¹²

Proceeded with supplications for French military intercession ended up being unprofitable. On August 6, nonetheless, the United States dispatched to Sudan AWACS aircrafts and F-15 fighter jets. Their motivation was to screen the circumstance in Chad and help the Chadian powers, yet such insight help appeared to be of little use without air or ground battle bolster. French troops, alongside the underwriter of Chad's presence, had not conveyed to the nation over the span of the contention.

The dispatch of American aircraft to Sudan, however a minimal quick military help, added to incite the French to activity, which would balance a military danger against the Chadian government. On August 5, an article in *Le Monde* described the USA activity to French reliability in North Africa since Paris seemed Did not want to ensure the security of the previous French colonies.

3.22. Rebel Siege and Recovery of Faya-Largeau:

Whereas sitting tight as French fight helps, Chad forces in Faya-Largeau, lastly, regarded the protester strike. After 33% of the 3000 Chadian forces were enveloped inside Faya-Largeau and considered fallen, harmed, or captured. Misfortunes purged of the city around nighttime while the unpaved runway could be employed, yet clearing stopped at the point while the runway lastly slaked of the movement with the revolutionary bombing.

¹¹¹“U.S.A forces Aid to Chad,” *New York Times*, p. A8, July 20, 1983; Mass, “Raw Power Struggle” in Chad,” *Washington Post*; Rondos, “Why Chad?” *CSIS Africa Notes*, pp. 4.8.

¹¹² Alan Cowell, "Gaddafi's Rule IS Celebrated; Chad and Libya in Peace Pact." *The New York Times*: September, 1989, p. 1.

One columnist on the watched. Even a minor injury could not be treated exceptionally and quickly and there were no restorative offices in the north."¹¹³ Under a deadly, essentially relentless air assault, those north station troopers who could escape Faya-Largeau also pulled back on the 10th of August to find another protected line precisely 210 miles south.¹¹⁴ USA-provided Stinger and Redeye rockets, which were the largest practical showcase of the USA, help to the Habre government. Notwithstanding, the actual result of the rockets at the Army, condition was not as large as the commonplace way.

The rockets were casted twenty to a quarter century and accomplished the shields at Faya Largeau as non-Libyan plane downed, and they have pulled back ahead of Faya-Largeau. Not saved, if each had truly ended neither made sense of or if the failure was a result of specific issues or lacking planning of the Chadian forces. One reference conjectured to collection problems in the starting instrument that they should have sustained their work.¹¹⁵

3. 23. **French Mediation:**

"The USA was the first to demonstrate their nearness in the Chad locale. One has the saw that France has had its hand constrained a bit. The Americans are prevailing about making out that France did not what is necessary about Chad. the White House communicated the desire for proper choices by France in the Chadian war. Besides, there is U.S -French. One realizes that sure of the French coach teachers conferring in Ndjamenas are for sure must handle the data provided support for US planes. The Americans need to get political advantage from the undertaking by forcing themselves on Africa as the deciding variable in the choices to be made if brutal blows ought to strike."¹¹⁶

Named Operation Manta, started on August 10. 30 French Marines from the Para troop Infantry Regiment, crossed the Chari River into Ndjamenas from their base

¹¹³ "U.S.A forces Aid to Chad," *New York Times*, p. A8, July 20, 1983; "Raw Power Struggle" in Chad," *Washington Post*; Rundos, "Why Chad?" *CSIS Africa Notes*, p. 34.

¹¹⁴ *Ibid*, *Time*, 22nd August 1983, p. 34.

¹¹⁵ *Baltimore Sun*, 12nd August 1983, p. 2.

¹¹⁶ Harold D. Nelson, ed.g Area Handbook for Chad. *Superintendent of Documents*, Washington, D.C, 1968.

in Kousseri, Cameroon, where they had been positioned a few weeks beforehand to have the capacity to help with the clearing of non-natives from Ndjamena ought to the need emerge. Fortifications from a similar around then furnished with against tank rockets, individual weapons, rocket launchers, mortars, the Olifant radar framework and strategic vehicles, which is ground reconnaissance radar.¹¹⁷ Original arrangements to send just a constraint of five hundred French Marines to Chad were soon amended. Operation Manta by the 21 of August had therefore developed to include somewhere in the range of 3000 French forces.¹¹⁸, four Jaguar four Mirage ,F-1contender planes, two KC-135s, complex hostile to military aircraft frameworks, five contenders from Zaire, and another French authority, Brigadier Poli.

3.24. Stalemate

Before August, the powers had finished real battling in Chad. The agitators had kept on working troops in Faya-Largeau and had repaired to the airplane terminal there. French troops, nevertheless, had conveyed on an east-west line north of Abeche in "cautious" positions. They still portrayed as "teachers" to the Chadian forces.

The French attestations that assaults on French troops would bring about activities "not constrained to guarded activities" were to stalemate the battling in Chad. Habre's powers would be included in minor activities, for example, repulsing an assault against its station at Oum Chalouba on September 2. Nevertheless, the inclusion of French troops and the ensuing risk of a Libyan war with France finished for the present time the forces danger to the legislature of Habre.

¹¹⁷ "Chad humbles Gaddafi." *The Economist*. vol. 304, no. 7513. August 29, 1987, p. 27.

¹¹⁸ "Just a handshake." *The Economist*. vol.312, no. 7613. July 29, 1989, p. 33, p. 37.

CHAPTER 4

SUBMISSION OF CONFLICT TO THE INTERNATIONAL COURT OF JUSTICE

Based on the hard and long dispute that the two countries had indulged in for almost two decades, one may see that such a conflict cannot be excluded from the international decisions, even if they are not fulfilled on the ground sometimes. The dispute had taken more and real action on behalf of the global family.

On 3 February 1994, the International Court of Justice (ICJ) had brought the two disputants to its rules, and the conflict had come to its end by the ICJ judging that the Aouzou Strip, which separates the two countries, is part of Chad. In fact, that was what happened swiftly on the ground; under UN auspices, Libyan troops withdrew from the territory, aside from "now and then" flights of rhetoric by Libya's leader, Gaddafi. The conflict between Chad and Libya over the sector was an excellent example of the post-colonial conflicts, and it would seem that the Court has resolved a post-colonial conflict of the most difficult kind¹¹⁹.

After all this, which side was the winner, the court or the judgment? After giving the strip to Chad or simply admitting the aggressor part was Libya, either way, were the colonial or old colonial forces at that time meddling in the final judgment? Or, did they in any way have a role in what happened on the court? Did Libya feel put off by the international community or at least its allies? In addition, did the new global reality of the collapse of the Soviet Union and changed the balance of power have a significant impact on the decisions?

This chapter will first outline the judgement of the court and then contrast the competing claims of Chad and Libya to determine why the court took the position it did. Although the court focused on Chad's claims, the chapter seeks to redress this discrepancy by engaging with some of Libya's discursive strategies. But, to understand the judgement and give the mind some space for thinking about the nature of that case and the ICJ settlement for both parties, I will provide some key

¹¹⁹ Under resolution 915, the (UNASOG) and under resolution 926 in June 1994, UNASOG's mandate was terminated on the successful withdrawal of Libyan forces. (2000) 13 *Leiden Journal of International law* 873, at 900.

events that changed the course to what eventually happened in the court after both Libya and Chad needed to seek assistance to end the conflict:

4.1. The Franco-Italian Treaty of 1935:

The Franco-Italian Agreement marked in Rome between French Foreign Minister and Prime Minister of Italy Mussolini after the WWI. It acknowledged that Italy was not going to get domains from the defeated German realm (that separated Great Britain and France) yet later would compensate with some land from the British and French spheres. That felt by the Italians to be little pay for their penances in the bloody war and one reason for the ascent to control in Italy of Mussolini's one party rule. The British surrendered Oltre Giuba from Kenya to Italian Somalia in 1925. However, the French postponed a few years to the mid-1930s. They acknowledged just in 1935, under Foreign Minister Laval's initiative, to give just a little region in eastern Africa and a left range (what now known as the Aouzou Strip). That treaty was intended to enclose Hitler's ambitions and gain the support of Italy if a second war was about to happen in Europe at that time. The Mussolini-Laval agreement was approved by the French Parliament on March 26, 1935, but was never approved by the Italian Parliament because it was judged as too "minimal," not including anything from French Corsica, Tunisia.¹²⁰

The 1935 Treaty never succeeded in achieving the purpose that it meant to, which was exchanging ratifications. Therefore, the Treaty, which, in the expressions of the 26th Article of the Vienna Convention on the Law of Treaties, "is official upon the gatherings to it", must be put into work by the arranged gatherings "in accordance with some basic honesty. Another fact should present here, which is that both Libya and Chad were not questioning the validity of it and even fully agreed on it. In the 1935 Treaty, And discussions thereafter, was between the elements of the conduct of France and Italy on the international.¹²¹

¹²⁰ Bruce G. Strang: "Imperial Dreams: The Laval -Mussolini Accords of January 1935." In: *The Historical Journal* 4, September 2001.

¹²¹ John E. Jessup, (1998). *An Encyclopedic Dictionary of Conflict and Conflict Resolution, 1945–1996*. Greenwood Publishing Group

"Good faith" should keep honest manners toward:

(i) That they sought to settle the problems (ii) The intention of the both countries to the 1935 Treaty. (iii) The status of the boundaries among their colonial states that existed in 1935, which they asked to modify.

Therefore, the intentions can divide to those in respect of setting boundaries for both territories, which seemed absent in the Treaty, the problems between the parties. It is by that Libya has focused three points in its pleadings and tried as hard as possible to show the Court that the Treaty included the keys to solving the equation, and we can rely on the following points to summarise. What did Libya need from the text of the Treaty of 1935 (in the absence of recorded or typed copy of the Treaty itself) to prove to the ICJ that it is right:

- "In 1935, it was France and Italy are explicitly recognized in public statements, earlier between their territories east Toummo. The line provided for in Article 2 of the 1935 Treaty of paints for the first time this limit, did not constitute the correct limits exist by the "Treaty of Rome did not carried out, it follows that which existed before no specific limits. So that, the action itself did not take place at all, and the Treaty cannot recognise as a treaty unless it fulfilled;¹²²
- In 1935, France and Italy, openly acknowledged in public statements, that the treaty does not provide for a waiver of the French territory to Italy, but instead to recognize the ownership of Italy lands located to the north of the current border. Which means that the boundaries that had taken as they were after colonial expansion would not be the same; by the treaty, the Chadian border from the north, for example, would change according to the territory granted by France after the signing the Treaty if entered to force.¹²³
- In 1935, France and Italy unequivocally perceived, formal statements that the 1935 Treaty, had it become effective, would have at long last released France of the commitment, set out in Article 13 of the 1915 Treaty of London. To determine to support Italy the question pending between the two controls over

¹²² Michelle Burgis, "*Boundaries of Discourse in the ICJ: Libya/ Chad*", 1994, p.120.

¹²³ <http://www.icj-cij.org/doCKET/files/83/6699.pdf>, (14 September 1992), (ed 1 December 2016)

the southern limit of Libya. It takes after, in the way that France did not discharge from that. After that, it must be force to resolve the dispute.¹²⁴

That Chad's counter (In international law: the counter answered admitting, denying, or commenting on charges in a memorial).¹²⁵

- Although both Chad and Libya agreed on these facts, Chad tried to avoid them, except that the Chadian Counter-Memorial gave the impression that the Libyan analysis was based exclusively on some offhand suggestions contained in an unsigned note, while Libya emphasised their importance and cited numerous official archives of both a one-sided and respective character. As per Libya, under 1935, Treaty, France did not surrender to Italy a bit of French memory; it perceived that the domain being referred to had a place with. (Libyan Territory).¹²⁶ The Libyan Memorial and the Counter-Memorial show itself was a demonstration beyond any doubt that no boundary had fixed before 1935 and that both France and Italy were acutely aware of that fact. Article 2 of the Treaty, which is related mostly to Libya; want about the locating of a border in the region of Toummo, in southeaster Libya, according to a 1919 agreement between Italy and France. In which the boundary should determine beyond the line was fixed (into Chad) in 1919 as both agreed. Article 4 of the 1935 Treaty again insisted upon. The Libya and Chad agreed on these facts, Chad tried to avoid them, except that the Chadian Counter-Memorial gave the Libya adopted the convention unsigned by Italy, while Libya emphasised their importance and cited numerous official archive of both a bilateral and unilateral character. (Libyan Territory).¹²⁷

¹²⁴ See OAU Document Agreement Between the Transitional National Union.

¹²⁵ ICJ, 5.336 Memorial of Libya Vol." *American Association for the Advancement of Slavic Studies*, 1986,p.66

¹²⁶ Abid, 1986, p. 68.

¹²⁷Steven Greenhouse, "Libya Declares End to Chad War," Special to the *New York Times*, May 1988

4.2. The Franco-Libyan Treaty of 1955:

In 1955, Libyan mobile units penetrated the disputed Aouzou Strip in northern Chad, considered by the Ottomans to be an essential piece of their North African territory; nevertheless, the Libyans soon determined out by French troops, and this assertion was the outcome. Dated 10 August 1955, this arrangement gave that eternal peace and fellowship ought to administer future relations amongst Libya and France. In the atomic understanding, the French government guaranteed to pull back its powers from the Fezzan inside 12 months of the implementation of the arrangement and to surrender its air terminals in the range to Libyan control.

Like this, the Libyan government consented to future meetings on issues of shared intrigue. In the money related assertion, the French government chose to contribute the entirety of 130 million French francs in 1955 and another 350 million in 1956 for the financial improvement of Libya. Both nations guaranteed to watch the most-favoured-country statement in foreign exchange and to advance economic and business collaboration. They likewise consented to move the forward trading of political offices and productions, and Libya guaranteed to bring French dialect guideline into its establishments of higher learning¹²⁸. That treaty was the "rotten carrot," as I prefer to call it, of the Libyan claim to the Strip. However, this Treaty had gained international credibility from the UN, UNSC, AOU, ICJ, Chad, and France to consider a central key to settling the conflict.

Since the 1935 Treaty never produced results on the concurred limit line for Libya's southern fringe east of Toummo, the 1899-1919 line settled upon amongst UK and France was Libya's southern verge on the basic date: when Libya turned into a free state. As per Chad, this affirmed by the 1955 Treaty¹²⁹. Article 3 of 1955, as we may point earlier in previous chapters, was of the most significance of all other Articles, which delimited Chad's boundary with Libya and was recognised from the text, as Chad might suggest. Chad appeared to (instruments as the Article included).

¹²⁸ Ronald Bruce St John, *Historical Dictionary of Libya*, Fourth Edition, p.81, 84

¹²⁹ ICJ, Libya Counter Memorial of Libya Vol. *American Association for the Advancement of Slavic Studies*, 1986, p. 70.

Listed in Annex 1 (examples: the 1899 Declaration 8 September); the 1955 Treaty confirmed the real of that border. Article 3 of the Treaty begins as follows:

- i. "The two High Contracting Parties perceive that the wildernesses between the regions of French Equatorial Africa and Algeria, Tunisia, West Africa, from one perspective and the locale of Libya. are those that outcome from the universal documents in compels on the date of the constitution of the UK of Libya as recorded in the appended Exchange of Letters (Ann. I)." Annex I to the Treaty are the accompanying writings:
- ii. The British-Franco Convention of 14 June 1898;
- iii. The Convention among the French Republic and the Sublime Porte, of 12 May 1910;
- iv. The Declaration making the same, on 21 March 1899, the Italian-Franco Agreements of 1 November 1902;
- v. The Franco-Italian Arrangement of 12 September 1919
- vi. The Franco-British Convention of 8 September 1919.¹³⁰

Both sides tried to understand the context of their ways of interest. The above paragraph provided the Chadian point of view, yet Libya had an entirely different one. The view of Libya was what the parties were "recognising." The word "recognise" in Article 3 of the 1955 Treaty was the most problematic, and we provided some of the contexts of the article earlier in Chapter 3.

The general prudence of Article 3 of the 1955 Treaty was that the limits are isolating West Africa, Algeria, Tunisia and French Equatorial Africa, despite what might expect, were the restrictions that came. Because of the global demonstrations in compelling of Libyan autonomy, a sign of which (however an off base sign) given in Annex 1. What both countries did not put upon and what Article 3 made was that existing boundaries were binding on Italy and France that to be from acts in force on the date of Libya's independence.

¹³⁰ Hofmann, Juliane Kokott, Karin Oellers-Frahm, Stefan Oeter, Andreas Zimmermann. "World Court Digestl, 1976-1985.

They recognised as being the boundaries between, Algeria Tunisia, French West Africa, and French on the other hand¹³¹. In addition, for Libya, on the contrary, the southern borders with Chad are not the issue referred to in Article 3. It was meant for the Article not to mention the Libyan-Chadian frontiers but was for general conception expected to settle with other neighboring countries like Algeria and Tunisia but not Chad.

Each situation must examine in context. States may allude to different bargains with a specific end goal to ultimately settle a limit, or they may perform such a reference, as here, to give a concurred premise to a conceivable settlement.¹³².

Considering each of alternate arrangements said by Chad to frame part of the setting of Article 3 of the 1955 Treaty, Article 1 of the Convention alludes to Article 3 of the 1955 Treaty, utilizing indistinguishable words from Article 5 of the Treaty itself. It does not assume the presence of a finally delimited Libyan limit for the reasons simply set out above. In addition, in Article 1 of the Convention, French regions again characterized with respect to zones for which France had expected the barrier, not over which it stated power. The limits eluded to be amongst Libyan and French regions and were so constrained, which, as officially noted, secured the borderlands so that no exactness as far as possible east of Toummo was vital. Whatever the sovereign rights to the borderlands may be, France had, at the time, accepted accountability for their barrier, not sovereignty over them¹³³.

It is also a important part of the 1955 Treaty's that it's Article 11 Offered that the Treaty had only 20 years¹³⁴. That Article 3 In the sense that it would be the last of the border it did not originate from the 1955 Treaty itself, but it is "applicable international instruments" and other in history.

Along these lines, it may appear in 1955 Libya a recently autonomous State in Africa, the herald of the numerous recently free States in Africa that were to

¹³¹ J.A.S .Grenville; *"A History of the World in the Twentieth Century"*, 2 Vol, 1997.

¹³² B. Michelle, *"Boundaries of Discourse in the CIJ: Libya /Chad"*, p.115, 116.

¹³³ Jessup, John E. (1998). *"An Encyclopedic Dictionary of Conflict and Conflict Resolution"*, 1945,1996. Greenwood Publishing Group p.117

¹³⁴ <http://www.icj-cij.org/docket/files/83/6699.pdf> (a.d. 14 September 1992),(14 December 2016)

develop amid the following a quarter century so. In 1955, there was instability in the matter of what might be the mentality of these recently rising States in Africa towards the limits they may acquire in light of assertions between Colonial Powers amid the colonialist period or because of authoritative courses of action made by a solitary Colonial Power.

4.3.1. August 1990:

The negotiations between the two parties through the (OAU) and Article 1 of the Accord Cadre have less to settle the territorial conflict. Therefore, the dispute reached the Court to take an international shape enough; the question put to the Court might be characterised in the accompanying terms:

"In the further execution of the Accord Cadre, and bearing in the record the regional debate between the Parties, to settle on the cut-off points of their particular regions by the standards of universal law appropriate in the matter"¹³⁵

Subsequently, Libya attempted best to depict the debate and the battle over the domain as 'it has a long and confounded history'. The setting of the limit concerning the Aouzou Strip and the needed territory includes a thought of a progression of global assertions, in spite of the fact that. In the Libyan point of view, none of these arrangements at last settled the limit between the gatherings, which, likewise, stay to be set up by the pertinent standards of universal law.¹³⁶ The dispute for Libya can resolve through specific agreements, which were for the Court as international instruments, but the ICJ stressed all the contracts pointed to as international instruments. The court did not pay much attention to the one that Libya greatly relied on, which is the 1935 Agreement between France and Italy as we will see further on.

In its intentions to solve the problem peacefully, Libya informed the court of its willingness to fulfil. As a matter of first importance was the discharge and return of detainees of war, which is additionally a commitment under the universal law that Libya has satisfied, and called upon Chad to do in like manner as an issue of need.

¹³⁵ ICJ, —*Compromis* II, 31st August 1990/ 3th September 1990, Territorial Dispute Chad /Libyan, p.2

¹³⁶ Ibid p.3

Alternate necessities connected for the most part to the Accord-Cadre, which incorporated middle with a decent confidence into transactions to concur with Chad inside the system of Mixed Commission. Such a new intention to enter the court opened a new way for Libya and Chad from 1990 onward to solve the conflict and reach an international settlement for it away from military actions. In the Libyan view, they thought that through international means, they could gain more if they stopped the Innervation in Chad for the sake of a diplomatic solution.

From that point, Chad accepted the Libyan offer to go to the court. They were both represented by the court as resolved to reach a peaceful settlement of their long territorial dispute by the resolutions of the (OAU), in particular resolution AHG/Res. 6 (XXV) on the Chad /Libya territorial conflict. Of the fundamental principles of the United Nations, namely the following:

- i. the sovereign equality of all states;
- ii. the peaceful settlement of international disputes;
- iii. Respect for the national sovereignty and territorial integrity of each State;
- iv. Non-Use of troops or threat of force in relationships between countries;
- v. Non-interference in internal affairs.¹³⁷

As an international agreement, the two Parties agreed on points crucial for the initiation of the Court. Article one of the Agreements held under the care of the ICJ concluded that both sides of the struggle should reach a final political solution to their dispute in approximately one year (Article 1).

The both countries undertake initially to settle their regional question by every single political mean, including mollification, inside a time of around one year, unless the Heads of State choose. Some of the Articles appeared to be stricter toward Libya than Chad; henceforth, Libya should recall any troops in the territory and should stop, and military support for the separatists and Chad should do likewise. Those terms directed by the Court to make sure that each Party has the right intentions in the negotiations. They mentioned in Article 2 the agreement, which

¹³⁷The Assembly Of Government, “*Of The OAU, Resolution On The Libyan / Chad Territorial Dispute*”

opened with the presentation of the fact that the struggle had no real settlement until the time of this agreement, and in the absence of a political solution to their territorial dispute, the both countries commitment:

- I. to submit the dispute to the International Court of Justice;
- II. to continue to the said withdrawal to separations to be concurred on;
- III. To bring measures corresponding with the legal settlement by pulling back the troops of the two states from the positions they as of now possess on August 25, 1989. In the addressed region under the supervision of a commission of African observers, besides, quit building up any new vicinity in any shape in the said range;
- IV. To watch the reported attending measures until the ICJ pass on a last judgment on the regional question.¹³⁸

Likewise, the court in the Framework Agreement made notice upon the detainee's issues: in Article 3 of the Agreement and focused on that all war prisoners should release from both sides of the fight. In Article 4, the understanding gave focuses in which Libya and Chad emphasised their choices concerning the truce built up amongst them and embraced further to cease from any antagonistic vibe. Those focuses had focused on expelling all states of hostile vibe between the two nations to prepare for the peaceful settlement with no impediments from sides that would handicap the political procedure:

- i. stops from any threatening media crusade;
- ii. Refrain from meddling straightforwardly or by implication, in any capacity, on any appearance and in any condition, in the internal and outside undertakings of their individual countries;
- iii. Cease from giving any political, material, money related or military support to the threatening powers of both of the two nations;

¹³⁸ ICJ, "*Compromisel* (Special Agreement), 3 September 1990, Territorial Dispute Chad /Libyan, p.7.

- iv. Proceed to the mark of a settlement of fellowship, great neighborliness and monetary and money related co-operation between the two countries.¹³⁹

In Articles 5, 6, 7, to 8 of the Agreement, proposals by both the disputants and the Court indicated the choices of Libya and Chad to build up a Mixed Commission to depend on with the errand of supervision of the courses of action itemised in Article 4. In addition, they worried on the need to collaborate with the Ad Hoc Committee of the OAU and the duty to pull out to the United Nations about the Agreement. With a concession to the Articles in this system, the agents of both countries signed on 31 August 1989 at Algiers.

4.3.2. September of 1990:

This section of the Court gave a space for Chad (represented by its Minister for Foreign Relations) to show its view of the dispute. The Minister first talked to the Court about the Libyan occupation of an important part of Chad and the Libyan claim that the whole frontier between Libya and Chad is questionable. The Minister repeated more than once that the question of the boundary and the Aouzou Strip was not the subject of any discussion until the 1970s (a period, of course, when Colonel Gaddafi was the ruler of Libya). Chad explained to the Court on the lips of its Minister that Libya, from 1971, began to infiltrate troops toward Chad's interior, and between 1973 and 1987, 500,000 square mails were subject to the Libyan influence. Chad protested many times and tried to return if possible, peaceful relations, and in every means possible to achieve a peaceful solution to the dispute. The Minister showed that Chad's efforts toward peace and ending the struggle were dangerous through, among other things:¹⁴⁰

- i. a large number of bilateral meetings,
- ii. Bringing the matter before the Security Council on two occasions,

¹³⁹ The Assembly Of State And Government, “*Of The OAU, Resolution On The Libyan/ Chad Territorial Disputel*, 24 to 26 July, 1989 , Addis Ababa

¹⁴⁰ ICJ, The Minster for Foreign Relations of the Republic of Chad to the Registrar of the ICJ, “*Compromisel*, 1st September 1990, Territorial Dispute Chad /Libyan, p.15, 17.

- iii. Bringing the case before the OAU, this, in 1977, set up to hoc committee of six individuals to scan for ways and method for settling the issue and has, to date, met six pastoral. In any case, being unable to find a solution, in of the work of chairperson and its members and the good will consistently manifest by the Republic of Chad, after listening to the Chadian minister. The court reviewed and repeated what came in Article 2 of the Framework Agreement of August 31, 1989. Its paragraphs confirmed that no political profits could gain in the peace process without taking into consideration the items included in this Article, and if the Heads of State made no decision to the state, the conflict might submit to the Court on 1 September 1990.¹⁴¹

In the jurisdiction of the Court, there was also a basis related to The Libyan - Franco Treaty of Friendship and great Neighbour of 10 August 1955, which expresses: "Any question emerging of the translation and utilisation of the new Treaty. Had conceivable to settle by transactions, should be eluded to the ICJ at the demand of concede to another method of settlement."¹⁴²

Article 3 of a similar Treaty gives French West Africa and French Equatorial Africa.

On the other, are those subsequent from the universal demonstrations in compel at the season of the constitution of the UK characterised in the connected Exchange of Letters (Annex I).¹⁴³ The Court pointed at Chad having winning to France. That substance binds the two States in the civil argument, as they in fact saw before the Sub-Committee of Expert Jurists and Cartographers set up by the Ad Hoc Committee of Mediation of the OAU, and as is approved by its second report, pulled in up January 1988. By the fundamentals proper to the movement of countries regarding arrangements, the Libyan and the Chad are bound by that Treaty, and particularly by the jurisdictional condition of Article 8¹⁴⁴. The Justification to Work by the 1955 Treaty lawfully and universally certified a worldwide instrument intended to explain the issues between the two nations. In any case, given that France had made it with

¹⁴¹The Assembly Of Government, "Of The OAU On The Chad/Libyan Territorial Disputel, Meeting In Its 25TH Ordinary Session From July, 1989 In Addis Ababa

¹⁴² Gerald Blake, "IBRU Boundary and Security Bulletin April 199, Article Section, p.80

¹⁴³ Ibid., p.80, 83

¹⁴⁴ Associated Press. "Libya Loses Border Case." *The Washington Post*. February 4, 1994, p. 25.

recently autonomous Libya, why might it be bizarre that the Treaty does not speak to two genuinely free States since France was consulting for the benefit of Chad? Notwithstanding, the answer is that it has global acknowledgement and standard response from the Court.

4.4. The Territorial Claim By Libya:

Libya's claim started on the postulation that at all circumstances applicable to this debate, the borderland were never land nucleus, even the entry of the "borderlands" toward the south of Libya, isolating it from Chad, there had not a characterised limit. Traditional or something else. It was at all circumstances vested, Libya guaranteed, in the indigenous tribes, the Senoussiya, and, on the global plane, in the Ottoman Empire, and it goes to Italy after the Treaty of Ouchy in 1912. It was this same title given to Libya on 24 December 1951, the date of its freedom¹⁴⁵.

Essentially, Libya's contention that domains occupied by tribes or people groups having social and political associations are not to viewed as land Tallies echoes the Court's remark in the Western Sahara case that. "As to domains the securing of sway not considered as affected singularly through "occupation" of the land nucleus by different title however through assertions finished up with nearby rulers".¹⁴⁶ Libya's claim envelops the locales of Tibesti and Borkou, Ennedi. Including Kanem, Erdiand Ounianga, or what, Libya depicted as the "borderlands". Libya, in its Memorial and oral contention, alluded to religious, economic, climatic, geographic and security variables.

Concerning the monetary component, say made of the Central Saharan exchange courses from the Mediterranean shorelines of Cyrenaica and Tripolitania to the hinterlands. A third old course began from Benghazi and achieved Manssenya in Baguirmi using Koufra, Tekro (in Ennedi) and Abeche. It the perspective of Libya that exchange had since antiquated circumstances been the essential calculate the

¹⁴⁵ Cowell Alan, "Gaddafi's Rule IS." *The New York Times*: (September 1, 1989). p. A3

¹⁴⁶ I.C.J. "Reports" 1975, p 39.

contacts and connections between the people groups of the northern and southern slopes of the Sahara.¹⁴⁷

Libya additionally proposed that geology gave a standard to the Court to consider the land components of the landscape particularly. In that association, it contended that the Court had the same caution from an outline commission to impact the foundation of a limit all over again where none existed, as professedly for this situation. As to religion, Libya put much accentuation on its association with the Senoussi and the Muslim Ottoman Empire, asserting that the northern piece of Africa, and the Borderlands, were dominatingly Muslim, though in the south Christians and animists populated Chad. About the atmosphere, Libya called attention to that. It is the perspective of Libya that the security interests of every State, in the light of the considerable number of actualities, are components that ought not to disregard. Crediting to Libya the areas portrayed in its entries to which Libya cases to have title, would assess Libya's security advantages. While in the meantime leaving a broad land zone between such a Libyan wilderness and the critical and monetary midland of Chad - what the French have called¹⁴⁸

The above contentions got from human, might viewed as the first Libya's claim rested. The second a delicate sort and focused on the Rome Treaty of 1935, generally alluded to as the Mussolini -Laval Treaty. The 1935 Treaty did not go into compelling because Italy declined to continue with the trading of the document of confirmation. In any case, Libya's contention was this did not decrease the Treaty's significance or its importance as a primary calculates to taken thought in document of the question under the steady gaze of the court. The parties differ concerning who might have yielded region to the next.

The contention of Libya gave such concessions to France as a by-product of a guarantee that the French would bolster the Italians' victory of Ethiopia and it was

¹⁴⁷ Oye A. Cukwurah, "The Organization of African Unity and African Territorial, 1963-1973", *Indian Journal*, Vol. 13, p. 178.

¹⁴⁸ Davis Brian L. *Gaddafi, Terrorism, and the Origins of the USA. Attack on Libya*, 1990

the French stop to keep to that assertion that prompted to Italy's stop to trade the documents of endorsement Blake Gerald.¹⁴⁹

Chad asserted that it was France that in 1935 offered concessions of the area to Italy given the provincial give' guaranteed with Article 13 of the UK Treaty of 1915. Nevertheless, that point is of less significance to the contention of Libya that the Court could consider that Treaty in being in contact at a fair and even-handed choice. Libya ensured that the 1935 Treaty was the essential general document (that the Court pointed at) that. All through the historical backdrop of this debate proposed to plot a line characterising for the last time the limit in the territory in question and that would have accomplished its motivation however for the no exchange of the documents of confirmation. It was a Treaty; Libya guaranteed to promote, that completely arranged and closed by two expresses that both practised power over the regions to be delimited. Libya in this manner stated that vital signs could gather from a delimitation settlement, which achieved the very edge of enforceability. To be sure, Libya highlighted the recurring pattern of Italian- Franco transactions somewhere around 1913 to 1935 as outfitting an even-handed thought to support its. Libya asserted that there was no current limit between Libya and Chad, either through French conquests or occupation or by the Treaty of 1955.

Libya stated and that in doing so could consider the Treaty of 1935. Libya continued that the instruments of the weak story in the conflict were the title was vest in the indigenous people groups and the Senoussi while the universal title vested in the Ottoman Empire, which in the end passed it to Italy. On the off chance that Libya reasoned that its regional claim ought to reach out as far south as 15" N scope.¹⁵⁰

4.5. The Struggle and The (ICJ):

At several moments of the struggle over the Strip and with continuing Libyan intervention, Chad invoked the support of the UN, France, and the OAU (Organisation of African Unity) against the repeated Libyan encouragement for the

¹⁴⁹ ICJ: "*Case Concerning the Territorial Dispute (Chad/ Libya)*": (vol. 33, May, 1994) p. 578.

¹⁵⁰ ICJ Case Concerning the Territorial Dispute, Libya -Chad 1994: pp. 571-592.

Northern Chadian separatists and the Libyan aggression could not tolerate. However, Libya was anxious to retain its standing in the African regional context, so it finally ended its "most significant external involvement"¹⁵¹ by withdrawing its forces in 1987.

Two years later, the agreement or Accord-cadre on August 31, 1989, came to built on previous UN and OAU efforts to end the conflict peacefully. The course on ICJ judgment supported as the last chance for the matter to be settled successfully in „approximately one year', and Libya exercised this right by letter to the Court on August 31, 1990.¹⁵² The international sides and the court did not focus their attention on possible uranium deposits; they considered it briefly and focused mainly on the Libyan intervention in Chad's civil disturbance. Another important factor affecting Libyan foreign policy at that time was its pariah status as a result of the Lockerbie event and UNSC-imposed (United Nations Security Council) sanctions, which did not come to their end until 2003. On the one hand, it might have seemed strange for Libya to be in court in the midst of such difficulties with Western powers, besides pointing fingers at Libya in what is called a „relationship with international terrorism'.

Along with its hostility toward Chad, all these factors must have weighed on the minds of the ICJ members in reaching their judgement. On the other hand, however, Libya has been one of the most active Third World states at the ICJ, and in two earlier cases of delimitation (with Tunisia and Malta), the court ruled in its favour.¹⁵³

Perhaps this time, Libya going through such a difficult situation could result in a retreat from political pressures and an advance in the political process, not through military means but the negotiations and arguments of its Western legal team.

¹⁵¹ A.Huliras, "Gaddafi, s Comeback: Libya and sub-Saharan African in the 1990,s (2001)l Affairs p 5 to 7.

¹⁵² A bid, Affairs p 9 to 10.

¹⁵³ "Case Concerning the Continental Shelfl (Tunisia /Libyan) (1982) ICJ Reps p.18; Case Concerning the Continental Shelf (Malta /Libyan) (1985) ICJ Reps p.13;

4.6. The Court Began:

The Court observed that there was no existing boundary and asked the Court to determine one, while Chad proceeded on the basis Libya's claim depended on a combination of the rights and titles of the indigenous tenants of Libya itself.

What's more, that of Chad in views of the Treaty of Friendship and Neighbourliness Completed by France and Libya on 10 August 1955, or, on the other hand, on French affectivity, either in conjunction with or freely of the arrangements of prior bargains. The Court dismissed Libya's arguments in preference for Chad's position, and in 1994, the Court handed its judgment to Libya. In fact, the court did not ignore the colonial past and reinforced colonial continuities. On the contrary, the court somehow supported (or let us say tried hard to keep) the sanctity of European-created borders. It took into consideration the past that was affecting both countries. Both countries suffered from conflict on borders, which, by the way, they made (intentionally or unintentionally) with two old colonial states (France and Italy). In its judgment of the circumstance concerning the Territorial Dispute (Chad/Libyan), the Court found that the farthest point between Chad and Libya portrayed by the Treaty of Friendship and Good Neighbourliness completed up on August 10, 1955, among Libya and France and chose the of course that breaking point. The arrangement of 1955 was not amongst Chad and Libya but rather from France (the frontier condition of Chad around then) and Libya. The court undoubtedly adopted the treaty of 1955 in most of the articles during its judgment in the case.

The Court took notice. Article 9 of the Treaty expressed that the Annexes and Conventions attached to it shaped an indispensable part of the Treaty.

One of the principal issues raised by the Treaty was the topic of outskirts, managed in Article 3 and Annex I. The Court before inspected Article 3 of the Treaty 1955, both with the Annex to which that Article focuses. Keeping in mind the end goal to settle on a choice on regardless of whether that Treaty brought about a satisfactory limit between the domains of the Parties. It saw that if the 1955 Treaty led to a limit, it would give a response to the issues raised by the Parties. It would be a reaction to the Libyan asks for to decide the breaking points of the individual

domains of the Parties and to Chad's application to build up the course of the fringe. Article 3 of the Treaty starts as takes after:¹⁵⁴

"The two High Contracting Parties see that the backcountry between the areas of French Equatorial Africa and French West Africa from one perspective. Besides, the area of Libya on the other, are those that result from the cosmic instruments in obliging on the date of the constitution of the UK of Libya as recorded in the added Exchange of Letters (Ann. 1)." Annex I to the Treaty includes an exchange of letters, which, in the wake of referring to Article 3, begins as takes after.

"The reference is to the going with compositions:

- i. The Franco-Italian Agreements of 1 November 1902;
- ii. the Franco-British Convention of 8 September 1919;
- iii. the Franco-British Convention of 14 June 1898;
- iv. the Convention between the French Republic and the Ottoman Empire, of 12 May 1910;
- v. the Declaration finished the same, of 21 March 1899;
- vi. The Franco-Italian Arrangement of 12 September 1919."¹⁵⁵

As can be seen, the treaty paid great respect to the past treaties between distant countries; the Franco-British, French Republic and Sublime Porte (Ottoman Empire), and Franco-Italian treaties and agreements presented strongly in the Court's memory. On the one hand, the Court might seem keen on solving the case and on bringing the two parties to a just decision. On the other hand, the court classified the case not on the two sides' interests but, rather, on past agreements and tried to search for the settlement in old documents created by past colonial powers.

Through the treaty of 1955, the parties should understand precisely that the borders are a result of specific international tools. As mentioned in the treaty, the word "recognize" implied a legal obligation, and this implied meaning referred to the

¹⁵⁴ ICJ, "*Case Concerning the Territorial Dispute of Libya*", Judgment February 1994, <http://www.un.org/law/icjsum/9404.htm> (a.d 3 February 1994), (15 December 2016)

¹⁵⁵ Frank Engelen, "*Interpretation of Tax Treaties under International Law*" 2 December 2004, p.202.

acceptance of the known or registered agreements over the frontiers at that time, and respect for those agreements in the future. The court presented this fact to the two parties. The court called attention to that the setting of a wild depends on upon the will of the sovereign states clearly concerned. There is nothing to keep the gatherings from picking, by shared attestation, to consider a specific line as a wild, whatever the past status of that line.

4.7. The Pleading By Libya And Chad:

When any case presented before the ICJ, the primary concern of each party is to gather the strongest claims they possibly have and to bring up the legal means and materials by wish each party thinks can swing the scale for its interests. Thus, the arguments themselves, especially in the hands of the foreign lawyers for both sides, cannot be concerned representatives of the sentiments of states directly, and if that is possible, the whole situation is questionable anyway. Of course, Libya and Chad found themselves opposed in opinion in their pleadings to the Court, but they were two postcolonial states, and in the colonial era, they were like two mice under experiments; they bounded to international rules and global change of the political map between greater powers. 'Subjects to international will' they may seem but wished to walk away from this matter victorious in their conflicting territorial claims. Their pleadings much like those presented in any case, however, already shaped by those historical experiences of statehood during the colonial past of their own experiences. Parties will always emphasise certain points or obscure them if they want in the court. Yet, states like Chad constituted with a smaller room for thought when it comes to the realities of colonially determined borders.

Libya had the opinion that 'all Chad had to do to piece together the already fully prepared, well-articulated French case'¹⁵⁶, was relying on 'an extreme pro-colonial view of international law.'¹⁵⁷ On the contrary, Libya was keen on presenting the documented control over the territories. Therefore, resulting from the extended period of European colonialism, the two countries had different behaviours related to statehood, which could lead to further contrasting points of view toward the case before the ICJ. In addition, we mentioned earlier that the Court was, in a way or

¹⁵⁶ ICJ "reports", CR Libya/Chad, 14th of June 1993, Libya, Maghur, Para 57.

¹⁵⁷ ICJ, Chad /Libya, CR 1993/19, 21 June 1993, Libya , Crawford, Para 29

another, so dismissive of Libya's claims and preferred Chadian arguments, which could define the way that the judges looked at the contrasting of statehood notions for each party. For example, Libya used the historical tone more than Chad and relied on what we can call "the past songs", whereas Chad focused on the Libyan violation of international law in its offensive toward the sovereignty of Chad as a state, which may have appeared logical to the ears of the Court. However, the dismissal of the Libyan pleadings by the Court did not reach the expectations of some experts in the Libyan affairs, who thought that the Court's judgment was merely pre-prepared for the case.

4.8. The Verdict:

The ICJ gave its judgement in the case of Chad/Libya delimitation and their territorial dispute on 3 February 1994, after proceedings, which had lasted since September 1990. Chad clearly was the winner in the case presented to the Court and the Aouzou Strip determined by the Court as belonging to Chad thus solving the dispute over it left by the 1955 Franco-Libyan Treaty. The Court determined the borders amid Chad and Libya as that defined by the Treaty of Friendship and great Neighbourliness concluded both France and Libya on August 1955, particularly Article 3 and Annex 1 of the same treaty.¹⁵⁸

Going back to the Treaty of 1955 (to understand the conclusions of the Court, we need to go backward to the Treaty every now and then), it handled many types of cases and issues, among which was the question of border (in Article 3 and Annex 1).

Article three in the Treaty includes that the parties in the Treaty "recognise" the borders that result from using the international documents in force when Libya independent from colonial powers in 1960.

The earlier statement was included in Annex 1 along with the Franco-British Convention of September 1919; the same convention had pointed to another previous agreement in 1898 whose purpose had been to define the northern parts or limits of

¹⁵⁸ ICJ, "*Communiqué Concerning territorial dispute (Chad /Libyan)*", 3rd February 1994, 1-10.

French control and influence in the same parts (the ones of the north). It means that the Treaty of 1955 contained the reference to other conventions between colonial states. Thus, by determining the Chad-Libyan boundary by the Franco-British Treaty in 1919. The Court obviously ruled that the Libyan military intervention in the Aouzou Strip was unjust and illegal even if the Libyan occupation of the Strip was with accordance to the Libyan claim of that the rule both a 1935 Treaty between France and Italy had conceded the Aouzou sector to Italy.¹⁵⁹

Apparently, the court was judging on the case by French, British, Italian, and Libyan understandings and treaties. So, why would the court judge on the case depending on those treaties and refute the claim of Libya, which, on its behalf, also took action in the Strip on the grounds of the 1935 Treaty between France and Italy? The answer to this question is still ambiguous if we come to the comparison, but we just conclude that the ICJ did not want the Libyan action to be by using force. Therefore, maybe that is why it decided that the Strip is for Chad, not Libya. In other words, the judgement in 1994 was merely a disciplinary action to Libya because it used the force in claiming a territory, which is debatable, and maybe it does.

Not belong to Libya. Another method of the argument on the Court's judgement is that maybe the decision took its path and refuted the Libyan claim because Italy was a fascist country at the time of signing the treaty with France in 1935. Besides, it participated in the Second World War on the side of Naziism. They are assumptions that emerged from questioning the court's final decisions. Nevertheless, in fact, France had never ratified the Treaty, possibly because of misgivings about the Italian invasion of Abyssinia. For whatever reason, the Treaty of 1935 did not enter into force and very rarely discussed until Colonel Gaddafi came to power in Libya in 1969. Still, the primary dispute concerned the Aouzou Strip, the 114,000 km²,¹⁶⁰ which lies between 1919 and 1935 versions of the international boundary. The Libyan claim about the Treaty of 1935 surprised the Court by explaining that the edge goes further in the land, as far as south as 150 latitudes in its eastern sector.

¹⁵⁹ J.B. Ballcock *et al* (Eds 1992) “*Border and Territorial Disputes*” (3rd edn), Longman Current Affairs 229-234

¹⁶⁰ Hodder, Lloyd, McLachlan, “*Land-locked states of Africa and Asia*”, 1998, London, p. 32

After that, Libya opened an argument stating that there were no borders with Chad and demanded the court determine one. On the contrary, Chad refuted the Libyan claim by declaring that there is a border and that the court should present that border before Libya. What is worth mentioning here also is that Libya tried to introduce the case from its point of view relying on the ingenious assumption based on a series of arguments illustrating geographic, historical, ethnic, and administrative links between northern Chad and Libya? The Libyan used history by saying that the Ottoman extended their sovereignty south from Libya. Even the Senoussi Order did the same and extended its power to reach northern Chad. Therefore, the Libyan claiming here emerged from its need to expand its area of national security, especially stressing the importance of controlling the Tibesti Mountains, and the reason behind this was to repel attacks and to prevent hostile actions coming from the south. In short, the court rejected all the Libyan claims and showed that both parties in the 1955 Treaty had subsequently acted according to its contents and agreed on them. There was an issue also presented in the Treaty in Article 11, which provided that 'the current treaty concluded for 20 years'.¹⁶¹

The court pointed to the fact that. In other words, once recognised, the fence Then, the Court determined the Chad-Libya boundary according to the international documents listed in Annex 1 of the Treaty 1955 as "west of the line of 160 E longitudes, the limit of which depended largely on the Italian -Franco Exchange of Letters in November 1902".

Therefore, the dispute ended with the return of the Strip back to Chad (according to Chad's wishes, which Libya defined as extortion) based on international conventions concluded between countries once they had colonised the region. The court's leader, Sir Robert Yewdall of England, included "When a limit had the subject of understanding, the proceeded with the presence of limit is not reliant in the proceeding with the part of the arrangement under which the limits concurred."

¹⁶¹ Case Concerning the Territorial Dispute, Libyan, Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice Not an official document, Judgment of 3 February 1994, pp. 66.67.

Abdharaman Dadi, the leader of Chad's appointment to the court, said: "There are still Libyan forces in the Aouzou sector and we trust Libya will withdraw from the district and regard the judgment." However, pressures both the two nations had facilitated during 1990 when a Libyan master group made control in Chad. There was no quick remark from Libyan authorities.¹⁶²



¹⁶² Cohen Roger, "Chad Wins World Court Decision with Libya", *New York Times*, February 4, 1994 <http://www.nytimes.com/1994/02/04/world/chad-wins-world-court-decision-in-territorial-dispute-with-libya.html> (ad. 4.2.1994),(4.11.2016)

CHAPTER 5

CONCLUSION

Thus, regional questions are a standout amongst the most inescapable stains of the frontier time, frequently straining relations between neighboring states far and wide, and especially so in spots like Africa. And as we know, many of them were initiated their dispute with military actions, and later they seek the assistance of the international organizations which more specifically are concerned with separating territory-claim disputes like ICJ.

The Aouzou sector was for almost more than two decades the main focus of Libya for its economical and its prospective nuclear industry. Libya and Chad, had both been guaranteeing responsibility for the bit of significant Sahara land, were both aware of this value and both keen on comprising 45,000 square miles sovereignty. Chad now has legal control of the once disputed sector, by a ruling the ICJ in Chad's favor.

In the beginning, the civil disagreement was an ethical and religious one, since the north was mainly Muslim population with a strong kinship to the Arab tribes in the south of Libya. From such a fact, the Libyans began their role during the monarchy era to increase those feelings of ethnic religion unity in northern Chad. Thus the (FROLINAT) that formed in the 1960s initiated its battle versus the Messianic leader François Tombalbaye to reach the northern (BET) with the support of King Idris who felt obliged to help the FROLINAT for a long time position and excellent links among both sides of the Chadian -Libyan border. However, Idris later limited the support fearing from Chadian -Franco alliance to threaten his kingdom, and only gave the insurgents haven in Libyan region and for non-fatal subsistence only.

The change in the mood came from Libya after that but with another test. That test was Arabism, is a dogma adopting the union of the states of West Asia and North Africa from the Arabian Sea to the Atlantic Ocean indicated to as the Arab world. It is nearly united to Arab dogma, which confirms that the Arabs comprise one nation. Its propaganda was at its elevation over the 1950s and

1960s. Revolutionary Arab governments in that period started to praise it. Such was the case that imposed itself in Libya when Gaddafi came to power.

The ideology of Gaddafi was Arab nationalism, one in which he declared that the Aouzou sector is a Libyan land depending on the Historical, ethnic, religious grounds. However, does Arabism fight only for Arab-populated territories? Gaddafi was so certain that the occupation of the Aouzou sector will bring his country troubles with Western allies of the Chadian government.

However, he was so sure also that if he came out of this struggle as the winner of the sector, he would gain a territory rich with uranium which will increase the strategic capacity of Libya and can make it an important player in the region.

So, Gaddafi played on the tone of Arab nationalism and Arabism to claim the territory. In addition, Libya was arguing that the Italian -Franco Treaty in 1935 was drawing the borders in favors Libya. The pliable pact Italy to extend its possession in Somalia and Eritrea and confer Italy also liberates hold in Ethiopia.

It was well as long as for the troops of the Aouzou strip from French Equatorial Africa to the Italian colony in North Africa. This carrot from the Allies during that period failed to separate the two brothers of Nazism and Fascism at that time; Italy and Germany.

After that, Gaddafi succeeded in supporting the FROLINAT and brought a strong Libyan foot step in the territory where the Libyan forces were present in the battles with the Governmental forces. Moreover, the struggle went on between both parties with different scenarios until 1990 when the situation changed on both sides of the fight and reached the diplomatic efforts to reach a settlement. We will review the events in the latter coming passages.

On the thirty-first of August, 1990, Libya presented a trade off to the ICJ. Whom incorporated and formal message and a both-page "system assertion" marked by the two nations a year before flagging that on the off chance that they were not able to fix the debate politically in a year next the consenting to of that structure arrangement (told to the OAU). They would present their inquiry to the ICJ.

There were other imperative measurements to the structure understanding through responsibilities of the gatherings that they would pull back their troops from the debated zone, discharge all detainees of war, and cease from all unfriendly media battle versus the other. They would likewise not seek any fresh nearness in the debated territory afterwards.

In its message to the ICJ, Libya demands the court "to settle on the breaking points of their particular regions as per the tenets of universal law appropriate in this matter."

About the point is that whereas Chad demanded that the north outskirts amongst itself and Libya be those yet affirmed through the ICJ, Libya had contended that there is truly occurs no fringe amidst the both countries.

It offered to the court that the assertions amidst the pioneer controls that had planned the area prior to its independence in 1951 were not altered the fringe amidst the gatherings. It said that "The UN, in allowing independence to Libya, opinion the topic of Libya limits in this locale so far to be determined, insofar as the bit of Libya limit for what was then French region, however not effectively limited, was to be fixed by arrangement" .¹⁶³

Chad settled its enforcement message to the ICJ on the first of September, 1990, and an official duplicate got via the court two days after the fact. While Libya portrayed the question as a local one, Chad depicted it as an outskirts debate, as it demanded that a fringe and did occur amidst the both domains even though they were European states.

Chad control that during of 1971 a year next the question started Libya strengths had illicitly possessed the Aouzou sector, which it portrayed as an essential piece of its domain. The debated range, as indicated by Microsoft Encarta, was expected to have stores of oil, uranium, and manganese.

The gatherings did not concur on the official inquiry to lie under the steady gaze of the court. As far as it is concerned, Chad demanded the court, "to decide the path of the wilderness amidst the parties, as per the standards and guidelines of relevant global law"

¹⁶³ G L Simons·Isaline Bergamasch" *Libya: The Struggle for Survival* "New york 1993, p.xi

Chad battled that the nations had acquired the grounds that were there at the season of their autonomy. It additionally expressed that the path or streak of the reasons got off a progression of bargains from 1898 to 1955. Chad pivoted its issue on a 1955 settlement between France and Libya, which strips the region of Chad prior to its autonomy. Libya acquired its fringes settled by pre-provincial bargains with the 1955 arrangement,”¹⁶⁴ Chad contended, basically affirmed the pertinence of possessing “which means in Latin "as you have".

"It can as of now be visible that Libya cases hold counter to the basic standard of admiration for the grounds acquired from the pioneer time frame and, all the more especially, to the Franco-Libyan and Franco-British assertions”¹⁶⁵ Of note is that the Libya/Chad bargain does not manage all comparability to the one marked between Guatemala and Belize on Monday, the eighth of December, and 2008. The archive awarding the ICJ locale in the Chad/Libya issue was, truth told, the 1989 structure assertion, inclusive alongside the messages down a spread page inscribed tradeoff. Seventeen assessors directed the Libya/Chad case. There were fifteen meeting judges; one of them assigned as president, another VIP, while each of the questioning states got the opportunity to designate a judge specially appointed. So for this situation, Chad had an assessor and Libya had an assessor on the board.”¹⁶⁶ Libya group of seventeen incorporated their specialist, direction, supporters and master map maker, while Chad’s group of twenty five included its operator and co-specialist, guides, lawyers, map makers, counsels and research associates. Composed procedures took approximately more than two years, after which the board caught open hearings for one month(from the fourteenth June to the fourteenth of July, 1993) amid which the gatherings conveyed verbal contentions and answers. The ruling was affirmed in February 1994.

Libya actual conflicts with the ICJ were that east of Toummo; there exists no restriction among itself and Chad by real news of any deal. and that the title to the area was, at all appropriate times, vested in the social orders having the district who were tribes, confederations of tribes and people owing their reliability to the Senoussi

¹⁶⁴Przemyslaw Saganek, —*Unilateral Acts of States in Public International Law*l, 2016, Boston, p462.

¹⁶⁵Zartman,I. William *Collapsed States: —The Disintegration and Restoration of Legitimate Authority*”,London,1994,p.vii

¹⁶⁶Shaw, Malcolm N, “*the Heritage of States: The Principle of Uti Possidetis Juris Today*” 1997, Oxford, pp 75,154.

Arrangement, who had recognised the power of the Senoussi in their fight with the encroachment of Italy and France on their properties?"¹⁶⁷

There exists a gathering title in the midst of the title of the domestics society, and the rights with titles of the Stool Realm went ahead to Italy during 1912 and obtained using Libya in 1951, and that Libyan have clear title to all the space ensured by display on the offer draw delineate. ¹⁶⁸

While Libya continued asserting that there is no limit on the premise, Chad contended that one occurs while that the question is, truth is told, over the area of the limit. Chad asserted that a limit occurs on the premise of a pact of Good Neighborliness and Friendship closed by the French and the UK of Libya on the tenth of August 1955; invite "the 1955 pact." Libya had been a colony of Italy, last regulated by the Four Allied Powers (France, United Kingdom, USA, and USSR), and became independent on the twenty-fourth of December, 1951. Chad became free of French guideline on of the eleventh August 1960, after nine years.

The court takes note of that, "Toward the close of the nineteenth and start of the twentieth century; different understandings went amidst Great Britain, France and later Italy via whom the gatherings indicated to gap large parcel of Africa"

These assertions, alongside new understandings amongst Britain and France, install the outskirts of the particular domains, so that when Libya got to be autonomous, there were at that point bargains plainly characterising the appropriate limits. The basic point in date was 1955 while France and Libya closed the 1955 bargain.

The ICJ deciding draft that "French power in accessories of those domains tested and a firm outskirt was crucial It was perceived by two sides [Chad and Libya] that the 1955 arrangement is the legitimate beginning stage for the thought of the case under the watchful eye of the court."

The settlement has the pre-autonomy bargains recorded in its addition, flagging that the 1955 arrangement was only affirming limits that have as of now been set up preceding Libya freedom.

¹⁶⁷David Schweigman, *The Authority of the Security Council under Chapter VII of the UN Charter*, London, 2001.

¹⁶⁸Arthur Weisberg, —*Use of Force: The Practice of States since World War II* Pennsylvania, 1997.

The ICJ choice turned on Article 3 of the 1955 settlement, which said that the gatherings "perceive" the outskirts that emerge outside of the pre-autonomy bargains. Utilising "perceive" shows that both sides acknowledged the wilderness alluded to, awarding it a legitimate power, the court noted.

"By going into an arrangement, the gatherings perceived the boondocks to which the content of the pact alluded," so the assignment of the court was only to decide the grounds indicated in the assertions where the understandings did say the outskirts ought to lie? The court likewise indicated statements that the Libyan Prime Minister acknowledged a 1919 assertion. Moreover, the usage or division – of the periphery, which demonstrated that a drawing of the limits had as of yet been built up because a fringe cannot start to be differentiated if not characterised.

The court watched that there was no resulting understanding that raised doubt about the perceived boondocks, and that actually, a decided outskirts was acknowledged and followed up on via the gatherings – there was up to date no sign that there was all instability on where the fringes lie. Moreover, it said that Libya did not defy the local measurements of Chad as go via France.

During the 1970's, Chad whined about Libyan infringements to the UN and the OAU and particularly, Chad grumbled to the UN Security Council. Notwithstanding, Libya tested the purview of the UN Security Council to jurist the benefits of the debate.

In showing its ruling looking into the issue, the ICJ takes note of that despite the fact that the bargain of 1955 holds a procurement utterance it was finished up for a time of 20 years, and accommodated immediate end; the wilderness decided must be changeless.

"The foundation of this limit is a certainty which, from the beginning, has had its very own legitimate existence, free of the destiny of the 1955 bargain. Once concurred, the limit stands"

The judgment further repeats that "A limit set up by bargain consequently accomplishes a perpetual quality which the arrangement itself does not as a matter of course appreciate. The arrangement can stop to be in power wanting at all capacity influencing the continuation of the limit."

The ICJ administering put a conclusion to a 24 year old debate between Chad and Libya. Preparatory say that next to the 1994 decision of the ICJ, Libya acknowledged that the region was Chadian without challenge.



BIBLIOGRAPHY

Books.

- A. Huliaras, *Gaddafi's Comeback: Libya and sub-Saharan Africa in the 1990s* (2001)
- Anthony Clayton, —*Frontiersmen: Warfare In Africa Since 1950* Warfare and History's. 98.
- Anthony Clayton, *Frontiersmen: Warfare in Africa since 1950*. London: UCL Press, 2001
- Arthur Weisberg, *Use of Force: The Practice of States since World War*, II" Pennsylvania, 1997.
- Azevedo Mario J, "Chad a Nation in search Future". Unpublished M.A. Thesis, American University (1971) Paris.
- B. Michelle, *Boundaries of Discourse in the CIJ: Chad/Libya*
- Bell, John R. *Libya crisis: Wishful thinking still isn't a viable strategy*, Comparative Strategy, 2016.
- Benjamin Neuberger, *Involvement, Invasion and Withdrawal: Gaddafi's Libya and Chad*, 1969-1981 (Occasional Paper No. 83, Shiloah Centre for Middle Eastern and African Studies, 1982).
- Brecher. M & Feld. J Wilken, a Study of Crisis.
- Brian L. Davis. *Gaddafi, Terrorism, and the Origins of the U.S. Attack on Libya*, 1990.
- David Major H. Henderson, USMC, *Conflict in Chad, 1975 to Present*: April 1984, New York.
- David Schweigman, *The Authority of the Security Council under Chapter VII of the UN Charter*, London, 2001.
- Emanuela Paoletti. *The Migration of Power and North-South Inequalities*, Springer Nature, 2010.
- Emanuela Paoletti. *The Migration of Power and North-South Inequalities*, Springer Nature, 2010

Francis M. Deng and I. William Zartman (ed.), *Conflict Resolution in Africa* (Washington, D.C: Brookings Institution, 1991).

Frank Engelen, *Interpretation of Tax Treaties under International Law* 2 December 2004.

G L Simons, Isaline Bergamasch *Libya: The Struggle for Survival* "New York 1993.

Geoff Simons, *Libya and the West. From Independence to Lockerbie*, Oxford: Centre for Libyan Studies, 2003.

Gerald Blake, *IBRU Boundary and Security Bulletin April 1999, Article Section, A note on the International Court of Justice Ruling on the Chad-Libya Dispute*

Gino J. Naldi. "The Aouzou Strip Dispute—A Legal Analysis", *Journal of African Law*, 03/1989

H. Thirlway. *The Law and Procedure of the International Court of Justice 1960-1989: Supplement, 2005: Parts One and Two*, *British Yearbook of International Law*, 01/01/2006

Harold D. Nelson, ed., *Area Handbook for Chad* "(Supt. Of Documents, 1972).

Henry J. Schulte, Jr., ed., *Facts on File Yearbook* 1974, New York.

Hodder, Lloyd, McLachlan, *Land-locked states of Africa and Asia*, 1998, London.

Hofmann, Juliane Kokott, Karin Oellers-Frahm, Stefan Oeter, Andreas Zimmermann. *World Court Digest*, 1976-1985.

J.B. Ballcock *et al* (Eds 1992) *Border and Territorial Disputes* (third edn), Longman Current Affairs.

John E. Jessup, *An Encyclopaedic Dictionary of Conflict and Conflict Resolution, 1945–1996*. New York: Greenwood Publishing Group, 1998.

Kenneth L. Adleman, *African Security, Facts and Fantasies*, *Comparative Strategy*, November 1980.

Kenneth L Adleman, *African Security, Facts and Fantasies, Comparative Strategy*, 1st November 1980.

Kinnucan, Michael J. *Political Economy and Militarism*, PS Political Science & Politics, 1992.

- M. N. Shawt. *"The Heritage of States: The Principle of Uti Possidetis Juris Today"*, British Yearbook of International Law, 01/01/1997
- Malcolm N, *"the Heritage of States: The Principle of Uti Possidetis Juris Today"* 1997, Oxford.
- Mario Azevedo, —*Roots of Violence: A History of War in Chad*, (1998)".
- Mario J. Azevedo, (1998).|| *Roots of Violence: A History of War in Chad*||. Amsterdam: Gordon and Breach, 1998.
- Michael P. Kelley, *"A State in Disarray: Conditions of Chad's Survival"*. Boulder, CO: Westview Press, 1986.
- Michelle Burgis, *"Boundaries of Discourse in the International Court of Justice: Chad/Libya"*, 1994.
- Michelle L Burgis, *"Boundaries of Discourse in the International Court of Justice: Mapping Arguments in Arab Territorial Disputes"*||, London: Brill, 2009.
- Neuberger, *"Involvement, Invasion and Withdrawal"*
- Ovo Catherine Imoedemhe. *"The Complementarity Regime of the International Criminal Court"*, Springer Nature, 2017
- Oye Ogunbadejo, *"Gaddafi's Northern African Design,"* International Security, summer.
- Paul Jureidini. *"Political disintegration in contemporary politics"*, International Interactions, 08/1984
- Pollack Kenneth .M, —*Arabs at War: Military Effectiveness*||, 1948-1991, London: University of Nebraska Press, 2002,
- Przemyslaw Saganek, *"Unilateral Acts of States in Public International Law"*, 2016, Boston.
- Raymond W. Copson, *"Peace in Africa?"* in Deng and Zartman, *Conflict Resolution in Africa*.
- Richard Caplan. *"Conditional recognition as an instrument of ethnic conflict regulation: the European Community and Yugoslavia"*, Nations and Nationalism, 04/2002
- Sam G. Amoo, —*Frustrations of Regional Peacekeeping: The OAU in Chad, 1977-1982*|| Conflict Libya and Chad.
- Saskia Van Genugten *"Libya in Western Foreign Policies, 1911–2011"*, 2016.

Saskia Van Genugten. *"Libya in Western Foreign Policies, 1911–2011"*, Springer Nature, 2016

Shorey, Margot Nickels, Benjamin P. *"Chad: A Precarious Counterterrorism Partner"*, CTC Sentinel, April 2015 Issue

Stephen Orlofsky, Ed, *"Facts on File Yearbook"* (New York, March 1981).

Stephen Orlofsky, ed., *"Facts on File Yearbook"* (New York, 1980).

Tarry M. Mayas, Africa's —*First Peacekeeping Operation*∥: The OAU in Chad, 1981-Nelson.

Thompson and Adolf, Roger Cohen *"Chad Wins World Court Decision in Territorial Dispute with Libya"*∥ Conflict in Chad.

Vaughan Lowe and Malgosia Fitzmaurice (eds.), *"Conflict Libya and Chad," Fifty Years of the International Court of Justice*∥: Essays in Honour Sir Robert Jennings, New York: Cambridge.

Vaughan Lowe and Malgosia Fitzmaurice (eds.), *"Conflict Libya and Chad," Fifty Years of the International Court of Justice: Essays in Honour Sir Robert Jennings*, New York: Cambridge.

Virginia Thompson and Richard Adloff, *"Conflict in Chad"*∥, Berkeley: Institute of International Studies, 1981.

William Zartman, *Collapsed States: —The Disintegration and Restoration of Legitimate Authority*∥, London, 1994.

Wolfe, Adam; *Republic —at the Way back.*

Entries In Encyclopaedia:

Burgis Michelle, *Boundaries of Discourse in the International Court of Justice: Chad/Libya.*

Jessup, John E. (1998). *An Encyclopedic Dictionary of Conflict and Conflict Resolution, 1945–1996.* Greenwood Publishing Group.

Jessup, John E. *An Encyclopedic Dictionary of Conflict and Conflict Resolution, 1945–1996.* Greenwood Publishing Group 1998.

Ronald Bruce St John, *Historical Dictionary of Libya*, Fourth Edition.

Reference Web Document:

- <http://amandala.com.bz/news/icj-stats-a-case-study-the-libyachad-territorial-dispute/> (a.d. 10.12.2016)
- <http://ausolaris1.american.edu/projects/mandala/TED/ice/aozou.htm>(a.d. 15.12.2016)
- <https://newrepublic.com/article/85592/muammar-qaddafi-war-chad-1983>
- http://www.photius.com/countries/libya/national_security/libya_national_security_invasion_of_chad.html(a.d. 4.1.2017)
- http://www.flu.sextreffnorge.com/p-Chadian-Libyan_conflict(a.d. 10.1.2017)
- <http://untreaty.un.org/cod/UNJuridicalYearbook/pdfs/english/ByVolume/1994/chpIII.pdf>(a.d. 10.1.2017)
- http://legal.un.org/ICJsummaries/documents/english/ST-LEG-SER-F-1-Add1_E.pdf
- <http://www.smallarmssurvey.org/de/sana/publications/listed-in-chronological-order/dispatches/sana-dispatch-3.html>(a.d. 12.1.2017)
- http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/oau/hog/yHoGAssembly1989.pdf(a.d. 14.1.2017)
- http://cigj.anu.edu.au/cigj/link_documents/Publications/Burgis_Promise_Solid_2008.pdf(a.d. 14.1.2017)
- <http://www.oxfordbibliographies.com/view/document/obo-9780199846733/obo-9780199846733-0133.xml>(a.d. 15.1.2017)
- <http://answers.yahoo.com/question/index?qid=20090916081644AA3zyc>
- http://www.iandmoney.com/books/War_and_Reconciliation.pdf(a.d. 16.1.2017)
- <http://fcthighcourtelibrary.com/maitama/library/ebooks/eb10/Remedies%20against%20int%20organisations.pdf>(a.d. 16.1.2017)
- http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/8/1/5/3/pages181533/p181533-6.php(a.d. 16.1.2017)
- <http://www.portico.org/digital-preservation/the-archive-content-access/content-in-the-archive/e-books/w/title/asc>(a.d. 14.1.2017)
- <http://www.dtic.mil/cgibin/GetTRDoc?AD=ADA416143&Location=U2&doc=GetTRDoc.pdf> (a.d. 15.1.2017)
- http://amnestyopschool.nl/sites/default/files/public/doc_guatemala.pdf

Powell Nathaniel, „Experts in Decolonization“: France in Chad 1960-1972”
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2874657 (a.d. 1.1.2017)

International Crisis Group (ICG 2011). *Africa without Gaddafi: The Case of Chad*. Africa Report No 180. <https://www.crisisgroup.org/africa/central-africa/chad/africa-without-qaddafi-case-chad> (a.d. 1.1.2017)

Thierry Lalevee and Mary Lalevee, “Libyan rout in Chad sets back New Yalta,”
Executive Intelligence Review Journal, Volume 14, Number 34, 1987, p. 43,
<http://www.larouchepub.com/eiw/public/1987/eirv14n34-19870828/index.html>
<http://www.icj-cij.org/docket/files/83/6699.pdf> (a.d. 14 September 1992),
 ICJ, “*Case Concerning the Territorial Dispute* (Libyan Arab), Judgment of 3rd
 February 1994, <http://www.un.org/law/icjsum/9404.htm> (a.d 3 February 1994), (15
 December 2016).

Roger Cohen, “Chad Wins World Court Decision in Territorial Dispute with
 Libya”, *New York Times*, February 4, 1994
<http://www.icj-cij.org/docket/files/83/6699.pdf>, (14 September 1992), (ed 1
 December 2016)

http://www.worldcourts.com/icj/eng/decisions/1994.02.03_jamahiriya.htm
<http://www.nytimes.com/1994/02/04/world/chad-wins-world-court-decision-in-territorial-dispute-with-libya.html> (a.d. 12.1.2017)

<http://www.nytimes.com/1994/02/04/world/chad-wins-world-court-decision-in-territorial-dispute-with-libya.html> (ad. 4.2.1994), (4.11.2016).

http://edocs.nps.edu/npspubs/scholarly/theses/2010/Mar/10Mar_Blakely.pdf

<https://www.hrw.org/report/2016/06/28/enabling-dictator/united-states-and-chads-hissene-habre-1982-1990> (a.d. 4.1.2017)

(a.d. 12.12.2016)

<http://www.icj-cij.org/docket/files/83/6687.pdf> (a.d. 14.12.2016)

<http://cartercenter.com/documents/1208.pdf> (a.d. 14.12.2016)

<http://www.icj-cij.org/docket/files/83/6699.pdf> (a.d. 15.12.2016)

http://www.gsdr.org/docs/open/GSDRC_Libya.pdf(a.d. 11.1.2017)

<http://research.omicsgroup.org/index.php/Pan-Arabism>(a.d. 12.1.2017)

Reference to Reports:

“*Case Concerning the Continental Shelf*” (Tunisia/Libyan Arab) (1982) ICJ Reps p.18; *Case Concerning the Continental Shelf (Libyan Arab /Malta)* (1985) ICJ Reps.

Author’s interview with of Tended brigade, Ubari, and a former head of Awlad Suleiman brigade, Sabha. September 2013.

Gerson Yalowitz, "Taking on the Libyans," *U.S.A News and World Report*, September 21st, 1987

I.C.J. “*Reports*” 1975, Para 80.

ICJ “reports”, CR Libya/Chad, 14th of June 1993, Libya, Mr. Maghur, Para 57.

ICJ, The Minister for Foreign Relations of the Republic of Chad to the Registrar of the International Court of Justice, “*Compromis*”, 1st September 1990, Territorial Dispute Libyan Arab /Chad.

ICJ, Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People’s Libyan Arab and the Republic of Chad, “*Compromis*” (Special Agreement), 31st August 1990/ 3 September 1990, Territorial Dispute Libyan Arab /Chad.

ICJ, Libya/Chad, CR 1993/19, 21 June 1993, Libya Professor Crawford, Para 29.

International Court of Justice Case Concerning the Territorial Dispute, Chad-Libya 1994.

International Court of Justice, “*Communiqué Concerning territorial dispute (Libyan Arab /Chad)*”, No 94/4, 3rd February 1994, 1-10.

International Crisis Group (ICG 2011). *Africa without Gaddafi: The Case of Chad*. Africa Report.

Not unlike other conflicts in those latitudes, and indeed reminiscent of the one next door in Sudan.

Pan-Africanism was a recurring theme of Gaddafi’s erratic foreign policy, which also had spells of fervent pan-Arabism.

The Assembly Of Heads Of State And Government, “*Of The Organization Of African Unity, Resolution On The Chad/Libyan Territorial Dispute*”, Meeting In Its 25TH Ordinary Session From 24 To 26 July, 1989 In Addis Ababa.

The Assembly Of Heads Of State And Government, “*Of The Organization Of African Unity, Resolution On The Chad/Libyan Territorial Dispute*”, Meeting In Its 25TH Ordinary Session 24 - 26 July, 1989 , Addis Ababa.

The Assembly Of Heads Of State And Government, “*Of The Organization Of African Unity, Resolution On The Chad/Libyan Territorial Dispute*”, Meeting In Its 25TH Ordinary Session From 24 To 26 July, 1989 In Addis Ababa.

U.S.A Department of State, “*Challenge to Regional Security in Africa: the U.S.A Response*,” Current Policy, No. 431, October, 1982.

U.S.A State Department, *Special Report* Number 111.

Under resolution 915, the UN Security Council established the UN Aouzou sector Observer Group (UNASOG) and under resolution 926 in June 1994, UNASOG’s mandate was terminated on the successful withdrawal of Libyan troops. J.G. Merrills, „ the International Court of Justice and the Adjudication of territorial and Boundary Disputes“ (2000) 13 *Leiden Journal of International law* 873, at 900.

Vaughan Lowe and Malgosia Fitzmaurice (eds.), “Conflict Libya and Chad,” *Fifty Years of the International Court of Justice: Essays in Honour Sir Robert Jennings*, New York: Cambridge.

Volumes:

"Chad humbles Gaddafi." *The Economist*. vol. 304, no. 7513. August 29, 1987.

"International Court of Justice: “*Case Concerning the Territorial Dispute (Libyan Arab /Chad)*.” International Legal Materials: (vol. 33, no. 3. May 1994).

"Just a handshake." *The Economist*. vol.312, no. 7613. 23-29th July 1983,

"Just a handshake." *The Economist*. vol.312, no. 7613. July 29, 1989.

Dario Cristiani, “, Volume IX, Issue 15, 2011.

For a lot detailed description of ethnic groups in Chadian look Thompson and Adolph, *Conflict in Chadian*; and Samuel Decalo, "Regionalism, Political Decay and Civil Strife in Chad," *The Journal of Modern African Studies* Vol. 18, No. 1 (1980).

- Hubert N. Alyea and Abe N. Holden. "Uranium." *Collier's Encyclopaedia*. vol. 22. New York: Macmillan Educational, 1990.
- Huliaras, "Gaddafi's Comeback: Libya and Sub-Saharan Africa in the 1990s," *African Affairs*, vol. 100.
- ICJ, 5.336 Memorial of Libya Vol." *American Association for the Advancement of Slavic Studies*, 1986.
- ICJ, Libya Counter Memorial of Libya Vol. "American Association for the Advancement of Slavic Studies", 1986.
- J.A.S .Grenville; "A History of the World in the Twentieth Century", two Vol, 1997.
- Oye Cukwurah, "The Organization of African Unity and African Territorial and Boundary Problems, 1963-1973", "Indian Journal of International Law", Vol. 13.
- Samuel Decalo, "Regionalism, Political Decay and Civil Strife in Chad," *The Journal of Modern African Studies* Vol. 18, No. 1 (1980).
- Thierry Lalevee and Mary Lalevee, "Libyan rout in Chad sets back New Yalta," *Executive Intelligence Review Journal*, Volume 14, Number 34, 1987.
- Yale Journal of International Law Volume 17 Issue 2 Yale Journal of International Law Article 2 1992 Title to the Aouzou Strip: A Legal and Historical Analysis Matthew M. Riccardo.

Archive Documents:

- Levin Bob, "Standoff in the Sahara," *Maclean's Archives*: September 21st, 1987
- John E. Jessup, "An Encyclopedic Dictionary of Conflict and Conflict Resolution, 1945-1996". New York: Greenwood Publishing Group, 1998.
- Samuel Decalo, (1987). "Historical Dictionary of Chad" (2 Ed.). Metuchen: The Scarecrow Press
- Harold D. Nelson, ed., "Area Handbook for Chad" (Supt. Of Documents, 1972).
- Benjamin Neuberger, "Involvement, Invasion and Withdrawal: Gaddafi's Libya and Chad", 1969-1981 (*Occasional Paper* No. 83, Shiloah Centre for Middle Eastern and African Studies, 1982).

Marie José Tubiana, „UN Document in edit sure les Sultans du Wadday“, in *Cahiers detrudes Africans* (Paris), 02.05.1960.

Zartman I. William, *“the Negotiation Process”* (Sage Publications, 1978)

Robert Fraser, ed., *“Keepings Contemporary Archives”*, 27th August-3rd September 1982.

Harold D. Nelson, ed.g Area Handbook for Chad. —*Superintendent of Documents*||, Washington, D.C, 1968.

Under resolution 915, the UN Security Council established the United Nations Aouzou Strip Observer Group (UNASOG) and under resolution 926 in June 1994, UNASOG’s mandate was terminated on the successful withdrawal of Libyan troops. J.G. Merrills, „ the International Court of Justice and the Adjudication of territorial and Boundary Disputes“ (2000) 13 *Leiden Journal of International law* 873, at 900.

Bruce G. Strang: “Imperial Dreams: The Mussolini-Laval Accords of January 1935.” In: *The Historical Journal* 4, September 2001.

OAU Document Agreement Between the Transitional National Union Government of the Republic of Chad and the Organization of African Unity (OAU) Regarding the Status of a Pan-African Peace-Keeping Force in Chad, Nairobi, Nov. 28, 1981.

Ronald Bruce St John, *“Historical Dictionary of Libya”*, Fourth Edition.

Newspaper Articles Or News:

"Chad ex-leader Habre charged in Senegal with war crimes". *BBC* 2nd July 2013.

Anthony Clayton, *Frontiersmen: Warfare in Africa since 1950*. London: UCL Press, 2001.

Gerson Yalowitz, "Taking on the Libyans," *U.S.A News and World Report*, September 21st, 1987.

Greenwald, John "Raiders of the Armed Toyotas." *Time*: (September 21st, 1987).

John Cooley, a London-based correspondent for *ABC News*, is the author of *Libyan Sandstorm* (A New Republic Book/Holt, Rinehart & Winston). This article originally ran in the September 5th, 1983, issue of the *New Republic* magazine.

Kenneth M. Pollack, —*Arabs at War: Military Effectiveness, 1948-1991*”, London: University of Nebraska Press, 2002.

Kenneth M. Pollack, (2002); *Arabs at War: Military Effectiveness, 1948–1991*. Lincoln: University of Nebraska Press.

M. Brecher & J. Wilkenfeld, “*A Study of Crisis*”, Ann Arbor: University of Michigan Press

Michael P. Kelley, *A State in Disarray: Conditions of Chad’s Survival*. Boulder, CO: Westview Press, 1986.

Roger Cohen “Chad Wins World Court Decision in Territorial Dispute with Libya” Conflict in Chad, *New York Times*, Published: p A6, February 4, 1994.

Roger Cohen, "Chad Wins World Court Decision in Territorial Dispute with Libya" *The N.Y Times*: (On 4th Feb of 1994).

Sam C. Nolutshungu, (1995). *Limits of Anarchy: Intervention and State Formation in Chad*. Charlottesville: University of Virginia Press.

Sam. C Nolutshungu, (1995). *Limits of Anarchy: Intervention and State Formation in Chad*. University of Virginia Press.

Samuel Amoo, *Frustrations of Regional Peacekeeping: The OAU in Chad, 1977-1982*, NY: Indiana University Press, 2010

Samuel Decalo, (1987). *Historical Dictionary of Chad* (2 Ed.). Metuchen: The Scarecrow Press.

Samuel Decalo, (1987). *Historical Dictionary of Chad*, Metuchen: The Scarecrow Press.

Stephen Orlofsky, ed., *Facts on File Yearbook* (New York, 1981), p. 199. *New York Times*, March 1981.

Thompson and Adolf, Roger Cohen, *The New York Times*. February 4, 1994.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989)

James Brooke, Chad's and Libya's War of Waiting, Special to the *New York Times* Published: 1987.

David H. Major Henderson, USMC “Conflict in Chad, 1975 to Present,” *The Guardian*, 4th January 1983 Virginia.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

Kenneth B. Noble, "Libya denounces Chad evacuation", *New York Times*, December 9, 1990,

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

Clifford Krauss, "Failed Anti-Gaddafi Effort Leaves U.S. Picking up the Pieces," *New York Times*, March 12, 1991.

Kenneth B. Noble, "Libya denounces Chad evacuation", *New York Times*, December 9, 1990.

James Brooke, "Chad Trying Wary Détente With Libyans," *New York Times*, November 3, 1988.

Kenneth B. Noble, "In Chad, Talk of a Libyan Resurgence," *New York Times*, December 6, 1990.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

Leon Dash, "Foreign Intervention Unlikely to End War in Chad," *Washington Post*, 30th August 1983.

Kenneth B. Noble, "In Chad, Talk of a Libyan Resurgence," *New York Times*, December 6, 1990.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

Wall Street Journal, 4th August 1983.

"U.S. Military Aid to Chad," *New York Times*, p. A8, July 20, 1983; Mass, "Raw Power Struggle" in Chad," *Washington Post*; Rondos, "Why Chad?" *CSIS Africa Notes*.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

Bruce G. Strang: "Imperial Dreams: The Mussolini-Laval Accords of January 1935." In: *The Historical Journal* 44, September 2001.

Steven Greenhouse, "Libya Declares End to Chad War," Special to the *New York Times*, May 1988.

Associated Press. "Libya Loses Border Case." *The Washington Post*. February 4, 1994.

Alan Cowell, "Gaddafi's Rule IS Celebrated; Libya and Chad in Peace Pact." *The New York Times*: (September 1, 1989).

A. Oye Cukwurah, "*The Organization of African Unity and African Territorial and Boundary Problems, 1963-1973*", "*Indian Journal of International Law*".

Roger Cohen, —*Chad Wins World Court Decision in Territorial Dispute with Libya*, *New York Times*, February 4, 1994.

ICJ STATS – A case study: The Libya/Chad territorial dispute ,a mandala
Newspaper, 16 December 2008.

Coleman, Andrew. "*The International Court of Justice and highly political matters*".
Melbourne Journal of International Law May 2003 Issue.

Samuel Decalo. "*Regionalism, Political Decay, and Civil Strife in Chad*", the *Journal of Modern African Studies*, 03/1980

A. P. Llamzon. "*Jurisdiction and Compliance in Recent Decisions of the International Court of Justice*", *European Journal of International Law*, 11/01/2007

Tanzi, A. "*Problems of Enforcement of Decisions of the International Court of Justice and the Law of the United Nations*", *European Journal of International Law*, 1995.

CURRICULUM VITAE

Name and Surname: Talal Ibrahim. Moh. Shebli

Place of Birth: Tripoli / Libya

Education:

Degree	Field	University	Year
Bachelor of Science aerial military	Libya Misuratah	Air Force Academy	1991/1994
Certificate high to defend the province	Algeria Algeria Capital	High School for the defence of the region	2007/2008
Graduate International Relations	Türkiye Ankara	Atilim University	2014/2016

Work experience:

Workplace	Position	Year
Air Defence School	Head of School of the Air Defence	2008/2011
Authority organisation and management of the Libyan army	Head of Department staff	2011/2012
Libyan government - the Department of Defence	Head of Department staff	2012/2013

Foreign Languages: Arabic-Native

English-Upper intermediate

E-mail: talal_shebli@yahoo.com

Phone: 00905414783089

00218912220780

00218925040780

Date: 27/ 1 / 2017

Turnitin Orijinallik Raporu
Tez Talal Shebli tarafından
ÖDEV 2 (SBE TEZ 1) den

- 01-Şub-2017 13:26 EET' de işleme konu
- NUMARA: 765209952
- Kelime Sayısı: 23516

Benzerlik Endeksi

%11

Kaynağa göre Benzerlik

Internet Sources:

%9

Yayınlar:

%2

Öğrenci Ödevleri:

%1

