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SOCIAL SCIENCES INSTITUTE
DEPARTMENT OF INTERNATIONAL POLITICAL ECONOMY**

NATO INTERVENTION IN LIBYA

MASTER'S THESIS



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Ashour Mohamed BALGASEM



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Firstly I Would Like Thanks Allah Almighty

قال الله عز وجل " يرفع الله الذين آمنوا منكم و الذين أوتوا العلم درجات " صدق الله العظيم...

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INTRODUCTION

NATO was founded in an international system characterized by polarity dualism and the competition between the USA and the Soviet Union on the basis of the existence of a strong desire to connect western Europe and the North America in the face of the Soviet threat.

With the collapse of the socialist camp and the weakness of the soviet union force in the late eighties of the last century the U.S.A took advantage of that weakness and has dominated the current international system and directing mechanisms and conditions of work in order to serve its colonial interests and taken from NATO the way and the tool for achieving such dominance.¹

The founding of NATO was a result of political and intellectual properties in common between The U.S.A and Europe that expressed by the common interests in the charter of Brussels that was held in 1948 between France , Britain , Belgium , Holland and Luxembourg in order to con front the tide of communism which had a force in Europe after the end of the world war II because these countries were unable to defend themselves because of their exit from the world war economically and politically exhausted that Prompting it to negotiate with the U.S.A and the signing of the NATO in 1949 to confront the soviet union and to do burdens of the cold war in the Strategic Field.²

After the end of the cold war have emerged a set of events and the most important is the Disintegration of the Soviet Union. and the Warsaw pact to disappearing so the strategic foundations on which NATO was founded for it to change than NATO its Strategy on anew principles and this is from the point of view of its members how to Survive and expand.

And I move to the scene of NATO'S operation from the European Continent after the success of his mission in Kosovo and Afghanistan and Iraq which means that the alliance became carries out many of the missions of the international organization in the field of the collective security and its interference in theinternal affairs of others

¹Mohammed Aziz Sukkary,**Alliances and Conglomerates in International Politics World of Knowledge**, No 7, Kuwait, 1978, p. 44.

²Hisham Abdullah,**NATO Military Encyclopedia First Part Arab Institution for Studies and Publishing**, 1977, p. 218.

States under Various pretexts perhaps his success in his Atlantic and security mission he contributed greatly to its.

Transformation to a great political and military force and controls in the courses of the international politics and impose its conditions and mechanisms on it ...

NATO has contributed to the success of the Libyan revolution and he had a major role in the ouster of colonel Kaddafi regime because the NATO has become an alternative as a military institution instead the international legitimacy and the UN security council and any other institutions to intervene in the Libyan crisis and his administration according to their interests.

And this dilemma revolves by our addressing through this study about the legitimacy of the NATO intervention in the Libyan crisis.

We Segmenting this Dilemma as Follows

- What is the legal nature of the concept of intervention?
- What is the legal nature and the political nature of the principle of sovereignty as a concept stickiest in intervention ?
- Is the NATO intervention in Libya breach of the principles of non – interference ?
- What are the reasons that prompted the NATO to intervene ?
- What`s grounds relied upon to do the intervention ?

What is the extent this intervention correspond with the rules of international law?

This Research Will Be Dealing With Four Hypotheses as Follows

1. NATO intervention in Libya presents a violation of the sovereignty of the state flagrant violation of the principle of non – interference.
2. NATO intervention in Libya came amid weakness of the international organizations in the decision and the application of international resolutions and laws.
3. NATO intervention has become amoral obligation to protect the Libyan Civilians from the oppression of Kaddafi's forces.
4. NATO exceeded the limits set by the decision 1973 of the UN security council.

The importance of this study is that his subject imposes itself on the international scene by rule the alliance became a major role in drawing the international politics landmarks especially after his move from a defensive role to play an important role

in the field of global security peacekeeping through its intervention, which led in some areas the issue of interference in the internal affairs of states is the diminution of the authority and a kind of a real coup in relation between states not only role was limited to protecting civilians but extends to change the political regimes in the courses of international politics in addition to his new strategy it has an impact on the Mediterranean ones specially the security and the stability in those countries .

And we will try to study this subject based on arrange of approaches perhaps the most important is the historical approach through talking on concept of intervention and how it evolved forms for the purpose of comparison and the analysis and the conclusion as well as the legal approach adopted in order to analyze and evaluate this intervention in addition to the systems theory approach to demonstrate the interaction between NATO and the regional and international environment.

FIRSTCHAPTER

The Preliminary Framework of the Concept of Sovereignty and Intervention

Sovereignty is the main components of upon which the edifice of contemporary international law and its one of the important concepts which drew interest from the jurists and policy on whether and that since that was brought by the thinker Jean Bodin year 1576 in his six books about the state and the idea of sovereignty has emerged by its levels since the emergence of the first human society but she knew a number of developments over different eras.³

The term is used two forms of sovereignty in two different but interrelated to refer to the internal and external sovereignty while the external sovereignty linked to the status of the state in the global system and the extent of its ability to act as an entity independent politician (The National Sovereignty or the State of Full Sovereignty) the internal sovereignty⁶ reflects the power or the supreme power within in the state to making the political decisions binding on all segments of the people (Citizens) institutions and political groups within state borders here the internal sovereignty associated concepts such as parliamentary and popular sovereignty emanating from the people and its whole usefulness.⁴

Accordingly we will address in this chapter the concept of intervention and the dialectic of its legitimacy (first research) and the concept of sovereignty (second research).

1.1. Concept of Intervention and the Dialectic of its Legitimacy

Through this research we will talk about the concept of intervention in the international relationship (first requirement) then the legal dialectic and political dialectic in the legitimacy of intervention (second requirement).

³Nuri Gaafar, **Territorial Disputes in the Light of Contemporary International Law**, Baghdad University.

⁴Nuri Gaafar, *ibid*, p.20.

1.1.1. Concept of Intervention

The foreign intervention is considered among the international concepts relations which characterized by complex and lack of agreement because there are many differences in use this is what makes it difficult to establish a precise definition of the concept of intervention which many People use it especially after the second world war to describe the international interaction Although this political seniority concept however there is an agreement between the researchers and scholars in international relations to identify the intended and somebody see that all behavior issue from the political unity it aims to influence the international environment is considered as interference while some required element of coercion and will be described as an interference As a result we will address some of the definitions of forcing intervention as an attempt to stand on the approximation of this concept to the students of political science we start by the linguistic and legal definition and the different views of the book about this concept.

Firstly:Definition of the international intervention

The Linguistic Definition

The intervention was derived from the Latin word *intervener* and that means as Epstein which Repositioning between two things interposition and it use by two meaning one negative interference to refer to assault and of exposure of others or rape sovereignty usurpation of sovereignty and the positive meaning is Mediate in disputes.⁵

The intervention was defined as a state give a help to other state from one of the two conflicting parties in civil war without its entry be considered in a case of war.⁶

The Intervention Legal Definition

Supporter of this trend depends on legitimacy in their definition of interference the 6interfere in the internal of another Country by violating its sovereignty within this framework it can distinguish between two directions.⁷

⁵Ali Sadiq Abu Haif, **The Humanitarian Law to Protect Minorities Between the Public International Law and the Islamic Rescue Theory**, University of the city Algeria, 1971, p.10.

⁶Abdulwahhab Al Kayali and Others, **Policy Encyclopedia Forepart Beirut the Arab Institution for Publishing**, 1985, p.705.

⁷Morris Torelli, *Do You Turn Humanitarian Assistance to Humanitarian Intervention*. Studies in Contemporary International Law, Provide Dr. Mofid Shehab, Dar Arab Future 2000.

The rigid direction : - that seen the intervention as illegal behavior for violation of the sovereignty of states because of incompatibility with the second paragraph of Article IV of the UN Charter and in this framework it seen LAUTERPACHT the intervention is a technical term referring to the behavior of each state is doing affect the independence or the sovereignty of another state but Oppenheim consider that intervention is the essence of coercion compulsion so he defined it as a dictator behavior carried by a state in the affairs of another state on a certain act.⁸

The Flex direction: - somebody tried as STOWELL given a definition including the legitimacy interventions or which are made in framework of the UN so they see intervention in its broadest sense that all external behavior that targeting the internal affairs of states and it may be legitimate or illegitimate and it may contribute to stir up international conflicts and escalation as may be contribute to settlement.⁹

The Political Definition of Intervention

It can distinguish between many of the trends in the political process definitions for intervention and this is a different look for all thinker of this process and which can be monitoring many of definitions in its interpretation. And we follow many types of intervention definitions.¹⁰

Definition of KOUCHNER Bernard said the intervention can't be done by the name of the state but it must be collective or in mass without resorting to the use of force only when necessary and the existing processes individually and out of security council consent is illegal processes.¹¹

And somebody said that the intervention and is a description of exercise of public authority by the state on the territory of another state without the consent of the later and this becomes more of interference in the internal affairs in order to intervene to re – establish institutional governance and this often it requires a military force and often they have to intervene for the benefit of citizens and the intervention is the opposite of sovereignty.¹²

⁸Red Cross Study of Customary Humanitarian International Law, Rule 1: See Also Protocol I, Article 48 And Protocol II: Article 1.

⁹Lassa Oppenheim, **International Law Vol 1**, London University of Edinburgh 1967, p. 305.

¹⁰Uday Mohammed – Rida Younis, **Destructive Interference and International Public Law A Comparative Study – Beirut Modern Institution for Books 210**,p. 20.

¹¹Bernard Kouchener, **Unfortunately Not the Other**, Paris, editions ODILE Jacob 1991, p. 219.

¹²Martin Griffiths-Terry O'callaghan, **The Basic Concepts in the International Relations – Translation Gulf Center for Researches Uae**,2008, p. 132.

STRUB definition: where a state exposure in the affairs of another state without legal support it obliges it to follow the dictates of its own affairs.¹³

Encyclopedias Universals definition as the international community recognize the priority of this right of the international legitimacy it is also setup a process in state against the will of its government.¹⁴

The proof Baxter Richard said that the intervention is using of force from a part of one state against another state to protect her nationals from their exposure to death or grave dangers and be deported to their territory.¹⁵

And somebody defined intervention as a work aimed to force the state to deal with individuals residing in its territory in accordance with the requirements of humanity and this is symbolized in the traditional scope to justify military action , but it has become a means unfriendly to settle disputes.¹⁶

Char les Rousseau definition is just only an intervention of a state in the affairs of another state and force it to implement specific action or don't implement thus by acting as an authority and this by using political, economic and Military pressure.¹⁷

KORVIN definition is a state authority replace the other state to achieve legal effect cannot be achieved or does not wish to achieve it.¹⁸

MAROI BETTATI see that the intervention ma by happened by other means instead of force and he sees that the interventions may happened by normal persons or by institutions or private companies or governmental organizations or nongovernmental and this is an internal irregularities address by the domestic law of the state, not intentional intervention.¹⁹

¹³Ali Harb, **The Revolutions of Soft Power in the Arab World**, Beirut: Dar Arab Science, p. 39.

¹⁴Faisal Shatnawi: **Human Rights and International Law**, Dar HAMED, OMAN 2001, p. 125.

¹⁵Bergntal Thomas, **Human Rights**, Translated By George Aziz, Strange Library, Cairo 1979.

¹⁶Omar Saad Allah, **Resolving of International Disputes**, Publication Office, Algeria, 2005, p. 190.

¹⁷Fawzi or Siddiq, **Principle of Intervention**, Why And How. Dar Book Al-Hadath, Algeria 1999, p 840.

¹⁸Poker Idris, **The Principle of Non-Interference in Contemporary International Law**, National Foundation of Book's, Algeria, 1990, p. 84.

¹⁹Mario Bettati, **Law Ignorance: Mutation of International Order** Paris Editions Odile Jacob, 1996, p. 12.

NAIMI defined that a state Exposure to another state in its affairs is an authoritarian manner in order to change or maintain the current matters and this affects the external and the territorial sovereignty of the state.²⁰

The trend that sees that the intervention is a violent indirectly process and was steeper than the second world war (forcible A inference) by using sanctions and pressure in order to achieve national reconciliation including the definition of H. Morgenthau. Which says the intervention in other state affairs and that be to achieve the interests of the intervening states and also says that the interference is a violent process.²¹

Little – R says about Morgenthau directive the (Push Theory) and that mean a response to the state of in the affairs of a given motivated disjointed country suffering from internal conflict which helps externally to intervene.²²

Adding to Morgenthau the definition of Wight MARTIN which he says: direct and violent action on the level of the international relations but not.

A declared war between two states or more therefore is considered is a threatening behavior to use military force to achieve the national interests of the intervening state.²³

The war is the maximum score of this work and he believes the intervention is a strong process and can be accessed in counter intervention and maybe cause declaration of war and Joseph may defined as a foreign affects in the internal affairs of sovereign states or as an intervention by using a military force.²⁴

Anti – interference: The intervening state request an assistance of another state and this often leads to the wars and this is the polarity and the rivalry between the USA and the USSR for spheres of influence.

The trend that sees that the intervention has many forms : Thinkers this trend has been defined that the intervention is a degree of repression used in the intervention

²⁰Mufeed Mshihab, **Public International Law**, Cairo Renaissance House Arab Second Edition, 1985, p. 279.

²¹Fawzi or Siddiq, P.R, p. 165.

²²Naima Kazem, **Security Strategy in A Unpolar World**, Journal No:1 Strategic Studies, Baghdad, Iraq. 1995.

²³Ali Harb, P.R, p. 20.

²⁴Mohammed Yacoub Abdulrahman, **International Intervention in the International Relation**, Abudabi Imarat Center Strategic Studies, 2004, p. 14.

and from the definition of HEDLY Bull who considered the intervention output from the chaotic nature of the international system and possible to be violent or not.²⁵

Max BELOFF defined the intervention that try to effect of one State to another internally and externally behavior by using the degree of repression and this is the result of the chaotic international system for this intervention takes various forms to achieve its objectives.²⁶

As Beowulf definition it take many forms like psychological warfare, economic blockade political and diplomatic pressure or aggress and it can be a military intervention the last solutions. Jm. YPES sees the intervention exposure a state it's authority in the affairs of another stat internally or externally by using force or not, or just a threat only.²⁷

Intervention as a result of the disintegration: The intervention is a inevitable result of rivalry for power as Theo sides said and this because the conflicting parties to request the assistance of a third party and this what happened in the Peloponnesian war.²⁸

The theory of drag and of attraction is a definition of this trend that was brought by Little Richard who defined the intervention occurs when unit of the foreign policy of intervention in the disjointed state which summoned a third party to maintain relations and dismantling of the conflict between conflicting forces or stand on neutrality and non – interference.²⁹

The trend which focuses on economic factors to intervene and trend according to the Marxism school which believes that the intervention is a result of the interaction un balanced between countries and it is a form of new colonization imperialism under the limited resources of an international system and this de fine means used by capitalist countries to gain access to economic resources in weak states it is a kind of neo – colonialism sponsored by the imperialist countries.^{30,31}

²⁵Fawzi or Siddiq, Previous Ref, p. 170.

²⁶Mohammed Yacoub, Previous Ref, p. 15.

²⁷Husam Ahmed Hindawi, **Humanitarian International Intervention: Jurisprudential Applied Study of the International Law Roles** Cairo House Renaissance Arab, 1996, p. 43.

²⁸Uday Mohammed Ride Younis, Previous Ref, p. 23.

²⁹Lilly Rahbani, **International Intervention Concept in the Process of Changing**, Damascus Rights Halaby Publications, 2011, p. 18.

³⁰Fawzi or Siddiq, Previous Ref, p. 171.

³¹Fawzi or Siddiq, Previous Ref, p. 180 – 181.

Intervention is Equilibrium Process

And that means to maintain the balance of power as the basis of the international system building and it may be offensive or defensive intervention LESLIE ENOTON defined it as a inevitable result of violating human rights with varying and multiple degrees and after exhaustion all peace full means it can resort to armed force against rogue states and which act of cruelty and torture and plague the basic rights of its citizens and this shocks the humanitarian conscience.³²

Secondly : Meaning of the Concept in the UN Resolution

The concept of human rights and the development of the belief that it must be preserved from the violations and this making the states to interference when these rights are in danger especially be caused by interference is the large number of crimes against humanity and this intervention is often without reference to the UN security council to get authorization from him – According of many of the Provisions of international law and this based on the UN Charter Particularly : article (1) Paragraph (3) distinction must be made between the protection of these rights in time of war especially in the protection.

Of prisoners, civilians and the civilians facilities and the reduction of crimes against humanity and this seems clearly more in the field of protection of minorities.³³

The principle of non – interference of humanitarian principles that work at the UN and those principles as contained in the text of article II.³⁴

- A.** The sovereign equality of all its members.
- B.** States have an obligation to fulfill its international obligations to the requirements of good faith.
- C.** Obligations of states to settle their disputes by peaceful means.
- D.** Abstention the member states in their international relation from the threat or use force against the territorial integrity or sovereign in dependence or in any manner not in conformity with the purpose of the united Nation.
- E.** The member states providing helping to the UN in its work taken in accordance with the present charter.

³²Husam Ahmed Hindawi, Previous Ref, p. 77.

³³Tahir Bosahih, **Nato Intervention in Kosovo Imart Center Strategic Researches 40 Abu Dhabi, 2001**, p. 10.

³⁴ Bader Eldeen Saleh, **Un And Regional Organization Dar Alnaser for Publishing Hulwan Egypt, 1999**, p. 43.

F. Non – interference in the affairs of countries including the repression does not prejudice the application of measures contained chapter VII.

But if the security council see that the interim measures provide for in article (41) if did not suffice it may use air and naval forces to preserve world peace.

And by reference to the text of the article (2) page 7 in the charter, see as a does not specify the matters which are essentially within the domestic sultan as well as the charter does not refer to this identification and this is what he international organization and the security council puts stymied.

United Nations General Assembly Resolutions

The United Nations General Assembly has issued number of decisions since its inception until today has urged not to interfere in the internal affairs of other countries because it is an unlawful act and also urged not to exercise pressure and coercion on other states decision.³⁵

Decision No RES / 2625 date October 1970

Declaration of non – interference in the internal affairs of other countries and protect their independence and sovereignty and non – interference directly or indirectly or for any reason whatsoever as well as the threat targeted personality of the state or politic economic and cultural elements or concede on their sovereign rights.

Decision No (A / RES / 262555) date 24 – October – 1970

Declaration of international law principles that relating to international relations and cooperation among states incidence with charter of the UN it is careful to insure the application of these principles in the best way in the international community conservation and development gradually to strengthen the purposes of the UN.

The Principles Set Forth in the Decision are

- A. States shall refrain in their international relations from the threat or use of force or used against the territorial integrity or political independence of any state in a manner inconsistent of with purposes of the United Nations.
- B. Principle of conflict resolution by peaceful means and the necessity of non – interference in the national affairs of the state in accordance with carter of the UN.

³⁵Hafid Mahmud, **Public International Law**, Beirut, Dar Amuaj Alnashir, 1985, p. 40.

Decision No (A / RES / 2734) date 16 – December – 1970

Declaration about enhancing international public security as the Assembly confirm this decision officially on the basis of maintaining the relation between the states , regardless of their geographic location or level of development or its political , economic and cultural system and cannot be justify the violate these principles whatever the circumstances Assembly demanded of countries adhere to these principles and objective of the charter as well as non – use and threat against the territorial integrity or the politic independence of any state make full use of means and methods stipulated by the charter for the settlement of disputes or any attempt on international peace and security to danger .

Decision No (A / RES / 3314) year 1974 on the Aggression

When the first article of which shown that all the use of armed force from any state against sovereignty of another state and its territorial integrity is considered as an act of aggression.

Decision No (A / RES /39/ 103) date 9 - December 1981

Declaration the admissibility of intervention of all kinds in the internal affairs of states.

First article is not entitled to any state or – a group of state to interference directly or in directly for any reasons in to the internal or external affairs of another state.

- A. Cultural heritage of the population.
- B. States right to choose its political, economic, cultural and social system freely
- C. The right to free access to informatio.

1.1.2. The Legal and Political Controversy on the Legitimacy of Intervention

This law prohibition law committed by states against its citizens and these duties owed by everyone in the world and states are obliged to respond to respond to such violations individually or collectively by anti of acts without using force and

government and non – governmental organization can participate in the fight against these violations.³⁶

The jurists divides the intervention to multiple form where he said GHONAIMY that the intervention A form of internal and external and punitive.³⁷

- A. The external form is an interference of a state in to relations of another state Such as intervention of Italy in the second world was Along with Germany against the Allies.
- B. But the internal intervention is particularly what is happening within the state such as state intervention in favor of one of the disputing parties, as in the case of the revolution , along with government or the rebels.
- C. The punitive form is repression case imposed by the state because of the damages caused to the state which intervened in the matter like peaceful blocked on its beaches.

And he also noted that some of the jurists add that practiced by a state to another state economic intervention, and destructive interference.

Firstly: The Legal Controversy Into the Legitimacy of Intervention

The maintain of peace and security is a mission of everybody the origin of the use of force and do is something is a private matter to the security council states have the right to protect its citizen in other countries.

If its domestic law is needed so state and intervene to protect its citizens is an absolute rights of all ,imitation considering that the state has the legal systems is not permissible to intervene only if they are not sufficient to protect the nationals of other countries and their security and interests in case the failure to maintain the rights of foreigners and their exposure to attack illicit , countries have the right to intervene to protect the interests of its nationals.³⁸

³⁶Tahir Bosahih, **Nato Intervention Kosovo**, Emirates Center for Strategic Studies and Researches, No. 40, State of United Arab Emirates, 2001, p. 34.

³⁷Mohammed Talat Ghonaimy, **Brief of the Peace Act**, Dar Al Alexandria, p. 214.

³⁸Mohammed Talat Ghonaimy, p.r. 314.

Types of International Intervention

1 - Collective Intervention in Accordance With the Charter of the UN

GHONAIMY said the legitimacy of the collective intervention accordance the article VII of the UN Charter which allow the intervention if the state concerned has entered in its order on some of the works that will be a threat to international peace and security and if the state concerned aggression agonist other state³⁹ an example of that the international of coalition forces in Iraq with military troops.

2 – Intervene Upon a Request

The jurist KONEDIK said if the intervention upon a request without any pressure and it must be a request by the de facto government.

The French jurist Charles Schuman the existing governments recognize the to obtain external military assistance and this not consistent and non – interference because the legitimate side does not always keep existing governments in the case of the right of peoples to self – determination of peoples remain protection so don't be legitimate control list by foreign States.⁴⁰

3 – Intervention Against Intervention

If a state intervened in the affairs of another state and if it is a legitimate or illegitimate intervention it is not permissible intervention on a third state but if the first intervention is a legitimate the intervention may be permissible if there is a damage harm the interests of the state intervening in its affairs all harm all the community for example the Intervention of Britain in Portugal Affairs in 1826 to prevent interference of Spain and the intervention of Britain and France in 1854 to prevent interference of Russia in Turkey.⁴¹

4 - The Intervention Ion to Protect the Human Rights and to Ochieve Humanitarian Protection

The humane treatment by divine laws and are the basis and the Islamic one are the humanitarian rules some of Jurists see that the birth of these rules is up to the west because of the wars broke out in Europe and it led to the struggle and the

³⁹Shalalda Mohammed, **The Role of the Un Organization in Development of the International Law Applied in the Armed Conflict**, International Political Magazine, No. 2, Cairo, p. 33.

⁴⁰Poker Idris, **Principle on Non – Interference Contemporary International Law National Institution for Book**, Algeria, 1990 p. 229.

⁴¹Hasan Abdullah Da'jah, **The Implications of Globalization on Sovereignty Institute of Researches and Arab Studies Cario**, 2003, p. 83.

establishment of international institutions to alleviate the human suffering caused by armed conflict until the UN charter came which signed from the states have established and the accession of independent state to her where the prohibition of the use of force or aggression and interference in the affairs of their countries.⁴²

The principle of the article 2 paragraph 4 of the UN charter to prevent member states from the use of force against the territorial integrity or political in dependence of any state or in any manner not consistent with the interests of the UN as well as General Assembly resolution decision No 2131 year 1965 that declare to non – interference to the states affairs of other states and protect their independence and sovereignty.

As well as the decision No 2625 1970 about the principles of the international law concerning friendly relations and cooperation among states in accordance with the UN charter and the decision No 2734 – 1970 about strengthening of international security and the decision No 155 – 1977 about deepening and support of the international détente and other decisions which provides for the application of Article II of the charter on the basis of respect for the sovereignty of states.⁴³

But after the end of the cold war between the eastern and western camps and the collapse of the soviet union anew development in international politics where is no longer a concept of sovereignty for granted and managed to keep from interfering in the affairs of states BOUTROS – GHALI was the former Secretary general of the UN was submitted according to a request from security council in his statement in 31 – 12 – 1992 explain where the collapse of the enormous ideological barrier after which over time a state of distrust and hostility and devastation tools were collapsed and was replaced by more democratic without the forces of authoritarian regimes.⁴⁴

The report also emphasized that the state is the cornerstone and its respect and integrity is crucial.

The decision presented from the secretary General explained the difference between the period of the cold war and the later period and in the time of the cold war and the later period and in the time of the cold war including serious violations of human rights but the sovereignty of the state was managed keep for intervention but the next

⁴²Alanzi Khalid Hasan,**Protect The Rights of Minorities in International Law In Kosovo and Iraq Unpublished Doctoral Thesis University of Cairo**, 2004 p. 47.

⁴³Thomas Bergntal, **Human Rights**, Translation By George Aziz Gharib Library Cairo, 1979, p. 37.

⁴⁴Abdel Azim El-Ganzouri, **The Islamic International Relations Principles and Contemporary International Relations, First Edition New Machines Library Assut**, Egypt, 2004, p. 38.

period the was broke and abolished the absolute sovereignty of states and given the permission to intervene in the internal affairs of states 47th session of the U.N.O year 1992.

And considering that the protection and intervention are linked so it was the direction of fight to humanitarian intervention force from the UN it would have been unthinkable before the cold war in accordance with the article (2) page 4 of the UN charter therefore charter itself did not include the possibility of intervention to protect human rights so it was inferring in the previous will be considered legitimate.

To protect Nationals Citizens of the State and their human right which are.⁴⁵

1. The need to intervention in certain cases his friends see that the humanitarian intervention is to helping. By using force to provide protection to the citizens of the state because of the cruel treatment overtaking to limit and non – use of justice and wisdom method.
2. Trend refuses using of humanitarian intervention and use of force for any reason except in the Case of self – defense and this distinguishes between intervention in the internal affairs of a state and if considered for humanitarian including the release of the hostages.
3. The third trend sees the humanitarian intervention it is a reaction inherent in the violation of human rights.

And his supporters see permissibility of war waging for the defense the human rights and public freedoms Exposed to serious violations as in cases of ethnic cleansing and genocide of the human race or mass murder.⁴⁶

Humanitarian intervention has appeared in all of the UN charter the universal declaration of human rights and the Genocide and punishment of the of the agreement are as follow.

Firstly: The UN Charter

The signing of UN charter in June 26 – 1945 in san Francisco in the conclusion of the conclusion of the conference of the UN about the international organization system.

⁴⁵Bader Eldeen Saleh, **Un and Territorial Organizations Dar Al Nashe for Distribution Cairo Hlwan**, Egypt, 1999 p. 45.

⁴⁶Mohammed Al-Majzoub, **International Organization**, Halaby Publication Beirut, 2002, p. 194.

And in Stated in the preamble (The Peoples of the UN themselves should be to save future generations from the scourge of wars) and all confirmed of their faith in fundamental human rights of individual dignity and quality of woman's rights and of men and of small and large states rights.

The preamble of the UN it cannot separated from its articles, but they are one part the basic human rights are its health , live hood , security and secretariat and all of these are personal rights and charter prevent all that contradicts these right accordance of the international law.⁴⁷

The article 1 Paragraph 3 stipulated to achieve international cooperation in solving international problems of an economic , social , cultural and humanitarian and to promote respect for human rights and its fundamental freedoms without distinction of color , sex language , religion and between women and men.

The article 10 of the charter of the general Assembly discussed all matters within the scope of the charter including issues relating to the rights and freedoms are the basis of the charter and is recommended by both it sees fit:

Under chapter VII of the UN security council to take as deems necessary interim measures , it was found him to decide what measures to use force such as to stop the economic relation and transportation in its various form and partially or completely and severance of diplomatic relations and if these sanctions have not achieved it has the right to use force to saving peace and security and often it became the commission of crimes against humanity in any country reason to threaten international peace and securityspecially the extension of these crimes in other countries and this which requires the UN to inter vent to stop these violations by use force.⁴⁸

And the article 55 stipulated to confirm the development of respect for and observance of human rights and their fundamental freedoms without discrimination and conditions of social and economic development morality and religion in the humanitarian international Law international politics Magazine issue20 P.73.

⁴⁷Shalalda Mohammed, **The Role of the Un in the Development of Humanitarian International Law About the Armed Conflicts**,International Politic Magazine Issue 2, 1998, p. 33.

Huda Ihsan, **The Impact of Cultures Morality and Religion in the Humanitarian International Law**,International Politics Magazine No: 20, 1992, p.73.

⁴⁸Al Sheikh Fath Alrahman Abdullah, **Legitimacy of The International Sanctions and Interference** Al Dawha Publishing, 1998, p. 170.

It is not worthy in Articles 56 of the charters pledge.

To all members individually or joint as they should in collaboration with the international Organization as including in Article 55 as it stated in the universal declaration of human rights and the international Agreements as including in the charter about rights and freedoms.⁴⁹

Secondly: The Universal Declaration For Human Rights

The universal declaration issued from UN General Assembly on 10 – December 1948 in the form of calling as stated in the preamble the General Assembly proclaims this universal declaration of human rights and must be for all peoples done. in the sense that be stated of principles all peoples and nation seek to achieve these aims and for to access this there must be mechanisms to abide by even up to human happiness by living free and decent, FIQH has been split on the legal value of the declaration in terms of the commitment of states or not to compel it in adoption with no indication in the announcement of sanction on its breach.⁵⁰

Thirdly: Prevent Genocide and Punishment of the

This convention was adopted opened for signature and Approval or to accession with the General Assembly decision No 260 paragraph A/D – 3 dated in a – December 1948 and took effect in 12 December 1951 accordance to the provision of Article 13 where the General Assembly considered that the genocide is a crime under the international law and the Article (1) of the convention de cares and approval that the genocide is a crimewhether in peace or in war accordance to the international law and undertake to prevent and punish and this punishment include the instigators , perpetrators conspirators and participants in this genocide.

The convention does not excludes one from identified by the Article (3) of the punishment , whether they are c constitutional governors or member of staff or individuals Even the head of the state include punishment if found guilty of such acts even governors don't scope punishment even if they enjoy immunity in addition to the possibility of the trial outside the State on the for reasons of good conduct of the trial process of ten subject to national trials under the influence of owners of

⁴⁹Faisal Shatnawi, **Human Rights and the International Law Dar El Hamed**, Amman, p. 199.

⁵⁰Ali Sadiq Abu Haif, **Public International Law Ninth Edition Munshat Almarif Alexandria**, Egypt, 1971, p. 87.

influence which judiciary losing its independence and then the perpetrators escape from punishment.⁵¹

And in this case the U.N organs do not take measures based on those on those acts that constitute a threat to international peace and security but it take them as a crimes of genocide have occurred, and if there is conspiring or incitement of the commission of these crimes so no united nations organs permissible to intervene before the occurrence of the crime of genocide with that these more serious crime with that it must be one of the important matters to the international community as a whole accordance of the Article (5) from the Rome statute of the international criminal court adopted by the united Nations diplomatic conference of Plenipotentiaries about establishment of the criminal court in 17 – July – 1998 and implemented in 1 – June – 2001 and because of its gravity it becomes one of the crimes falling within the jurisdiction of the international – criminal court next to crimes against humanity . war crimes and crime of aggression and had identical Article (6) of Rome statute of the international criminal court.

With the Article (2) with the agreement to preventing genocide and punishment of the land that mean Genocide that they are commit a whole or in part, a national group or Athenian, racial or religious.⁵²

As Following

- A. Killing members of the group.
- B. Inflicting physical harm or serious spiritual with members of the group.
- C. Imposing measures intended to squint without births within the group.
- D. Trans ferrying children of the group to another group by using force.
- E. Deliberately inflicting on the group conditions of life intended to the material destruction in whole or in part.

Following are the Crimes the Specific to the International Criminal Court

- A. War Crimes.
- B. Crimes against humanity.

⁵¹Clande.L., **National Minorities An International Problem**,Cambridge Mass: Harvard, 1955, p. 120.

⁵²Thornberry Patrick: **International Law and the Rights of Minorities**, Editions1999, p. 11-15.

Fourthly :The UN and the Humanitarian International Intervention

1- Period Before 1990

It was the UN unremitting efforts since its inception in working to achieve the purposes it by setting it and its view for the humanitarian intervention is not on the pace of one so the international policy has taken after the end of the cold war and the collapse of the soviet union a new turn started by the U.S.A under the "UNIPOLARITY" and The become matters relating to human rights and the democratic and the fight against terrorism.

After the events of September 11 the most important takes of strong states specially USA and made it a pretext to intervene in the affairs of the states without the approval of the international organization the UN only later.

The report of Boutros GHALI former the Secretary general of the UN who presented at the invitation of the security council on 31 –December – 1992 according what in the Article eight and nine as following.⁵³

During the few last years the collapse of the enormous ideological and the crumbled all terrible tools and replaced by forces more democratic and governments in more response replaced instead of authoritarian regimes.

In this period before 1990 he intervention of the UN only limited only for issuing decisions and recommendations without intervene in the affairs of the states basis on working rules of human rights and it adheres to the consent rules of human rights and it adheres to the consent of the states concerned to participate in humanitarian intervention a sits interference in Nigeria's Biafra the region round year 1967 to provide humanitarian assistance to the victims of armed conflict with the consent of the federal government there.⁵⁴

According to the decision of the general Assemble No 103 about non – intervene of all kinds in the internal affairs of states that issued in 9 – 12 – 1981 that must refrain to exploit the affairs of human rights issues as a means of intervention in to the internal affairs of states or apply pressure on other countries and create distrust and chaos outside countries indicates that the trend towards international humanitarian

⁵³Zuhair Alhusaini, **The International Politic Control to Protect Human Rights Egyptian Magazine for International Law Cairo Edition (2)**, 1996, p. 158.

⁵⁴Amer Saaheldyen, **Introduction to Study the Public International Law Dar Al Nahda Arabic**, Cario, 1995, p.96.

intervention in the affairs of these states to protect human rights has become necessary in the period after 1990.

2 – Period After 1990

Boutros GHALI talks in interview with ALARABIA on Sunday 26 – 9 – 2004 before the end of the cold war its difficult for the UN to intervene in to the internal affairs of States Because the states have chosen the western democratic system and others have chosen the communist system . and when finished . the cold war the democratic system is prevalent and has become a global and this which made the passivity of The Regional organizations intervention beside the UN for defense of Human Rights. The defense of Democratic system on the basis the only way to protect the human rights.

Fifthly : - Protection of Human Rights Guarantees

After the transfer of the special issues of human rights of the domestic jurisdiction of states authority to the international authority during the international agreements and by join these states themselves to those conventions and its commitment to respect human rights and the fundamental human freedoms and the acceptance of the competent authorities in the UN human rights and the reports of states about its respect of rights and freedoms that set forth in the international Covenants and conventions and acceptance of international committees working in human rights including access of prisons and prisoners to identify the sites it became legal rules relating to the international legal system and Violating the ask of prosecution to punish the perpetrators of national courts or by international criminal curl and from these crimes against humanity, crimes of genocide and war crimes and among these trials in Germany and Japan after the second world war and Rwanda, Yugoslavia and Lebanon Previously on perpetrated against humanity.⁵⁵

The Guarantees For the Protection of Human Rights was Intensified as Follows

1. The adoption of national laws to rules of international human rights law , where most of the constitutions adopted by the worlds rules relating to the rights and fundamental freedoms set out in the international conventions and the

⁵⁵Abdulhamed M. Sami, **The Origins of the International Law**, Second Part the Legal Basis Sixth Edition Dar Al Nahda Arabic Cairo, 1984,p.42.

constitution and in each state is the basic law and put control over the constitutionality of laws system to protect freedoms.

2. Acceptance of reports and complaints and appeals system individually against violations committed against rights and the basis of human freedoms and that what the human rights council does committee of human rights previously study and examine and make recommendations about them and then transfer them in to the U.N General Assembly.
3. The role of the secretary General of the U.N on the implementation of international charter relating by human rights.
4. International criminal protection that represented in the international criminal court and private and established to prosecute the perpetrators of these crimes and punish them.

Secondly: The Political Debate in the Legitimacy of the Intervention

Some jurists believe that the intervention might be political, military individually or collectively or implied or otherwise as defined by.⁵⁶

A. The Political Intervention

This intervention is happen of facially and overtly or no – officially and not overtly but with oral or written request from the intervening state which might turn in to military intervention of the threat of it if it does not respond to the order of the intervention of the intervening states

B. The Individually of Collectively Intervention

The intervention might be from part of one state or collectively. collectively intervention will be less severe than the effects of the individual one and accordance of the two Articles 14 – 36 of the UN charter as a befor the General Assembly or the security council to take the appropriate measures to settle the situation detrimental to the general welfare and impair friendly relations among nations.

C. Implied or Otherwise Intervention

Often a state interfere in affairs of other state in order to have the booty alone and making its intervention a hidden and this type of intervention consequent ill effects

⁵⁶Ali Sadiq Abu Haif, **The Humanitarian Law to Protect Minorities Between the Public International Law and the Islamic Rescue Theory**, Universal Center of the City, Algeria, 1971 p. 218.

and harmful because they occur without the knowledge of state authorities intervening in the form as opposed to overt and explicit intervention.

The basic principle concerning of intervention is not permissible and what is confirmed by the international organizations and its decisions in order to preserve the rights of states and most jurists are denied intervention except if the state have interest in that and of as the (German KAMBANZ and the French BATOR said) but the German philosopher Immanuel and the French thinker Louis Renault see that the inadmissibility of interference at all, Unless the state in the case of Legitimate defense.⁵⁷

Although originality of the inadmissibility of interference but there are exceptions to of interference as follows.

1. Intervention in defense of the rights of the state.⁵⁸

2. Intervention in affair of other state to defense about its rights.⁵⁹

1.2. The Concept of Sovereignty and The International Principles

The current changes in the international system raises questions about the fate of national state sovereignty, this sovereignty which is one of the most important basic ingredients upon which to build the states theory of political and legal thought and one of the important basics of the international organization which organized the relation between states and determining its rights and obligations there are those who preach the end of the sovereignty or curtailed and continuity and somebody defends its continuity.

And they two basic points the first shows the important definitions of sovereignty (the first request) and the second point shows the most important characteristics and principles associate (the second request).

1.2.1. The Concept of Sovereignty, Language and Idiomatically

As we noted above during this branch we will review the LINGUISTICAL Definition of sovereignty and its terminological definition for the same concept.

⁵⁷Ali Sadiq Abu Haif, Previous Ref, p. 220.

Ulwan Mohammed Yousef, **The International Law Documents and Treaties Dar Al Shurog**, Amman, 1978, p.14.

⁵⁸Mohammed Saeed, **The Public Theory of the Decisions of the International Organizations and Its Role in Laying the Basic of the International Law**, Munshat Al Marif, Alxsandria, 1973, p.116.

⁵⁹Rashad Al Syed, **Public International Law in Its New Robe Book in the Faculty of Law Jordan University**, 2001, p.176.

Firstly: Definition of Sovereignty Linguistically

The sovereignty means the origin of dominate is a great sense of honor or prevailing the people and his prestige among them and the HADITH from QAIS bin ASIM about the prophet Mohammed peace be upon him said (Fear Allah and give the sovereignty for your bigger one).⁶⁰

Secondly: Definition of Sovereignty Terminologically

The sovereignty was established for its importance for protect peoples because of Resulting the social evolution and the increasing of peoples of the world and their internal and external needs to the existence of mutuality relationships between peoples and the untrue of these relations need of the respect of other states sovereignty and its independence as Aristotle defined the sovereignty as (Higher authority within the State) and plate described it as (An adhesive with) the personality of the Ruler) so the language of the law. The sovereignty means Representation of what the state of the power over the territory in which it specializes and what there are including citizens and economic resources and this confirms the state ownership of the same territory.⁶¹

The first who select of the concept of sovereignty is the French writer jean BODIN in his (six books on the Republic) which was published in 1576 as he defined the sovereignty as the higher sovereignty and that recognized and most dominating on the citizens and the nationals without compliance with the law except for the restrictions on natural and heavenly laws and it is the ultimate power as BODIN said and it is lies in the formulation of laws or Legislative power.⁶²

And the sovereignty means as BODIN said provides the sufficient capacity for the issuance of decisions and ensure their implementation internally through the monopoly of the legitimate tools of repression and independence from external power and this how is linked between sovereignty and power and the men of law and politics have a different concept about defining the concept of sovereignty.⁶³

⁶⁰Nuri Gaafar, P.R, p. 21.

⁶¹Talal Yaseen Al-Issa, **The Sovereignty By Its Conception Traditional and Contemporary Study About the Internationalization of Sovereignty in Egypt Damascus University Volume 26 Edition**, 2010, p. 12.

⁶²Talal Yaseen Al-Issa, *ibid*, p.14.

⁶³Talal Yaseen Al-Issa, *ibid*, p. 22.

In the nineteenth century Jane Austen the English man defined the sovereignty based on the idea of the natural law and that mean the highest precedent of the state no one obeys it imposes on everyone to obey him and he is the owner of sovereignty in the community as Rousseau Says he is the general volition no not the people or the voters non public opinion or the will of god or is it only the power but which shall not be subject to any legal restrictions.⁶⁴

But the English thinker Hobbs says the human being a self – reflection and nor keeps the promises and covenants not to obey the laws of society if his personal interests don't agree of this the clash between social groups is not a coincidence but based probability constantly threat therefore the need has arisen for a high power to impose its control to ensure social peace and good life.⁶⁵

While we find the definition of the international court in the case of strait of Corfu in 1949 the sovereignty of necessity of Justice is the mandate of the state within the Limits if its territory in an individual mandate absolutely and the respect of the territorial sovereignty between independence states is the essential basis of the international relations basis.⁶⁶

And in conclusion we can say the current developments of international system although they separates the traditional functions and the state authority but it did not affect the sovereignty since it is now facing tough restrictions and difficult things because of the restrictions that faced by the state in the exercise of sovereignty but it has become an essential tool for regulating international relation and now the state has no an absolute hand in its internal affairs as in the past and be com unable for administrate its internal affairs by conditions and controls and these restrictions conflicted with its commitment to international and responsibilities and not to harm the rights and interests of other countries and other international Peoples.⁶⁷

And based to the above we can say the sovereignty the main characteristic of political power of Sovereign and now we talk about the sovereignty of the state and it

⁶⁴Nuri Gaafar, *ibid*, p.18.

⁶⁵Facts of the case of strait Corfu it located in Greece from west and between Albania a from east its wide about one mile to nine and half the west side entry in the sea of Greece the east side entry in the Albania sea and some problem happened between the two states in 15 – May 1946 .

⁶⁶Talal Yassin Al-Issa, *ibid*, p. 37.

⁶⁷Talal Yassin Al-Issa, *ibid*, p. 41.

means the same content -- The independence of the state and not subject to any other authority.

1.2.2. Principles and Properties That Associated With the Sovereignty

The view of many jurists and writers that The sovereignty of the state based on a number of properties as follow.

Firstly : Comprehensiveness of Sovereignty and Non-Usability of a Concession

In the sense that it applicable to the all citizens residing in the state or who residing in its territory or all of its sovereignty of the territory and what are there of peoples associations Money And WEALTHS except of what appears in international agreements and treaties such as diplomatic and employees of international autoties embassies who enjoy of the international immunity at the same time there is not rivaled at home and in the exercise of sovereignty and the exercise the obedience to citizens.

As for being a non – waiver of sovereignty because if it is ceded she lost itself power can be transferred but volition cannot because state and sovereignty are two concepts are inseparable and are complementary it may not be dispose of them.⁶⁸

Secondly: Launch Sovereignty and its Sustainability

And it is intended being an absolute and this mean there is no authority or body in the state higher than it . and it is being the highest qualities of the state and thus the power of the state to everyone and there is no place for other power or its opposition to rival it but who was this absolutely essential feature of state sovereignty in the traditional Fiqh seemed subject to the many restrictions both in the domestic sphere or external sphere and this due to the prevailing contemporary state of the rule of law who turned there under the state from authoritarian state to a legal state this on one hand and the other hand the sovereignty of the state affected by developments and changes that occur at the level of the international relations and this because of the new manifestations such as globalization and interdependence of the new international system and the international intervention ect and has be com an impediment and genuine danger to the national sovereignty more or less.⁶⁹

⁶⁸Jack Fontana, **Economic Globalization and International Security**, 2009.

⁶⁹Jack Fontana, *ibid*, p . 49.

As for permanency what this means remain by the permanency of the state and vice versa and this what mean they remain of sovereignty linked by remain of the state and end the end of the state.

Thirdly: Non Limitation and Fragmentation of Sovereignty

And this mean the sovereignty non – the statute of Limitations even if the work with stops for a certain period if this long or short period as in the state former colonial and who returned by emission after independence as in the case of Algeria , Vietnam and Afghanistan.

The lack of retail it does not exist in one state.

Whether an increase or a higher authority cannot be divisible whatever the constitutional and administrative organization of this state whatever unitary state or federal or a central tracking system or not centrally after all it is one sovereignty and was raised this subject of the indivisible sovereignty of the state by validity which was given to the international organizations that take decisions on some matter falling essentially within the sovereignty and the internal authority of the state.⁷⁰

⁷⁰Jack Fontana, *ibid*, p. 50.

SECOND CHAPTER

The General Framework of NATO and the Libyan Crisis

NATO is a political and military treaty that brings some European and American countries to enter into an agreement for joint defense of their so-called NATO(abbreviation), which was established in 1949 between the allied nations in World War II under the North Atlantic agreement and the irony is that this agreement was against an ex- member (Russia) and allying with the Nazi.After the war, the NATO countries have reached to an agreement for joint defense against any possible attack from the Soviet Union, which form with the Warsaw Pact and the new allies to counter NATO or any other aggressor.

As a result of the escalation of events in Libya by a combination of external and internal factors called the international community to solve and try to take the Libyan crisis and to reflect that reality through foreign intervention in Libya, particularly from the North Atlantic Treaty Organization.

And therefore in this chapter, we will illustrate the historical background of NATO, the circumstances and the Libyan crisis to present the arguments and reasons which justified intervention in Libya.

2.1. The Historical Background of NATO

One of the outstanding of the international developments in the twentieth century, the expansion of NATO membership to include countries in eastern Europe, among those that were(during the Cold War period) the ones belong to the socialist camp, has raised the expansion of NATO controversy the fact of expansion, particularly after the former Soviet Union collapsed, and the fact NATO turned to the United Nations serving as that found in the third millennium, and one end of the wars her. The United States has put forward immediately after the collapse of the Soviet Union and the Warsaw Pact, the expansion plans (NATO) eastward, entitled (participation for Peace) then it developed within a few years to call central Europe and eastern countries to join NATO, this was the most important strategic goal of the United states of America in the period of post- cold war.

For further details, this topic will illustrate the following two requirements:

2.1.1. The Origins and Evolution NATO

The treaty, which came as a result of the escalation of the beginning of the cold war between the two camps of NATO is like an extension and expansion of the Brussels Treaty, which was signed on 17 March 1948 by Belgium, Luxembourg and the Netherlands and Britain and France. Especially after the increase Soviet influence in Europe, which turned into a threat to the West European countries. The American Treaty of Brussels was as an encouragement and set off calls for the expansion and brought about the United States to be as a member, and it was decided after the meeting of foreign ministers levels and the United States to develop the coalition and this.⁷¹

Took about one year to establish the Charter constituent of the NATO in Brussels by the above-mentioned foreign ministers. This event was celebrated and came into existence in Washington on the April 4, 1949 and has since been known as a NATO. The United States has embarked on such a move because of the failure of the United Nations to take effective action, which was counting on the United States great hope in dealing with contentious in the global issues efficiently, due to the different trends of the two great superpowers, which led to the inability of the Security Council's ability to make critical decisions.

The hypotheses that NATO arose for which relate to the concept of European security, is the need for the military alliance to counter the Soviet threat, and you cannot do this confrontation without the presence of America, due to the lack of Europe's ability to defend itself alone, and that the United States is the only country is able to deter and confront nuclear risk to protect Europe.⁷² The main objective of the alliance is to defend members of the geographical boundaries of territorial states against any attack by troops, warships or aircraft into the territory, as well as mutual assistance and political coordination. With the disappearance of the military structure of NATO counter "Warsaw" in 1991 and then the disintegration of the Soviet Union and the departure of the second superpower on the international scene, the member countries of the leaders of NATO began to reconsider the alliance's strategy and its future role, especially that at the time the existing strategy of "flexible response"

⁷¹Ismail Sabri Maklad, "North Atlantic Organization", Sabah Foundation, Kuwait, 1990, p. 45.

⁷²Ismail Sabri Maklad, **Regional Blocs and Nonaligned**, Sabah Foundation Kuwait, 1991, p. 115.

interesting alliance has sterilized to a large extent in a possible all-out attack from the Warsaw Pact, which was led by "the Soviet Union," which requires the replacement of the strategy to counter what he called NATO Secretary-General at the time, "Joseph Lance" instability and the anticipated and expected dangers and risks that replaced the Soviet threat, and then the NATO members need to introduce changes to the alliance's strategy in accordance with the policies of the following.

1- Serious seeking to expand NATO and to exercise constant pressure on Russia to accept even this expanding to the east. The leadership of the alliance and the Russian leadership has signed security agreements based on cooperation between the two sides, this was rejected in the past.⁷³

2- Linking the future of the European security role that could be played by NATO in the hot crises in Europe and its borders. In the crises of Bosnia and Herzegovina and Kosovo, NATO intervened directly or under the supervision of the United Nations as a peacekeeping force, or for military strikes against Russian-backed Serbian forces.

3- Finding additional role for NATO in leading international crises within the Department of European Affairs in the Middle East has created this policy after Kosovo's 1999 war that became a possibility entering the alliance militarily on the table after the approval of the Security Council, so that the principle of collective security is vested in terms of the application to the military forces of this.⁷⁴

4- Considering "Israel" is like a natural ally in the Middle East, and has the role of regional and functional in the field of security, and the alliance's strategy has meet with the content of the US-Israeli strategic alliance in a joint security issues.⁷⁵

2.1.2. Charter and Devices of the NATO

Through this demand, we will talk about the systematic Charter of NATO (first) and then we get to talk about the most important devices (second).

First: The Charter of the NATO

The Charter has begun confirming signatory states upon their faith to the UN Charter and principles and their desire to cope and live in peace with other peoples and

⁷³Gasser El-Shahed, "American Political Influence on the Strategy of Nato," International Politics Magazine, Cairo, July 29, 1997, p. 96.

⁷⁴Gaafar Abdulsalam, International Organizations, Dar Al Nahda Arabic Cairo, Egypt, 1990.

⁷⁵Adnan Al-Sayed Hussein, **The Theory of International Relations**, 2010.

governments and emphasizing as well as their determination to maintain the freedom of their people and their civilization, based on the principles of democracy, individual liberty and the rule of law, so they have decided to unite their efforts in the common defense and to maintain security and peace.

It was important to reassure others (countries outside the alliance) on their own security so it has been mentioned, providing confirmation of NATO countries as a "defensive alliance is not the purpose of aggression on one and it is not directed against a particular country or state".

From another point, to obtain membership to join the alliance, it is necessary for the members to be within a democratic system representing in Constitution authority and the multiplicity of parties(plurality) and freedom of the individual.

Here are the Top Articles of the Charter

Article I: Stipulates that Member States have pledged to dispute settlement by peaceful means and to avoid the threat or use of force in international relations, which corresponding to Charter of the United Nations.

ArticleII:Stipulates that member states have pledged to work to document the cultural, economic and social relations in order to support cooperation between the countries to be able to confront the Communist Movement as well as they pledge to work for the stability of the internal conditions in their country and disseminate their welfare.

ArticleIII: Stipulatesproviding the principle of mutual cooperation, to strengthen the potential of the individual and collective members repel any armed attack of their own countries.

Article IV: Stipulates providing the principle of consultation among the signatories of the Charter in the event of a threat to the territorial integrity of one of them or threatening them or their political independence.

ArticlesV andVI: Refer to the principle of mutual security and they bothstimulate that any armed attack on any member State is considered an armed attack on the rest of the states and all members have the initiative right of legitimate defense of individual or as a whole in accordance with Article 51 of those Charter of the United Nations body.

Second: Devices NATO

NATO is made up of levers or two institutions.

1- The Political Institution

The political institutions made up of the following political bodies:

A- The Board of the Alliance

Which includes representatives from the Foreign Ministers of Member States, which represents the highest political authority in the alliance and this board discuss the political and military decisions of NATO and pave the way for its summit conferences, and the members of this board meet once a year and they might meet several times in case of emergencies and crises.⁷⁶

B- Defense Planning Committee

Its membership includes all the permanent members, and it assesses the defense capabilities of NATO in order to make adjustments and alters in military strategy.

C- NATO Secretary General

This position is the highest capacity since the Secretary-General will head each of the North Atlantic Council or board, the Defense Planning Committee and the Secretariat, and to make several acts of the most important preparation for conspiracies Summit and the Committee on Defense Planning and the Secretariat, and to make several acts, the most important one is the preparation for the summits and conduct political negotiations between NATO and other bodies.

There are several people in the library to help him on his achievement, namely:

NATO Secretary-General Has Several Branches or Divisions

Political division which prepares reports on political issues and contacts with governmental and non-governmental organizations.

Defense Planning Division which its duties are to provide advice in the areas of Defense moreover the Secretary-General has the right to contact with other international organizations and military bodies outside the NATO.

Scientific Division which offers advice in scientific fields related to the development of weapons and means of communication and information.

⁷⁶Nizar Ismail Al-Hayali, **The Role NATO After Ending the Cold War**, Emirates Center for Studies and Research, 2003.

2- Military Institution:NATO

It consists of two main bodies:

A- Supreme Military Committee of NATO, located in Washington and is the highest military authority in the NATO, it includes armies' the chiefs of staff of for the countries that are members, whose duties to produce instructions and orders to carry out any changes or modifications might occur in the military alliance's strategy.

B- The Main Military Leaderships,there are three main leaderships distributed over the NATO operations theater exist and each main leadership has a sub- leadership as follows:

1- He main leadership for the Atlantic and its headquarters in NORFOLK in the USA, followed by three sub-leaderships, namely The main leadership of the West Atlantic, the leadership of the east Atlantic region, the land leadership in the middle of the Atlantic.

2-The main fighting military operations chamber in Northwood in Britain and has no sub-leaderships , composed of British, Dutch and Belgian forces and a permanent sea fleet.

3- The European Command leadership , located in Castor Belgium and has three sub-leaderships are the leadership of northwest Europe and is located in the city of High Wycombe British and led by the UK, and the leadership of the coalition in the center of Europe and led by Germany in BARSOM Dutch and the leadership of the Alliance for Southern Europe in Naples, Italy and led by the United States of America.⁷⁷

The NATO has made a number of modifications to the structure of the military institution just after the end of the cold war such as the abolition of the main leadership in the area of the English Channel, and incorporate it with the sub-leadership of the coalition of northwest Europe with the leadership that led by the main leadership in Europe. This occurred for the reduction of the conventional forces in Europe according to the treaty for reducing forces, which was held with the former Warsaw Pact in 1990.

⁷⁷Mukhtar Motee, "**Interpretation of the Nature of the New International Order and the Site Where the Arabs**", Journal of the Arab Economic Unity, Cairo, No. 90, 1992 p. 18.

The NATO has created multinational forces and the tasks and put them under the leadership of Western Europe Union during the cooperation Council of the North Atlantic summit in Berlin in 1996, declaring of the existence of a European defense body, and in order to allow the countries of Central and Eastern Europe to participate in these forces in the case of joining it.⁷⁸

2.2. The Libyan Crisis

It was natural for successful revolution in Tunisia, and another more successful in Egypt, to affect Libya, a state located between the two countries, with the consequences of two revolutions, which is what actually happened just four days after the fall of the Mubarak regime in Egypt, in the fifteenth of February 2011, a group of outstanding characters, military wings, political forces, organizations and Libyan human rights bodies asked the Libyan leader "Muammar Gaddafi" to give up power, stressing the right of the Libyan people to express their opinion in peaceful demonstrations, without any form of harassment or threats by the regime. On February 17, a march has launched in Benghazi to coincide a protest of the fifth anniversary of its demonstrations in 2006 that were encountered police repression.⁷⁹

In the February 18, protests demanding the departure of the regime expanded and moved to the west of the country, after a bloody and violent repression of demonstrators, and clashes between the two sides led cities one by one to be out of Gaddafi's control and join the rebels. And this collapse began in cities of the east of Libya. The cities and towns DERNAN and AJDABIYA, BENGHAZI and TOBRUK and BAIDA ..." and then turned out to be close to the capital Tripoli cities: such as "TAJURA and ZINTAN, MISRATA and ZUWARAH ,ZAWIA .⁸⁰

The military forces used heavy weapons against the rebels in the east of Libya. This brutal action rapidly raised the deep concern of the international community, making the Security Council on February 26, 2011 to adopt a decision to impose military and economic embargo on the Libyan regime.

⁷⁸Naima Kazem, **Security Strategy in A Unipolar World**, Journal No.1 Strategic Studies, Baghdad, Iraq, 1995.

⁷⁹Peter Smith, **The Future of NATO and the European Community**, Presentation By Nuha Al-Makkawi, International Policy Magazine, No. 128, Cairo, 1997, p. 215.

⁸⁰Dina Shehata, Maryam Waheed, **The Escalation of the Protest Movements in the Arab Region**, International Politics, A 186, October 2011, p. 81.

This international concern with the Libyan file (issue) from the beginning, was a result of the consequences of this crisis, which exceeded internal center of the conflict, to reach disordered and troubled regions in Maghreb countries, but also for the whole world. Which was called the night of 19 March sudden intervention of the North Atlantic Treaty Organization (NATO) at the last minute Late that day military operation called "Odyssey Dawn," to save Benghazi from falling into the hands of pro-Qaddafi forces.⁸¹

Thus continued the air attack on Libya by the international coalition, even the rebels have managed to capture the "Muammar Gaddafi" and executed him without trial in the twentieth of October 2011.

It is therefore through the mentioned- above, we will focus on twopoints; the main reasons for the Libyan crisis (first point) and then to the most importantone, the repercussions locally, internationally and regionally (second point).

2.2.1. The Reasons For the Libyan Crisis

Just as Libya has a distinguishing privacy in its regime and its external(foreign) relationship and its own policy. From the start of Gaddafi'sreign in 1669.

The uprising of the Libyan people turned into gun battles, is a special case differed greatly from the Tunisian and Egyptian revolution, the reasons that madethe Libya uprising different from the revolutions of Tunisia and Egypt, dueto the internal and external factors and reasons can be concluded as follows.

(A) Internal Reasons

These reasons can be classified into historical and political reasons as well as economic and social causes.

A- Historical and Political Reasons

Historically, there was a tacit competition between the states of east and west of Libya for the prestige and sovereignty.⁸²

During the period of Colonel "Gaddafi's reign, we can say that particularly Benghazi more Libyan cities of the east that supported the coup movement led by "Gaddafi" in 1969 in its first years against the monarchy, the transformation of those cities to a stronghold of Islamic and non-Islamic stronghold, was a source of unrest and coup

⁸¹Dina Shehata, Same Reference, p. 83.

⁸²Saad Eddin Ibrahim, **Factors do the Arab Revolutions**,2011, p. 13.

attempts against "Gaddafi" regime since the seventies of the 20th century and led to a wave of brain drain.

At the political level, we can say that through the rule of Gaddafi decades the foundations of the legitimacy of the Libyan regime have eroded and this marked by the four basic points:

Firstly, the national revolution. Secondly, equality and social justice. Thirdly, dignity and national identity. Fourthly, "the symbolic value of Gaddafi as a fighter against imperialism. Before the regime tried to adapt to the post-Cold War variables, and after the Sept. 11, 2001, and that led to Libya's renunciation of its project in the development of weapons of mass destruction, and acceptance of paying exorbitant compensation to the victims of the Lockerbie plane and the French, as" From the beginning, Qaddafi considered cancellation of single tribe system as one of the fundamental revolution principles, except that after a quarter century of governance, specifically in 1994, the establishment of committees of popular social leaders, the fundamental strength of the tribal leaders, but he used the internal rivalries between tribes in order to tighten his grip on power.. the approach of policy of "divide and rule".⁸³

The assumed institutions and the authority of the revolutionary committees have prevented popular participation in governance, where it was the popular refrain from participating in the range between 50 and 80 per cent who have the right to participate, and grew a class of beneficiaries and monopolists who seize and possess power and wealth. It is difficult to overcome them in a climate of corruption, especially with the absence of real civil society organizations that are independent of the regime.⁸⁴

There are reports from the UN on the human rights and International Amnesty regarding the repressive practices of the Libyan regime, as stated in the report: "Freedom of expression and freedom of assembly and association are subject to severe restrictions remained, authorities show little amount tolerance for the opposition.

⁸³Saad Eddin Ibrahim, **Factors do the Arab Revolutions**, ibid, p. 15.

⁸⁴Dina Shehata, Maryam Waheed, op. Cit., p. 21.

In addition to all this, there was an attempt to pass power to his son, "SaIF al-Islam," as it has become a reality through his involvement in the popular committees and prepared internally and externally to become the heir to his father, "Muammar", like all other Arab regimes, especially Egypt, where they became known Arab countries with regard to the issue of inheritance regimes of the Republic of the sons of leaders to rule.

B- Economic and Social Reasons

The Human Development Reports of the United Nations reveals that Libya is one of the Arab countries that have made progress in the course of human development, having been occupied rank No. 64 worldwide in human development, it moved in 2000 to position 52 as shown in the 2011 report, while retaining over the last three years the first place at the African level in this area.

On the educational level, the percentage of literate (15 years and over) about 88.3 percent, also accommodate Libyan students at different learning stages ratio increased, as well as the presence of 150 universities spread across the country (taking into account the educational services provided to those universities less a lot of infrastructure available to them).

On the social security scale, we find commodity support and health insurance policies as well as the criminal security in light of the security grip of the regime, despite the growing crime rate in two decades, which some attributed to the influx of African migrants to Libya as a prelude to emigrate to Europe for the stability there.

It could be argued that the openness to the West and the flow of investments and foreign partnerships since 2003, to participate in the ambitious infrastructure system projects, did not carry a lot of the equation authoritarian and wealth and corruption, but also exacerbated the situation, which coincided with that openness of talk about projects for the sale of public property to the private sector , carried with it a lot of fear of the classes of the middle and lower labor and social groups, due to the accelerated pace of openness and rampant price rises despite the regime's attempts to control it through the increase in salaries and wages, but high prices and widespread corruption have prevented the success of those increases.⁸⁵

⁸⁵Dina Shehata, Maryam Waheed, op., Cit, p. 23.

What prompted the Libyans to come out in protest operations varied strength and weakness over time, among them-briefly-three congestion and popular events:

In 1996 the Libyan security services of committing one of the largest massacres in the era of "Gaddafi" prison of Abu SALIM, a prison housed political prisoners in the first place, and is managed by the internal security services, but in the June revolt large number of prisoners, demanding to be tried transparently instead of forced arrested, and were able to drive out the guards, and as a result the Libyan security services campaign to quell the revolt and there was a massacre of about 1170 people.

In 1996, the same another massacre, the smallest of which occurred in size in terms of the victims, in the capital Tripoli when "AHLI Tripoli" team defeated "the Union" in one of the football games, and it was the last supporter of the party, "SAADI Gaddafi," who was a member of the "Union ", and ordered to fire on fans to fall victims of 20 civilians.

In Benghazi, the events of 2006 broke out because of the bad cartoons of the Prophet Muhammad-peace be upon him, the crisis came out in response to the hundreds of people in the city on Friday, February 17 and turned towards the Italian consulate, the police fired them and killed a group of civilians estimated to number 11 demonstrators.⁸⁶

In addition to protests in Casablanca 01/12/2006 in the economic conditions, the last of which was the city of YAFRAN in 2008, which is considered as a center of Libyan AMAZIGH, which has seen an interference from "SAIF al-Islam Gaddafi".

Son of "Muammar" on the issue of cultural rights of the AMAZIGH addition demographic change and the increasing age young people and their openness to the outside world, the Libyan Young people account for about 52 per cent of the total population under the age of 25 years, was not ready to accept the contradictions between the notices completely under policies openness and reality.

Second: External Causes of the Crisis

The external causes of the Libyan crisis caused by a number of considerations, a Libyan foreign policy as well as the impact of the Arab revolutions and the recent media and its role in the Libyan crisis.

⁸⁶ Ahmed Touhami Abdul Hai, **Why Did Not Foresee the Social Sciences Arab Revolutions?**, Journal of International Policy Number 186, October 2011, p. 46.

(A) Libyan Foreign Policy

Fluctuations in foreign policy between the quest for the unity of Arab and sometimes African at other times, and between unitary bilateral projects at times, and projects a federal collective in other times, and the adventures of the regime in supporting many organizations and rebel movements in the staff of the various globe (ex : Chad), established a sense of bitterness for a lot Libyan citizens, because of the waste of their wealth in these adventures, policies and compensation and compensation (by SAIF al-Islam in the reformist attempt with the West ahead fictional compensation to France, and bring the accused of the US plane for international justice bombing, and undo the armament nuclear program), while suffering a lot of people Libya's relative poverty and deprivation in the areas of education, health, public utilities and infrastructure in spite of the richness of their country.

(B) Impact of the Arab Spring

As Jasmine Revolution inspired the Egyptian youth movement of 25th January, the latter inspired the Libyan revolution of February 17 that started from Benghazi, which influenced, over the times, with what happens in Egypt, and its sons more national and fusion in the cultural and political Egyptian dimension, where they received the Principles of the Arab revolt of freedom and dignity and social justice in order to eliminate corruption and tyranny endemic in these countries in response to the challenges of the times.

(C) The Media and its Role in the Libyan Crisis

Formed the communications and information revolution, an important factor in the transfer of the simulation model of the Arab revolutions' as the majority of experiments focused on a peaceful protest against the pattern of political power, and overall communications networks and social networking have contributed to increase the proportion used them, raising awareness of the political communities And knowledge and their knowledge of their reality has grown, this has led to the virtual reality in the large expanse of freedom compared to the real reality, as news coverage of satellite channels in the transfer simulation grassroots model contributed to lend strong momentum in order to continue the revolution.

2.2.2 The Repercussions of the Libyan Crisis

Libya has seen after the end of the February 17 revolution, which lasted nearly ten months a series of consequences, including whether it is an internal (I) or external(II).

First: The Repercussions on the Local Level

Libya has known a set of developments after the overthrow of the former regime, which can be summarized as follows:

A- At the Political Level

Once a complete collapse of all state institutions, which escalated and faded over the Libyan crisis, a sort of fragile stability printed conflicts between several political parties, have had an active role in the fall of the former regime, despite the establishment of the Transitional National Council, set up by the Libyan opposition in light of the crisis as a temporary government that announced the way the drafting of the new constitution, while the Council of Ministers induced by this Council conduct daily business.

It was unable to raise the Libyan people under the banner of a single central authority in the future, so that this Council failed to achieve the coherence and cohesion of the various tribes and clans Libyan religious currents (SALAFIST MOVEMENT), as well as ethnic minorities (Berbers), which has impeded the march of the new project. The Libyan political scene Libya has become a chaotic and devoid of positive maturity, so that the Libyan public opinion on charges of some members of the National Congress of stealing public money, and lack of knowledge of composition of the country's tribal, for the lack of the required experience and efficiency, in addition to the lack of clarity in the relationship between the team of the National Council by the public and the government the current leadership, "ALI ZEIDAN," who came under heavy pressure to resign, Party of justice and Development, which represents the group the Libyan Muslim Brotherhood, which has failed in previous elections has been able to form an armed group in a different area aimed at overthrowing the government, and make the country in a spiral of conflict.

B- The Level of Security

Although the rule of tyranny and dictatorship still suffers from serious security challenges, due to the deficit and the weakness of the current government to achieve

security and law enforcement, which released "Gaddafi" to counter the rebels, as well as some of the some of the tribes and armed groups that surround oil fields ports, Hua what creates a kind of security vulnerabilities, and therefore state Libyan powerless all the deficit to impose its prestige in the absence of the General Staff (army, security, judiciary and intelligence), and therefore the political chaos and security disrupted one of the most important sources of income for the state and its level of economic.

C- The Economic and Environmental Level

Libya is facing many economic problems due to the control of militias and armed groups on a number of areas important economic institutions, including oil firms, which provide more than 96 per cent of the proceeds from Libya, which cost it huge losses in the oil industry, so that production fell in July to 1.4 million barrels per day, and thus it had a negative impact on the index Libyan exports, as the government faces a problem in preparing the budget for the year 2014 due to the oil indomitable, which cost the public treasury severe losses, as the value of the Libyan dinar dropped to half its value.

Libyan crisis also created a range of environmental problems. It is the prevalence of certain water pollution resulting from diseases because of the bombings that were taking place in the country, with the dangers of mines and mine-risk education, weapons and waste and ammunition.

D- The Social and Cultural Level

Libyan people knew a series of chaos among tribes, so that was the marginalization of a class of citizens, cancel their presence in politics, and their presence in decision-making, as well as the spread of the phenomenon of kidnapping, torture, and prevent the army composition and looting, and some battalions are still claiming revolutionary, so conducts inspections inside Tripoli and harass people and cut off the roads, as there is a rise in the category homeless because of the loss of their homes after the revolution, especially the residents (The town of TAWERGHA).

E- Media Level

After the liberation of Tripoli and the death of "Gaddafi," the media in Libya expanded in several directions under little support submitted by the competent authorities, as demanded by the independence of the media and take the structural

and political decisions for which they can be many complex issues faced by the country solution, and claim a framework can media that plays a pivotal role in a product and a strong democratic society.

Second: the Negative Results on Regional and International Level

Libya known under serious internal situation faced by a series of challenges and risks to the internationally and regionally.

A. On the First Level

After the overthrow of the "Gaddafi" regime, which lasted four decades, most of the countries that have contributed to this military operation is no different, and agreed on a Security Council resolution, with regard to describing the general situation experienced by Libya, especially the security aspect deteriorating and the spread of the phenomenon of terrorism.⁸⁷

In addition to the spread of weapons and the inability of the state to impose central control over all its national territory, and Libya saw the international intervention in late of October last year, which caused an uproar among the Libyan people, who declined to such an intervention, as affect the internal sovereignty of the Libyan state, and fear of the ambitions of states Western US in the exploitation of oil, trade and investment wealth, or political, even economic and security to the country, noting that the increased importance of international intervention after the crisis and the abundance of Libyan territory on oil by scrambling them foreign companies rights, and perhaps the best proof of those hasty decisions taken by the America, France and Britain regarding the participation in the revolution within the Western military alliances (NATO), particularly as it was forced to come to terms with the people who had put them yesterday at the top of lists of terrorism, and to maintain its interests and its expansion by increasing its investment in Libya's oil sector is tempting for these states.

B. At the Regional Level

The internal situation of the current Libyan creates as a result of tribal war between a group of tribes who wish to control the oil firms-suitable for the activity of many extremist groups as a result of the proliferation of weapons and smuggled across the border environment, which poses a real threat to neighboring countries, where Egypt

⁸⁷ Ahmed Touhami Abdul Hai, *ibid.*, p. 50.

is suffering from the flow of contraband weapons. The Egyptian authorities preceded and arrested some active groups in this field and the something happens in Algeria, so already to Islamist militants to seize plant (IN AMENAS) for natural gas, and also weapons, as well as, can be dangerous for Morocco, so there is the fear of being smuggled to the south, especially in the light of the conflict between the West and POLISARIO, which threatens stability there.

Also, this growing phenomenon has become big business in Libya affected multiple African countries, where it played a major role in strengthening Islamist groups in Mali, which has led to destabilize the country and help some jihadist groups within this country to impose its control over the territory in the north, and the United Nations has already warned that the arrival of Libyan weapons to the group (BOKO HARAM), a militant in Nigeria, noting that the group evaluating strong ties with al-Qaeda in the Arab Maghreb countries.

THIRD CHAPTER

The International Intervention in Libya, as a Model

The NATO played a major role in overthrowing the regime of Gaddafi, who had ruled Libya for more than four decades, and there was a range of conditions including what is local, regional and international, these conditions justified this intervention, which would have a significant impact on the future of the Arab region as a whole.⁸⁸

3.1. Reasons For Foreign Intervention in Libya

Foreign intervention in Libya, many of the reasons and motives that served as the motivation and the main factor for international intervention and the historical, political, economic and humanitarian notably defined as follows.

3.1.1. Historical, Political, Foreign Intervention in Libya Reasons

Libya has known many of the political events that have stirred controversy in the international community, and that created a lot of rivalries with the West, as a result of dealing with these events the logic of a strong state, which has an impact on the international level, resulting in sanctions that led to the international intervention and the overthrow of the existing regime. We can sum up these reasons as follows:

1- Lockerbie Case

the Lockerbie case started on 11/12/1988 when the Boeing 747 of the company "Pan Am ," which was scheduled to Flight No. (103) between the airport: Heathrow "in London and the airport," John F. Kennedy "in the United States, the number of passengers in this trip were 243 passengers, An explosion over Lockerbie in Scotland and the victims in the blast, all the passengers⁸⁶ and the US and Scottish judges have declared after investigation and simultaneously on 14/11/1991, that the accused," ABDEL Basset al-MEGRAHI and Al-AMIN KHALIFA FAHIMA," the situation developed into a real crisis with the Libyan regime when the United States asked in a statement with Britain on 11/27/1991, demanding extradition and compensation for families of the victims, the United States and Britain have worked on mobilizing all their energies politics, military and coordination with France to bring its claim to obtain compensation for its plane, 4.TA772 DC10 H / owned by

⁸⁸Varun Vira, Anthony H. Cordesman, **Arleigh A Burke Chair in Strategy**, The Libya Uprising: An Uncertain Trajectory, 2011, p. 47-53.

Utah Co, which was shot down over the desert of Nigeria on September 19, 1989 during a flight No. 722 and resulted 170 victims⁸⁹, this has resulted in an American British and French joint statement on September 30, 1991 in which demanding the Libyan State the extradition, and renounce all forms of violence and terrorism, and as a result, resolutions of the were taken by the UN security Council to impose sanctions on Libya.⁹⁰

A. Security Council Resolution 731: Issued on 01/21/1992, which condemned the destruction of the aircraft, "Pan Am and American aircraft French Transport Association Air company" Utah "and calling for Libya to cooperate in their own Lockerbie incident investigations, and expresses its strong dissatisfaction to the lack of the Libyan government's response, prodding to respond immediately complete response to contribute to the limitation of liability on the destruction of the two planes, and help to eliminate international terrorism."⁹¹

B. Security Council Resolution 748: Issued on 03.31.1992, which stated that Libya did not provide an effective answer to the UN Security Council of what came in resolution No. 731, therefore decided to impose an air and military embargo on Libya becomes effective as of 04.15.1992, this represents the supply Libya with any kind of weapons and related materials, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary equipment, in addition to reducing Number and level of staff in diplomatic delegation and prevent all Libyan Arab Airlines offices. For this procedure, Libya has threatened countries applied for this decision to deprive it of Libyan oil.⁹²

C. Security Council Resolution 883: This decision was issued in 11/11/1993, which requires stepping up sanctions against Libya, freezing of Libyan assets abroad, and the prohibition of importing some private oil industrial equipment, and prohibit business dealings with Libya and the extension of the ban to the civil and military aviation, but Libya did not respond to the security Council resolutions, and said it

⁸⁹ Ahmed Sayed El-Nagger, **The Lockerbie Case and the Future of the International System**, Beirut: Center for Muslim World Studies, 1992, p. 79.

⁹⁰ Khalili Matar, Robert W. Taabit, **Lockerbie and Libya**, U.S.A : Mc Farlaad, 2004, p. 54.

⁹¹ Richard Marquise, **Intelligence and the Lockerrbie Investigation**, U.S.A. Algora Publishing, 2006, p. 17.

⁹² Maha M. Al-Shobaki, **Problems of the Lockerbie Case Before the Security Council**, The Benghazi: Dar Al-Jamhiriya for Publishing and Distribution, 2000, p. 80.

would not accept decisions before the trial of the accused and this must be done in case in a third (neutral) country .

Sanctions imposed on Libya remained as it is, Libya refuses to hand over the accused, and the British and American situation remained intransigent, but by the year 1998 the situation began to soften on both sides. We find that the Libyan situation, after being influenced by these sanctions (aviation ban, stellar financial assets and being isolated from the international environment), Libya realized that the Scottish court would be fair, according to a report envoy from the Scottish judiciary, so as to adopt the same step by the Organization of African Unity, the League Arab countries and the non-aligned movement and the Organization of the Islamic Conference in 1997.⁹³

Libya's nuclear program: Libya's program to develop nuclear capabilities from the seventies to the late 2003 extends, and in spite of the irregular march of this program, in terms of the continuity of political support and technical progress, but the Gaddafi regime has been able to Estrada large number of basic elements of its uranium enrichment, and it can be divided into the basic stages experienced by the Libyan nuclear program into three phases is.⁹⁴

First Stage "Of Foundation to Build a Nuclear Program": From 1969 to 1981, at this stage sought to Libya for preliminary nuclear program components, after failing to obtain nuclear weapons from China and other foreign countries, claiming he was a civilian program so that the quest to develop the fuel cycle domestic nuclear program, and it means uranium exploration and characterized this stage generally commitment to standards and guarantees pledging to proliferation of nuclear weapons, as this stage was characterized by four major related- issues:

1-Most of the nuclear states abstain from supplying Libya with technology and devices and sensitive nuclear knowledge .

2The beginning of Soviet nuclear-Libyan relations, as the Russian company "ATOMENERGO export_ " participated in the establishment of the center of TAJURA Nuclear Research Reactor of "TRT1" model, which it supplied with fuel and disease activities in 1981.⁹⁵

⁹³Khalil Abdel Sayed, **Jamahiriya of Blood and Fire**, Cairo: Dar Arab Book, 2012, p. 202.

⁹⁴Maha MAI-Shobaki, op. Cit., p. 83.

⁹⁵Khalil Abdel Sayed, op. Cit., p. 204.

3-Importing uranium from Niger, after failing to extract it from Libya.

4-The beginning of the cooperation between Libya and Pakistan in the nuclear field, and this was the beginning of the partnership between Pakistani and Libyan common industrial development, which was founded in 1978, is worth noting that the overall relations of cooperation which was between Libya and Pakistan in this period based on the links positive that was between Gaddafi and Pakistani President "ZULFIKAR Ali Bhutto", but this relationship is affected after the military coup and take over Muhammad Ali Zia's ruling Pakistan.⁹⁶

Second Stage "The Libyan Faltering Project ": From 1981 to 1995, such as the establishment of a nuclear research and the Russian reactor center of a new stage in Libya's nuclear program, this stage has seen serious Libyan attempts to explore ways to obtain fissile material, through the fertilization of uranium and the separation and processing of plutonium, however, this period seen some limited achievements of the Gaddafi regime. This period was also characterized by extreme frustration and for the following reasons:

1-During the seventies, Libya failed to get the sophisticated nuclear experience and technology.

2-Noticeable drop in nuclear Soviet aid since the mid-eighties because of Moscow's concern about Libya's nuclear ambitions.

3-The US attack on Tripoli in April 1986 caused Gaddafi regime to hide vital parts of its nuclear program which has helped to undermine the chances of this program to achieve any breakthrough.

Third Stage "The Reactivation of the Libyan Nuclear Program": From 1995 to December 2003, began the last period of Libya's nuclear program in 1999, where the Gaddafi regime decided to restart the nuclear efforts, and in this period ended with the role of "TAJURA" ended as center for activities of Libya's secret nuclear, but it continued its activity as a major center for specialized nuclear knowledge, represents the most prominent elements that characterized this stage aids received by Libya's nuclear program prohibited the secret network that was founded and run by Pakistani scientist "Abdul QADER Khan," who dealt with Libya in 1997, and in this period as

⁹⁶Wayne H. Bowen, **Libya and the Spread of Nuclear Weapons**, Translated By the Gulf Research Center, United Arab Emirates: Gulf Research Center, 2008, p. 45-48.

a result of the deal with the network for Libya has made significant progress in the field of centrifuge, it has not been achieved in the past twenty years, including providing the Libyan regime centrifuge gas "uranium hexafluoride," as Libya got two types of centrifuges are "L1 and L2", according to the international Atomic energy. The Libyans began in late 2000 to install several chains of the centrifuge, and in 2002 Libya completed to building a series of nine centrifuges, and according to some estimates Tripoli has spent between 100 to 500 million dollars as part of efforts to develop nuclear weapons since the late nineties.⁹⁷

In December 2003 the Gaddafi regime decided to give up its nuclear ambitions, and that was a direct result of secret negotiations that took place between the American and British Libyan governments, and perhaps this decision is due to.⁹⁸

The increase of the international pressure on the Libyan regime.

The desire of Gaddafi regime to end sanctions that were imposed on Libya, and the establishment of.

Good relations with the United States and the international community in general.

The role of Secret diplomacy and negotiations that existed between Libya and the countries to claim damages in the Lockerbie case and Libya's nuclear program.

The impact of the decline of the Iraqi regime "of Saddam Hussein," as a result of international intervention led by the United States on March 17, 2003.

Stopping the Ship "BCC HINA" on its way to Libya, carrying a shipment of centrifuge components in October 2003, and the discovery of the AQ Khan network was behind the shipment, making the Libyan position weak and this has led Libyahas to accept to give up its nuclear program.⁹⁹

The Nature of the Regime

The Colonel Gaddafi's regime is considered of the regimes which be taken into considerations that is calculated as of the last dictatorships in the world, due mainly to political institutions, which is owned by the regime in Libya and its structure, particularly with respect to parties and party life as seen by the colonel in the Green Book as false democracy, as well as political practices through which the outline of

⁹⁷Gloria Duffy, **Soviet Nuclear Energy Domestic in International Domestic International Policies**, Santa Monica: Ca Rand, 1979, p. 85.

⁹⁸Wayne Bowen, op. Cit., p. 78.

⁹⁹Wayne Bowen, *ibid.*, p. 102.

the orientation of the political system is drawn, as characterized by Gaddafi's fluctuations in his foreign policy besides his hatred to the west during his reign and this made, the elimination of Muammar Gaddafi and his regime. Here are the most important political reasons used by Western countries as a motive for intervention in Libya.¹⁰⁰

How to Deal With the Popular Uprising

The popular uprisings that have taken place in Tunisia and Egypt and their success in overthrowing the existing political regimes was a large motivate for a popular uprising in Libya, in addition to coinciding with high voices of the people for the bloody actions of ABU SALIM jail (prison) and detention of the lawyer appointed for the victims' families which served as the initial spark for the start of popular demonstrations in Benghazi and nearby cities, and the confrontation of the political regime to these demonstrations in ways that non-peaceful use of force, and not to resort to peaceful solutions reason to draw international attention to the events in Libya and find solutions to them if doing so to the use of international force.¹⁰¹

System Failure in Resolving the Crisis

Due to the violent way that by Colonel popular faced demonstrations, especially in Benghazi and turn them into open warfare and the use of weapons and excessive force against his opponents, prompting intervention from outside parties to resolve the crisis, and overthrow the regime.¹⁰²

The Establishment of the National Transitional Council and Mass Resignations in the Gaddafi Regime

The National Transitional Council¹⁰³, was established (on February 27, 2011) from the dissident ministers and the Mustafa Abdul JALEEL, one of the dissidents who was a Minister of Justice in Qaddafi's regime, was selected as an interim president and Abdul HAFEEZ GOGHA as his deputy and the official spokesman on behalf of the Board elected ABDUL RAHIM CAPE head of the next transitional government. Recognition of a large number of states have been given to the Council as an legitimacy authority in Libya, and an only representative of the Libyan people. This

¹⁰⁰Wayne Bowen op. Cit., p. 104.

¹⁰¹Wayne Bowen op. Cit., p. 108.

¹⁰²Al-Taher Abdul Rahim, **Libya Triumph of Hope**, Sudan: Brceiat to Post, 2012, p. 24.

¹⁰³Ali Harb, **Revolutions Soft Power in the Arab World**, Beirut: Arab Scientific Publishers, 2011, p. 78.

made Gaddafi regime losing international legitimacy, especially with regard to dissidents in the diplomatic corps and divisions in the ranks of the army to join the opposition.¹⁰⁴¹⁰⁵

3.1.2. Humanitarian and Legal Reasons For Foreign Intervention in Libya

The Libyan regime has faced protesters who came out in demonstrations demanding political reform in the February 15, 2011 using excessive violence, as the Gaddafi forces using heavy weapons and air strikes to suppress the demonstrators and used live ammunition and so victims has fallen by these events, nearly 170 protesters in Benghazi and BAIDA and about 1,500 wounded and, in a short period of time of popular, protests turned into open warfare between the two parties; one seeks to stay in power and the other for the overthrow of Muammar Gaddafi's regime, who decided to fight until the last moment.

Different cities have been affected by the fighting during the armed conflict, as Gaddafi's forces used siege on the known massive protests and controlled by opposition forces policy, and thus be Gaddafi's government has engaged in torture and other practices, but a humanitarianfringe and violation of Libya's obligations in virtue with the humanitarian and international law, and the revolution of the 17th February. Gaddafi's forces have practiced many humanitarian violations that contributed to the international intervention to prevent them.¹⁰⁶

1-The practice of arbitrary arrests and the spread of kidnapping and those who were arrested, subjected to other violations of basic human rights such as the right of defense.

2-Many checkpoints have been set up at roadblocks and entrances to cities and border gates, and the mistreatment of the civilians, beating and insulting them by using inhumane words such as "rats", as mentioned in the International Committee for Human Rights, Gaddafi, in his speech at the February 22, 2011 stated

¹⁰⁴Al-Taheer Abdul Rahim, op. Cit., p. 37.

¹⁰⁵Salman Al-Awdah, **Questions the Revolution**, Beirut: Development Research Center and Students Development, 2012, p. 159.

¹⁰⁶Muftah Gouili, **Memoranda First Day: February 17 Revolution**, Beirut: Dar Arab Science, 2012, p.18.

inhuman phrases such as (Catch the rats), referring to the protesters and anti-government.¹⁰⁷

3-Qaddafi's forces have assaulted foreign nationals in Libya, at the border and strip them of their belongings.¹⁰⁸

4-Preventing food supplies and fuel at checkpoints to push civilians to escape to outside of Libya.The sea and air ports allocated to humanitarian aid were attacked and this actions prevent the arrival of humanitarian aid to areas under siege, also the Gaddafi forces used hospitals as military bases for their operations, and so risk to civilians has increased.

These bloody inhumane actions inhuman that the Libyan cities have exposed to, the human Rights and the International Fact-Finding Commission showed a number of violations and abuses of the regime, so the Security Council adopted a set of resolutions which imposed a series of sanctions on the Libyan government and these procedures represented the legal motivation and gave international legitimacy to intervene in Libya, namely:

Security Council Resolution 1970: On February 26, 2011 adopted by the Security Council unanimously about the situation in Libya, under the Rome System establishing the International Criminal Court, according to the provisions of Chapter VII of the Charter of the Council, the imposition of international sanctions on the regime of Qaddafi International Criminal Court and authorized to investigate crimes Gaddafi forces committed against Libyan civilians have the text of the resolution to.¹⁰⁹

Refer the Situation to the International Criminal Court: To investigate crimes committed by Gaddafi forces against civilians, and refer the situation to the Prosecutor of the International Criminal Court for investigation.

Arms Embargo: Through this process take all member states they consider appropriate measures to prevent the supply of arms and related materiel to the Libyan Arab Jamahiriya, or sell them or transfer form, directly or indirectly, including weapons and ammunition, military vehicles and military equipment and semi-cut parts and technical and financial assistance, and other forms of assistance, including

¹⁰⁷Muftah Gouili, *ibid.*, p. 34.

¹⁰⁸Muftah Gouili, *ibid.*, p. 35.

¹⁰⁹Simon Adams, **Libya and the Responsibility**, Occasional Paper Series, No:3. October, 2012, p.13.

the provision of armed mercenaries, whether their source home run or not. This procedure does not apply to supplies of non-lethal military equipment with the humanitarian use of preventive, protective "jackets," such as clothing and prevent the Libyan Arab Jamahiriya to export the collection of arms and related materiel. And that all Member States are also asked neighboring countries for a mass inspection of all cargo bound for Libya, or the next ones, and that the confiscated items, which prohibits the export or supply is being destroyed.

Travel Ban: The travel bans on 16 outstanding Libyan characters, including Gaddafi and his sons, and each of the following: "Mohammed al-Baghdadi, Abdul QADIR Al-DEBRI, Abu ZEID DORDA, Abu BAKR YOUNIS, MATOUK Mohamed MATOUK, SEYED QADDAF EL DAMM, Abdullah SENOUSI."¹¹⁰

The Freezing of Assets: The member-states have the right to freeze without delaying all funds, other financial assets and economic resources in its territory and owned or controlled by, directly or indirectly, the Gaddafi family.

Arab League Resolution 7298: Its decision issued on March 2, 2011 as the Arab League decided, on a ministerial level after the developments in Libya and the capital Tripoli and what I knew of the inhumane practices of the Libyan authorities and violations of the rights of civilians, the following:

1. Denouncing crimes against civilians in various Libyan cities, crimes by the Libyan authorities, and in particular the recruitment of mercenaries and using live ammunition and heavy weapons and air-strikes to confront the demonstrators, which constitute serious violations of human rights and international humanitarian law.
2. Calling for the immediate cessation of violence in all its forms, types and resort to peaceful dialogue.
3. Demanding to lift the ban on the media, as well as open communication means and to respond to the demands of the Libyan people.
4. Calling for the formation of an Arab committee to investigate the facts in the ongoing events in Libya, and to appeal to the Libyan authorities to provide necessary for all Arab nationals and foreigners protection on the territory of Libya.¹¹¹

¹¹⁰ Ahmad Al-Katani, **Winter Bloody Tripoli**, Beirut: The International Group for Publishing and Distribution, 2011. p. 114.

¹¹¹ Paul Salem, Amanda Kadlec, **Libya's Troubled Transition**, Carnegie Papers, June, 2012, p. 8.

5. Emphasizing the participation of a delegation to stop the Government of the Libyan Arab Jamahiriya in the meetings of the Arab League and all organizations and agencies affiliated until the Libyan authorities respond to the demands and achieve the security of the Libyan people.

Arab countries could not stand idly by regarding what the Libyan people suffered from the bloodshed, and they will seek to consult on the success of the ways to protect the safety of citizens even resorted to the imposition of the air embargo, with recommendations to the next meeting of the League and the United Nations.

Security Council Resolution 1973: Issued on March 17, 2011 after a lack of response from the Libyan authorities to UN Security Council Resolution 1970, and the deterioration of the safe and the humanitarian situation in Libya and heavy casualties among civilians, the situation defined by the Libyan Arab Jamahiriya is considered a threat to international peace and security, and from the council decided.

Imposing a No-Fly Zone: It includes all flights in Libyan airspace, in order to help the Libyan civilians, the ban will not apply on flights with humanitarian purposes, and the ban implemented by the member states and in coordination with the Arab League.

Arms Embargo: In implementation of Security Council Resolution No. 1970, concerning the prohibition of weapons to Gaddafi's forces on a larger scale and better addition to adding more names of people and organizations to the travel ban list.

The Prohibition of Flights: The request and appeal to all UN member states to prevent take-off or landing any military aircraft, commercial Oases coming from Libya to and going from state lands.

Freeze Assets: By freezing the money, and this decision applies to all funds and property owned by Gaddafi, which has a hand in one way or another, and in any of the member states at the United Nations.

3.1.3. Economic Reasons For International Intervention in Libya

The economic interests is the main motivation to many international operations, and international intervention in Libya is linked largely to these interests, as the Libyan oil represents the most prominent needs and the reasons for the intervention of some participation in the no-fly process and the implementation of Security Council Resolution 1973 states, and Libya was before these events producing approximately

1.6 million barrels per day, to increase its output to three million in the coming years, and that Libya pumps about a third of needs.

Of daily oil that you need, for example, each of France, Germany and Italy, according to experts, the importance of Libyan oil lies not in quantity but in quality and for being a of light type, it is certain that this will seek to assure the oil interests in Libya, in addition to the fact that oil from the most important economic reason for international intervention in Libya and there are other reasons.¹¹²

Maintaining the Economic Gains in Libya:As many of these countries have investments and real estate in Libya, companies have huge operating especially in the field of oil exploration, and lack of participation in the campaign against the regime in Libya could make these countries lose these investments or exposed its facilities to destruction, making these countries are trying to maintain their own economic interests in Libya by imposing a ban on them, in order to keep maintain the prestige and economic gains in Libya to ensure the continuity of their work beyond Gaddafi and install the new regime in Libya.

Easing the Financial Crisis and to Find New Markets: The financial crisis of the reasons that Western countries have called for intervention in Libya, and this is creating new open to these countries' markets, and divert the attention of domestic public opinion from internal economic issues to the events of intervention, as is paved intervention operations illicit trade which brings in some countries funds, in addition to bleaching money operations and other operations that contribute to create wars, intervention in Libya is an opportunity to activate these processes to ease the burdens on governments of countries suffering severe financial crisis.¹¹³

Gaddafi's Economic Policy: Many analysts considered that this is the main cause for military intervention in Libya, as Gaddafi's economic policies in the past, but best known as a kind of marginalization of the west industrial companies in exchange for Chinese companies and other Indian companies and the Philippines, and this make these countries that led by the United States, Britain and France to show disapproval of these policies in Libya, in addition to this Gaddafi's remarks and economic

¹¹²Shadi Omar Al-Sherbini, **The Truth of What Happened in Libya**, Adopted From <http://www.kassion.org/index.php?mode=&id=19488> .

¹¹³Uday Shatat, **The Economy and the Revolution in Libya**, Adopted From: [http // www.albasrah.net/AR articles 2011/2012 / SHATAT 170212.htm](http://www.albasrah.net/AR_articles/2011/2012/SHATAT_170212.htm).

projects, in particular the "gold dinar" project advocated by Gaddafi in more than one occasion, and the purpose of that is to weaken and reject both the dollar and the euro and use its alternative, a "gold dinar "Gaddafi has called on" Arab and African countries to use these alternative currency, especially in the oil trade, and there were two hundred million people will be using these currency if they have been approved, and this is one of the ways to establish a unified African continent, The American States and the European Union rejected the idea because it would cause global oil transactions subjected to the currency in the fall of their currencies' dollar and the euro.

3.2. Justifications and Repercussions of the NATO Intervention in Libya

3.2.1. Justification For NATO Intervention in Libya

A set of circumstances have preceded the NATO's intervention, made a moral duty, due to the acceleration of events in Libya, and the worsening humanitarian situation because of the war waged by Gaddafi against his own people, in addition to the issuance of certain decisions, including what is a regional (Arab League) and is an international (Security Council).

First: the Circumstances Surrounding the Intervene

In mid-February 2011, mass demonstrations broke out in various parts of Libya against Gaddafi's regime and had been determined on February 17 "Day of Rage" to mark the fifth anniversary of previous protests against the government, but prominent human rights lawyer, "FATHI TERBIL" was arrested in Benghazi on February 15-which form part of a wider crackdown on opposition and that was the spark for the start of a mass demonstration spontaneously in the city, and authorities tried to disperse the protests, causing deaths and injuries, which led to the more popular demonstrations, and protests broke out in different parts of the country, supporting Benghazi, and escalated dramatically on the seventeenth of February, the date of which has become on the popular level, the start date of the revolution.¹¹⁴

A-Stage Peaceful Demonstrations

This stage started from the 15th of February until the outbreak of non-international armed conflict in Libya.

¹¹⁴Khadr Chenkali, **Libya's New European Market**, Adopted From:
[http // www.doxta.com / AARA MEQALAT /6633.HTML](http://www.doxta.com/AARA%20MEQALAT/6633.HTML).

If a call launched for demonstrations in a day of anger in Libya via the Internet, under the direction major call through the site "Face book", where the establishment of the Libyan activists of opposition (abroad) page, entitled "Uprising of 17th February, 2011 make it a day of rage in Libya," The statement published in the page that there is need to go out to the streets to express the corruption and oppression experienced in Libya.

It was a statement of limited and clear demands summarized and concluded in the following.¹¹⁵

1-Overthrowing the regime.

2-Freedom and dignity.

3-Establishing a State of Constitution and law.

4-Trial for criminals who shed the blood of our people.

The statement of the page February 17th coincided with the release of another statement from multiple Diaspora Libyan political forces, calling Gaddafi for to step down, and emphasizes the right of the Libyan people to demonstrate and expression. The role played by the virtual community in the Libyan revolution no less important than the role in the revolutions of Egypt and Tunisia, but what distinguishes the Libyan situation is the presence of most Internet activists outside Libya as part of the opposition to the Diaspora, but the success of the calls for a day of rage in Libya would not possible without the approval of these calls by powerful political forces inside Libya. Due to the absence of political parties, the opposition from the political scene, these powers have been in the form of the trade union organizations, and the union of lawyers had the largest role in sparking the protest inside Libya, especially as the activists of the union of lawyers, they organized peaceful protests to demand the drafting of the Constitution two years ago. Add to this the Declaration of the rule of law, and the arrest of "FATHI TERBIL". He was the main reason for the start of the protests.¹¹⁶

To put it in a nutshell, the Libyan society is a tribal and clannish society, belonging to tribalism more obvious than belonging to the state, and the words customs and

¹¹⁵Ahmed Ibrahim Khader, **Libya Conflict Over Oil Or Bank Control**, Adopted From: <http://www.alukah.net/web/khedr/10862/34981/>.

¹¹⁶Ivo H. Daalder and James G. Stavridis, **Nato's Victory in Libya: The Right Way to Run An Intervention**, Volume 91 – Number 2, *Foreign Affairs* March / April 2012, p. 4-5.

tribal traditions overshadow on civil law, especially when the structure of state is it happened in the form of Gaddafi's Libya, and this shown in the tribal nature of Libyan distorted, associety in the support of a number of tribal rebels after being exposed to extreme violence by the security forces, and the fall is a small number of martyrs in the early days of the revolution, and at the high number of martyrs shot by the troops, the relationship between Gaddafi and the tribes affected ,especially with the tribes that have high number of martyrs in actions, hastened these tribes hastened to launch statements supporting and joining.¹¹⁷

Remarkably, that the tribal role was not to divide, and did not distract the rebels according to their background and regions. The tribal role had contributed to the increasing in the Libyan uprising.¹¹⁸

The Libyan security forces used an excessive violence, after less than 24 hours after the start of protests demanding the overthrow Gaddafi regime, the number of people killed ten people and at about thirty-five injured people.and after a few weeks that number extremely increased to about six thousand dead, according to figures by the organization "Human Rights Watch".

This is the basis on which the International Criminal Court to issue an arrest warrant for Colonel Gaddafi's diary, SAIF al-Islam Gaddafi and Abdullah SENOUSI.

Military response was to add introduced by Muammar Gaddafi on the form in Libya, especially after security forces failed to quell the protests, and the eastern region captured by the rebels, and the defection of Abdel-Fattah YOUNIS, the interior minister for Muammar Gaddafi and his regime, to take the Libyan revolution another path, it moved from a political character to a non-international armed conflict, especially after arming the rebels and support from abroad.¹¹⁹

B-Non-International Armed Conflict

Non-international armed conflicts are armed conflicts between the state and the parties to the non-state-in this case the anti-Gaddafi opposition forces-or between

¹¹⁷Policy Brief, **Belfer Center for Science and International Affairs**, Harvard Kennedy School, Lessons From Libya: How Not To Intervene, of September 2013.

¹¹⁸Support Statements From the Libyan Tribes on the Website , Newspaper Libyan Today, www.libya-alyaum.com.

¹¹⁹Middle East Newspaper, Dated on 8 Feb ,2011, p. 3.
Dated on 26 Feb ,2011.

two or more non-state, and divides the Law of Treaties and international non-armed conflict into two types:

Disputes are subject to Article III stipulated of the four Geneva Conventions in 1949, while slightly more complicated conflicts additional Protocol II of the Geneva Conventions of 1949.

The Appeals Chamber or circle stated in the International Criminal Tribunal for the former Yugoslavia that "armed conflict arises when there is need to armed force between states, or long-term violence between governmental authorities and organized armed groups or between such groups inside Libya."

Two basic elements can be derived from this definition, for there to be a non-international armed conflict, two elements must be available:

1-Armed violence long-term.

2-This violence includes organized armed groups.

In order to distinguish between cases of civil unrest and terrorist activities, we should focus on long-term armed violence and the extent of the organizing the parties involved.

In the case of Libya, it has broken out of the non-international armed conflict which led to the formation of armed opposition groups in the east, after the formation of the National Transitional Council and the military council.

Recalling some of the reports issued by Amnesty International that the protesters obtained weapons in the early stages of the revolution in some places, such as the cities of ZAWIA and MISURATA, may be this happened on the 19th or 20th of February, 2011, and at this stage, arms protesters with weapons captured them from pro-Gaddafi forces or left by those forces, for example, after breaking into military barracks in the city- centers of the cities. In Benghazi, events went along the similar lines, when the pre-emptive arrests failed to stop the demonstrations, the security forces and the armed forces opened fire on demonstrators, killing and wounding unarmed protesters, often, the police refrained from shooting, and joined the protesters and security men fled and others did the same or joined the protesters meanwhile some of them shot the soldiers

Libya has seen an international armed conflict which is applicable to international humanitarian law, in order to protect people who are not taking an active part in the

hostilities, particularly the civilian and any of the injured or surrendered or captured, including those who participated in the past hostilities, a humanitarian standards of behavior and limit the means and methods that should be used by the military operations, the central purpose is to limit the greatest possible degree of human suffering in times of armed conflict.¹²⁰

The four Geneva Conventions of 1949 and their two Additional Protocols of 1977, the main international instruments of international humanitarian law, Libya is a party to the 1949 Geneva Conventions, and Protocols I and II, and poses many of the specific rules contained in these treaties and all the rules listed in the following part are not be divided, in all cases, they are derived from the martial international humanitarian law, therefore they are binding all parties in any kind of armed conflict, including armed groups.

One of the fundamental principles of international humanitarian law and the rules, that all parties of any armed conflict at all times "to distinguish between civilians and combatants," and that "the attacks directed to the fighters and that it may not be directed at civilians". The aim of this distinction, is the separation between civilians and combatants, it is considered anyone who does not belong to the armed forces of a conflict party as a civilian, the civilian population consists of non-combatants, and civilians are protected against attacks that did not participate directly in the hostilities in that period.

Civilian objects are all assets (for example, buildings and construction structures, places and other physical property of the environment and components) that do not constitute "military objectives" and limited to military targets on the objects which make an effective contribution to military action, whether by their nature, location, purpose or use, and whose destruction in whole or in part, or seized, or neutralization, in the prevailing circumstances are considered military definite advantage, and civilian objects are protected against attack unless it becomes a military target due to check all the criteria collocated to the military objective described above on an interim basis, and for being so. In cases of doubt that the goal devoted usually for civilian purposes, such as places of worship, a house or other accommodation or

¹²⁰The Battle Over Libya, Killings, Disappearances and Torture, Amnesty International, 2011, p. 26.

school, used for military purposes, it should not be used for such military purposes¹²¹.

The characteristic that is collocated to base discrimination is that they ban the random attacks," and random attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the offensive action at a specific military objective, or due to use a method or means of combat cannot be directed at a specific military objective, or as a result of an inability to limit its effects in a way to meet the requirements of international humanitarian law and prohibits a particular, areas operations bombardment, air strikes of any kind that deals with a number of distinct military objectives located in the city, Town, village or other area containing a gathering of civilians or civilian objects as one goal.¹²²

The international humanitarian law also prohibits disproportionate attacks, and that "an attack which may be expected to cause incidental loss of civilian life, injury or damage to civilian objects."¹²³

Any random attack leads to death or injury to civilians or disproportionate attack, considered as a war crime.¹²⁴

And it confirmed the need to protect the civilian population and civilian objects during more than to take all parties to the conflict precautions during the attack, and in the cases of the defense and, accordingly, should be on the conduct of military operations "be permanent care to avoid injury or damage to civilian objects.

We must do whatever is possible to verify that the target is a military objective, and to assess the proportionality of the attacks, and to stop the attacks, as it became clear in the wrong direction or, and the parties must give advance warning about the attacks, which can damage the civilian population, but because circumstances do not allow it.¹²⁵

The international commission of inquiry sent by the Human Rights Council also approved to Libya, a range of abuses against civilians, as the report argues that "the

¹²¹Amnesty International, *The Former Cit.*, p. 28.

¹²²The Red Cross Study of the Martial International Humanitarian Law, Rule 1: See Also Protocol I, Article 48 and Protocol II: Article 1.

¹²³The Red Cross Study of the Martial International Humanitarian Law, Rule 6.

¹²⁴*ibid.*

¹²⁵A Study of the Red Cross, op Laggards 8 And 9.

Commission has reached the reports to the occurrence¹²⁶ of physical violations of international humanitarian law," and that there have been attacks against civilians committed by the government forces did not take sufficient action to protect them, as the use of weapons was such as mortar shells in densely populated urban areas as the Committee found serious violations of international humanitarian law by government forces "considered as crimes against humanity," and these crimes were committed as a result of political decisions taken by Colonel Gaddafi and the ones within his inner circle .

The report also showed some of the accusations made by the rebels, such as the practice of torture against prisoners, the commission of international crimes by associated with the opposition forces, particularly against people in detention, and migrant workers and against those who thought they were mercenaries, on the basis of their national origin or color of their skin.¹²⁷

With the escalation of the bloody confrontations between the regime and the rebels on several fronts between East and West(ofLibya), and the insistence of Gaddafi to stay, he and his forces battle to the last breath, the activities of the international community moved under the umbrella of the Security Council, he issued the latte (Qaddafi) tworesolutions under 1970 and 1973, and they were the ones which NATO adopted them in order to justify its intervention in Libya.¹²⁸

Second: The Justification of NATO Intervention in Libya

NATO has focused during his intervention in the Libyan crisis primarily on the protection of civilians from the brutality of Gaddafi's forces, in addition to reliance on the legal basis of Resolution 1973 adopted by the Security Council, this is the last in accordance with Act VII of the Charter of the United Nations acted.¹²⁹

A- Intervention to Protect Civilians

It is useful to review the conditions and modalities of the emergence of the concept of responsibility to protect under international law, and if it seems new, but it has ancient roots lead us to wonder about its innovation, but the concept did not stop

¹²⁶Protocol I Article 52.

¹²⁷A study of the Red Cross, op. Cit., Rule 12, and Rule 13.

¹²⁸Commission Human Rights Report on Libya.
www.swissinfo.ch/ara/detial/content.htm/?cid=30437082

¹²⁹Olivier Corten, **Le Droit Contre La Guerre: L Interdiction Du Recours A La Force En Droit International Contemporain**, Pedone, 2008, p.13.

theorizing by scholars and diplomats, but also extended to the United Nations where it was dedicated on many occasions what it may make it of a distinguishing standard.¹³⁰

The Responsibility to Protect: the Development in the Concept of Humanitarian Intervention

If contemporary international law insists on preventing the use of force in the frame of respecting sovereignty and independence, as state in Article 2, item 4, of the Charter of the United Nations:

Organization and its Members in pursuit of the purposes mentioned in the first article according to the following principles:

All Commission members of Commission refrain in their international relations from the threat or use of force against the territory integrity or political independence to any state, or in any other manner inconsistent with the purposes "of the United Nations."¹³¹

This article has formed a considerable development in controlling the use of force, as it indicated to prevent the use of force, and also included to prevent the threat of force, which were not earlier texts on the Charter include such a phrase.

Despite this development, however, scholars and directed some of the criticisms effect that if the facilitator define the concept of the use of force as is the physical work is dedicated to, the issue of the threat of force remains replaces multiple disparate interpretations, what makes the concept is not set, which leads to conflicting views of the countries in this regard.

From these fears, some prefer to talk about humanitarian assistance, which aspires to achieve a humanitarian goal, which is handled by the medical relief organizations to function independently of the state authorities, in order to help the civilians who are deprived of care and treatment, even if the State concerned rejects this by creating obstacles.

The basis of humanitarian aid, with no doubt, constitute a fundamental human rights wherever they are, whatever the possibility of receiving care and treatment, and it

¹³⁰Moris Torelli, **Do You Turn Humanitarian Assistance to Humanitarian Intervention?** Studies in Contemporary International Law, Introduced By Dr. Mufid Shegab, Dar Arab Future, 2000, p.462.

¹³¹Olivier Cortten, **Le Droit Contre La Guerre**: op.Cit,p.123.

should not be any obstacle in the face of this right, as well as an interference which is of the nature of moral obligation or duty.

If the exceptions referred to the text of Article 2, item 4, of the Charter legally enshrined in the, the doctrine, as we have seen, is what tried to insert a humanitarian intervention, another exception to prevent the use of force, and although most of them refer to prominence early nineties, but the date of its appearance due prior to that, as advocated by many scholars of international law such as classical:

GROTIUS, and VATTEL, and SUAREZ.

The United Nations General Assembly tended to adopt the regulations is based on a number of humanitarian assistance, which devoted a series of measures, while stressing the need to respect the sovereignty of nations, but the idea of the right of intervention remains controversial and rejected by the states.¹³²

In this outstanding way of increased gross violations of human rights and international humanitarian law on the part of some countries to their nationals, stated in the report of the Secretary General of the United Nations during the 54th session of the General Assembly that the UN:

"Deterrent measures taken without the consent of the Security Council considered a violation of the presence of the international security system itself founded on the Charter of the United Nations."

In the Millennium Report:

"Humanitarian intervention is a sensitive issue at the political level no easy answers received is that there is certain is that there is no legal principle-even the principle of sovereignty can justify crimes against humanity"¹³³

Considering that:"The issue related to the content of the matter of responsibility: in the case of serious violations of human rights universally recognized, it is our responsibility to respond."

Thus, the concept of responsibility to protect shows as a result of fear, and rejection of prevailing in the international scale towards humanitarian intervention.

¹³²Mario Bettati, **L'accès Aux Victims: Droit D'ingerence Ou Droit D'assistance?** in *Le Droit Face Aux Crises Humanitaires*.

L'accès Aux Victim: Droit D'ingerence Ou Droit A l'assistance Humanitaire? Volume 2, Commission Europeenne,1995,p.46.

¹³³Jean-MarcThouvenin, **Genese De l'idee De Responsabilite De Proteger**, in *La Responsabilite De Proteger*, Colloque De La Societe Francaise Pour Le Droit International, PEDONE,2008, p.23-37.

As stated in this report, the responsibility to protect requires put responsibility on States to protect persons within their jurisdiction, which is what we find embodied in the Geneva law, as Article first joint of the four Geneva Conventions of 12 August / August 1949 as follows:

"High Contracting Parties undertake to respect this agreement and to ensure respect in all circumstances."¹³⁴

As well as in Article I of the Genocide Convention and punish deliberate in December / 9th December 1948, which states:

"Ratify the Contracting Parties ratify that the genocide ...etc. and vowed to prevent and to punish."

As the Convention against Torture included for December 10 / December 10 th,1984, the text in the first item of Article 2 on:

Each State shall take legislative, administrative, judicial and other effective measures to prevent the commission of acts of torture all over the territory under its jurisdiction."

Which it embodies the idea of the responsibility of the states in clear, as underlined in the report-particularly- that state sovereignty requires the existence of an internal responsibility to respect the dignity and rights of any person living in the territory of the state.

The responsibility of protection has , in accordance with the report, three forms that embodied in: the responsibility of prevention ,the responsibility to respond and the responsibility of reconstruction.

The responsibility of prevention is the state duty by refraining from any action likely to lead to serious violations of the human rights and on the other hand, reflected realistically in the failure of the State to take measures in order to prevent physical abuse, and we can find the embodiment of this concept in the resolution issued by the international Court of Justice as in the case of the Republic of Yugoslavia, issued in 2007, which put on the responsibility of States to prevent genocide, through the adoption of the concept of genocide to abstain a responsibility of protection as it seems.¹³⁵

¹³⁴MichaelBothe, **Introduction**, In La Responsabilite De Proteger,Colloque.2003.

¹³⁵Report of the Secretary-General: "**We are the Peoples. The role of the United Nations in the Twenty One Century**", 2000, article 219.

The responsibility to respond in the state to take the necessary measures to halt the grave violations of human rights against its own nationals, in case of failure to do so this responsibility rests with states under the operations carried out on the scale of the United Nations. It is what we are going to show in the second part of this contribution, which is related to Security Council resolutions in regards to Libya.

Responsibility for reconstruction includes the designated State to take the necessary measures to refix the situation caused by the terrible breaches of human rights that have occurred in its territory, and take several forms mostly aim to redress the damage of the victims.

It is useful to clarify the circumstances of the emergence of the idea of the responsibility to protect, as the failure suffered by the United Nations Organization in the frame of the prevention of human rights violations by using traditional mechanisms which pushed them out and prompted them to think of a way that can match with the new circumstances in order to ensure their effectiveness, and began this process represented during the preparations for the 2005 summit on UN reform, and gradually developed and recently , they have been adopted by the Security Council.

UN Devotion to the Concept of the Responsibility of Protection: (Between Accuracy and Reservation)

Moreover, the promotion idiosyncratic and diplomat, which known by the idea of the responsibility to protect, it has been certified as such by the United Nations, as it resulted situation that prevailed in Kosovo to develop this concept on a practical way. The way in which the victims were treated in Kosovo has introduced a reality to think of the situation of the victims when the breach of responsibility to protect, especially if we take into account that the responsibility to protect in a manner, it shall not grant any special status to the victims.

The truth is that the idea of the responsibility of protection was applicable in fact, even if it did not take this label yet.

Kosovo has formed the first practical form to dedicate the responsibility of protection but it has achieved outside the United Nations frame or scale, leading to the concept of the victim, which was the subject of such protection, which according to the conflict, which occurred in the region all KOSOVAN who are of ethnic

Albanians who were victims of gross violations of human rights committed by the federal Republic of Yugoslavia , and on the other hand, the KOSOVAR ethnic Serb who were considered as the victims of discrimination and violence by the Albanians as revengeful action in the reconstruction stage.

By reference to the military intervention carried out by the North Atlantic Treaty Organization in the region, it can, therefore, be included the responsibility to protect as the purpose of protecting the civilian population of Kosovo who were victims of abuses by the state.

Here we can refer to the AEVANS-SAHNOUN report for dropping the situation, since the sovereignty enjoyed by the State shall be undertaken to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Since the Federal Republic of Yugoslavia in doing the process of ethnic cleansing against a sect of its residents, it has no responsibility to protect, which leads accordingly to the emergence of complementary responsibility to other countries of the international community.

This concept has been taken into considerations by a high-level team concerned with of threats, Challenges and Change. This team has presented the report of the UN Secretary-General entitled "For more secure world: our shared responsibility," the team declared:

"It is the things that have become more and more uncertain ... it is the commitment to the protection of every State when it comes to people who are victims of the disaster could have been avoided."¹³⁶

This report also authorized the use of force as a last action can be taken after using the whole peaceful means.

This concept also continued dedicating since the AEVANS-SAHNOUN report has been launched, it is stated in the final document of the World Summit on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity that approved by the general assembly of the UN in 2005, which in turn ranked or classified the responsibility to protect into two: the first is the responsibility of each state to the prevention of international crimes which constitute

¹³⁶Latty France, **La Mise En Oeuvre De La Responsabilite De Proteger Pour Les Victims Du Kosovo**, In La Responsabilite De Proteger, Colloque. 2007, p.249.

serious violations of human rights, and the second the responsibility of the international community to protect populations from genocide by taking.

Diplomacy and other solutions according to the two acts: VI and VIII of the Charter of the UN, as well as through a collective process taken under Act VII.

The items 138 and 139 of them consecration optimal and accurate, as article 138 states: "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, is a task of each individual country." article 139 also states the concept as follows:¹³⁷

"One of the international community duties as well, through the United Nations commitment, using the appropriate methods ... and other peaceful methods ... In this course or way, we express our readiness to take collective action, at the appropriate time and decisive manner, through the Security Council and in accordance with the Charter, including Act VII, on a case by case basis ... in case of failure by peaceful means and the inability of national authorities to protect the population."

The Security Council has joined the pro-responsibility for the direction, as support for the first time in its resolution 1631, dated October / first October 17 2005 and headed it effectively confirmation to put the draft resolution on the protection of civilians in armed conflict, which has known contrast to the views of Member States in the Council Security, while welcomed by most of them, we find that each position was cautious towards it. Both Russia, and China, which are permanent members of the Security Council, have expressed their reservations towards the concept.¹³⁸

However, this did not prevent the adoption of resolution 1674 on the protection of civilians during armed conflicts unanimously on April 28 / April 2006, which was adopted at the fourth item of the provisions of articles 138 and 139 of the Final Document of the 2005 World Summit which mentioned before, which it is a great development that the Security Council refers to the concept frankly for the first time, but the decision at the same time pointed out in the preamble to the main traditional principles enshrined in the Charter of the United Nations represented in the principles of political independence, sovereign equality, territorial safety, and respect

¹³⁷Tamada Dai, **L'obligation De Prevenir Le Genocide**, Rapport Soumis Au 5 Colloque Du Reseau Francophone De Droit International Organize Du 26 Avril Au 3 Mai En Tunisie, p. 5.

¹³⁸Tamada Dai, **L'obligation De Prevenir**, op.Cit, p. 7.

for the sovereignty of all nations . This can be justified in taking the views of some countries, permanent members that have already displayed.

In fact, the Security Council has begun when the Kosovo conflict started moving toward dedicating the protection of civilians in the course of peacekeeping operations, as issued resolution 1296, dated April 19 / April 2000 on the protection of civilians in time of armed conflict, which stated in article 13 thereof that:

The security Council confirms its intention where it is appropriate and feasible, to assign the peace keeping missions, and to provide them with adequate resources to protect civilians under imminent threat of physical danger. "

It was also considered in Article V: The deliberate targeting of civilians or other protected persons and the commission of systematic, flagrant and widespread violations of humanitarian law and human rights law in cases of conflict may pose or be considered as a threat to the international peace and security.

B: The Legal Basis For the Intervention of NATO in Libya

Side by side with the demands of the people in Tunisia, Egypt, Yemen and other changes have offered an opportunity of the devolution of power and respect for human rights.¹³⁹

Libya(as a government) realized the demands of the citizens, not delayed so the reaction of the authorities was not delayed, it was extremely violent that resulted in human rights violations.This action forced the Arab League, the African Union, the Organization of the Islamic Conference and the European Union to move against this situation.Then this international concern followed by a meeting of the Security Council on the seriousness of the events in Libya, the worsening repression by the authorities on pro-civilian change.

On February 25, 2011,the Libyan Permanent Representative has also conveyed a message to the Security Council to move towards what is being occurred of the violations and to refer the situation to the International Criminal Court.¹⁴⁰

Along with the events and actions, the Security Council has issued two resolutions No. 1970 and 1973, the goal through which the protection of civilians, and cited in

¹³⁹Pierre D'argent, **Operations De Protection Et Operations De Maintien De La Paix**, A La Responsabilite De Proteger, Colloque, Universite De Leiden, p.140.

¹⁴⁰Emily O'brien, Andrew Sinclair, **The Libyan War: A Diplomatic History February-August 2011**, p.12.

the preamble of the resolutions, "The Security Council expresses its concern at the deteriorating situation in Libya and condemned the gross violations of human rights and that the Board's concern stems mainly from the starting winning conventions and norms relevant international human rights, including the suffering of refugees and foreign workers. "

Thus, The Council acted in accordance with Act VII of the Charter, and therefore the mentioned resolutions state protecting civilians and they also permit the Member States to act nationally or through organizations and in cooperation with the Secretary-General, and take the necessary to protect civilians, in accordance with Article 53 of the Charter of the United Nations which provides for the use of the Security Council to regional organizations and agencies to apply repressive measures taken under its supervision.

Perhaps this is why the NATO intervention in Libya, relying through this intervention on resolution no.1973, which constitutes the first activation of the responsibility for civil protection by the United Nations after the theorizing known for this issue, which is stated as an explicit part of the resolution in its preamble: "Recalling the responsibility of the Libyan authorities to provide protection for the civilians and reaffirming that parties of armed conflict shall bear the primary responsibility to take all possible steps to ensure the protection of civilians. "¹⁴¹

Thus, concept of protection of civilians has known another era where it is transferred to the practical application, but this activation will not be without some of the gaps and questions as we will explain when we analyze the resolution. It is embodied in the responsibility to respond, which is represented in the Security Council, that takes over this task within the international community United Nations for Act VII of the Charter in order to meet internal humanitarian crises. This action (by the UN) is considered as a new attitude, arising from the deep interpretation that has become granted for this chapter, after it was previously refusing to intervene in all concerning with the international humanitarian law.

The resolution no.1973 comprises about twenty-nine items that are all regarded as reference and a roadmap for the members of the international community with

¹⁴¹Christopher Fermor, **Nato's Decision to Intervene in Libya**, 2011:Realist Principles Or Humanitarian Norms? , Journal of Politics International Studies, Vol. 8, Winter 2012/2013, p. 13.

respect to the imposition of sanctions on the former regime, and procedures for a travel ban and freezing the assets and financial balances.

Here are snatches (points) that mentioned in the resolutions:

Security Council implores all Member States to ask the citizens and persons and institutions subject to judicial authorities operating on their territory or subject to the jurisdiction of the judicial to be much more aware of entities linked to Libyan Arab Jamahiriya or subject to the jurisdiction of the judicial, when doing work with.

This resolution has granted the Member States the right to act in their national capacity or through regional organizations or coalitions and act in cooperation with the Secretary-General. In addition to taking all necessary measures to protect civilians, but without dedicating a foreign occupation force on any part of Libyan territory, providing to inform the Secretary-General of the immediate actions being taken in accordance with the authority granted to them under this article, which should be informed by the Security Council immediately.

The Member States of the Security Council can act nationally or through regional organizations to take all necessary measures to implement compliance with the ban on flights, but after informing the Secretary-General of the United Nations and the Secretary-general of the Arab countries and coordination with them on the flights, but after inform the Secretary-General of the United Nations and Secretary-General of the League of Arab States and coordination with them in the actions taken for the ban.

The Security Council insists on the Member States that act nationally or through regional organizations to provide assistance that connected to the approval or permission for the flights where it is possible and necessary as well as the practical procedures for monitoring and permitting flights of humane purposes.

Member States are requested to (particularly countries within the region) to act nationally or through regional organizations, to adhere to both the ninth and tenth articles of resolution no.1970, for the arms embargo, and do strict monitoring their territory, including seaports and airports, and on the overseas, ships and aircrafts bound to and from Libya.¹⁴²

¹⁴²Un Security Council Resolution 1973 on Libya, As Part of the International Reaction to the February 17 Revolution 17, March, 2011.

Security Council calls member states that act in the overseas for close coordination with each other and with the Secretary General of the United Nations and also the States concerned are bound to inform the Secretary-General and the Committee established pursuant to Article XXIV of resolution no. 1970 immediately to carry out or take measures to practice the authorization that set out in the thirteenth article.

The Security Council stresses any member state acting as or through regional organizations and blocs, when it submits an immediate preliminary written report to the Committee containing, in particular, an explanation of the foundations of the investigation and its outcome according to Article XIII, and whether it provides cooperation, and if it is found on the prohibited transfer components, also the member states are requested to submit a written report to the Committee, at a later stage, the additional written report will contain relevant details of the verification, confiscation, and the details of the transfer, including a description of the elements, and the source and destination. If this information is not included in the initial report.

The Security Council strongly call the member states to immediate compliance with its obligations in the ninth Article of the resolution 1970 to prevent the enrollment of armed mercenary elements to the Libyan Arab Jamahiriya.

3.2.2. Assessment and Repercussions of NATO'S Intervention

The NATO's intervention in Libya arose a set of questions about the legality of such intervention and its conformity with international laws (the first demand), left a set of consequences that will have an impact only in the long term or short in the future of Libya and the region in general (second demand).

First: Intervention Assessment of the NATO on Libya

The NATO 's decision to intervene in the Libyan crisis an easy one given the expertise of the alliance usurped in previous crises, such as the NATO campaign in the Balkans, which would have required the consent of all of its members individually.

Resulting jumbled operations, in addition to Article V, of the Charter of the alliance which has seen a real test in Afghanistan to reflect the gap between words and deeds ,but the regional and international circumstances that accompanied the NATO

intervention in the Libyan crisis, it was different, as it got the reference and international, especially the alliance itself and other factors.¹⁴³

In spite of the issuance of Security Council resolutions numbered 1970 and 1973 on the case of Libya (refer the situation in Libya to the International Criminal Court, and the prohibition of the International Criminal arms, and the arms embargo and the travel and the freezing of Libyan assets in Western countries and the establishment of air-fly zone in Libyan airspace), as well as Arab League No. 7298 dated March 2, 2011 on the request of the security Council to assume its responsibilities over the deteriorating situation in Libya, and to take the necessary measures to impose a no-fly zone to Libyan military aviation, and the establishment of safe areas in places that are exposed to bombing¹³⁴. Van NATO did not intervene as an organization only at the end of March 2011 after the close of the more than a month of the outbreak of the crisis, where the main members have begun to launch air strikes on the Libyan battalions, despite those obtained by reference to the NATO intervention, but it has raised no dilemmas:

The First: With the content of the decisions referred to is the imposition of aerial exclusion zone (No-fly Zone) on Libyan military air traffic as a precaution to protect the Libyan people and to provide urgent humanitarian assistance, as authorized member states that have notified the Secretary-General, acting nationally or through organizations or arrangements regional, and in cooperation with the Secretary-General, to take all necessary measures, and to protect civilians under imminent threat of attacks, with the exclusion of any occupation force foreign whatever form, and on any part of Libyan territoryinterpreted to exclude any interference from the land on Libyan soil.¹⁴⁴

The Second: The Security Council resolutions did not mention the sides in charge of operations in Libya except t saying "The member States authorized are the ones that have notified the Secretary-General, acting nationally or through regional organizations or arrangements and in cooperation with the Secretary-General, to take all necessary measures to protect civilians and to inform the secretary-general out, "It

¹⁴³Madelene Lindstrom, Kristina Zetterlund, **Setting the Stage for the Military Intervention in Libya Decisions Made and Their Implications for the Eu and NATO**, October 2012, p.15.

¹⁴⁴See the Texts of Three Resolutions on the Site of the United Nations Organization on the Following Link: www.un.org/en.

is remarkable what is stated in the folds of resolutions we did not notice indicating that the security Council has authorized member States to take deterrent arrangements through regional organizations or recommend certain deterrent plans. Based on the Acts (53) and (54) of the Charter of the United Nations in order to acquire the NATO intervention capacity and legitimacy based on international legal sources contained in the Charter of the United Nations.

Perhaps the Security Council to remedy legal problems raised by the previous decisions are similar, was the focus on the case of Libya to upgrade the value of the protection of civilians, which in turn enhance the strength to the protocol of "responsibility to protect civilians," which authorizes the member states and the international community to have their responsibility "to help protect people from genocide, crimes war, ethnic cleansing and crimes against humanity, "and under the protocol of the Security Council to stop the gap managed between" legitimate interference "it is justified morally and" legal intervention "and the issue raised during the NATO intervention in Kosovo in 1999, as described NATO's operations as" illegal but legitimate ", which enable NATO members to save the people of Kosovo of ethnic cleansing, but without legal sanction imposed by the Security Council against" Slobodan Slavic ".¹⁴⁵

This is for the legal side, but in terms of side fields acting under Chapter VII of the UN Charter, the Security Council resolution 1973 ban on flying over Libya, and authorized the imposition of an arms embargo and authorized to take "all necessary measures to protect civilians" and, accordingly, international forces began on March 19, 2011, air operations against Libyan targets, and carried out these operations at the beginning of both France and the United Kingdom and the United States, but on March 31, 2011, NATO took command of all the participating countries, including countries outside the alliance.

According to a report of the international community fact-finding mission in, Libya, which was prepared with the support of the party, "the Palestinian Centre for Human Rights" and "the Arab Organization for Human Rights" and a group of international legal assistance (EILAT) themembers of NATO were present on the ground in Libya,

¹⁴⁵Michael W. Doyle, **The Folly of Protection**, Foreign Affairs, March, 20.9.2011 / www.foreignaffairs.com/node/67503/talk.

providing logistic support and coordinate air attacks which were launched by NATO. Reliable sources have indicated the presence of one of the NATO adviser in every front almost and has a number of other observers pointed to the presence of members of the NATO also in Libya to provide training and employment of military mentors.

This action is a violation of Resolution 1973, adopted by the Security Council, which was adopted by the North Atlantic Treaty Organization during his intervention in the Libyan as this decision affirmed the exclusion of any foreign occupation force of any form on any part of Libyan territory.¹⁴⁶

Thus NATO has exceeded the validity which set by Resolution 1973, shows that by the density of the air operations launched by NATO against the Libyan army, where the NATO skip the UN resolution lines, and turned its mission of protecting civilians to change the political regime in Libya, to take sides so to one of the parties to the conflict without stop the conflict, and this is outside the framework of resolution 1973, which did not provide for a regime change.

On October 31, 2012, the Security Council in order to stop operations led by NATO, which lasted seven months and the NATO planes more than 26 thousand sorties took place, and ended those operations to kill Colonel Muammar Gaddafi, who ruled Libya for more than forty years, attested to Libya a transitional stage, and stands in front of her set of challenges, but it leaves the NATO group of the repercussions of which will have a significant impact on the future of Libya and neighboring countries.

Second: Intervention Repercussions of the NATO on Libya

There is no doubt that NATO's intervention in the Libyan crisis will have repercussions on the future of the Libyans and the Arab region in general, as the alliance's role will not be limited to the overthrow of Colonel Muammar Gaddafi's

¹⁴⁶Report of the International Community, Fact-Finding Mission in, Libya, Which Was Prepared With the Support of the Party, The Palestinian Center for Human Rights, The Arab Organization for Human Rights, A Group of International Legal Assistance (Eilat), January, 2012.
www.pchrgaza.org-files-ffm-Libya .

regime, and this was exemplified by the academic vision of the alliance during the Libyan crisis.

The words of the Secretary General of NATO was "that the alliance has no plans to deploy ground troops in Libya,"¹³⁶ but the alliance's other forms of existence, according to the strategy of "soft security", and is so in the case of Libya in the "security institution-building", and it also came in academic visions issued by the alliance during the Libyan crisis, and content "that the departure of the Gaddafi regime does not necessarily mean the stability of the state, where there is still need for international efforts to build, as it lacked the structures and institutions of governance that are essential for the security and stability elements".¹⁴⁷

In fact, the alliance's role toward security institution-building within countries is not something new, but the alliance has initiated it in the eastern European countries, which has operations on its territory, and is the reform of the sector a first step towards the rule of the pattern of relationships civilian military-within states that have indicated their acceptance of defense reform step, NATO has two outstanding trials on the reform of the security in both Iraq and Afghanistan, where the 23 nations contributing to the NATO members in the training of Iraqi forces, which undertake the task of raising the professional forces Iraqi armed through the training and education of forces and supporting the Iraqi leadership and the command structure through the improvement of¹³⁸ operations centers.¹⁴⁸

In the absence of a regular army in Libya, the security battalions Libyan leader is the most important pillars of the security structure which is unofficial authority and led mostly by the sons of Gaddafi, -, the opportunity seems favorable for NATO to repeat the experience of Afghanistan and Iraq, allowing the alliance enormous influence where, perhaps the dispatch of security experts from the members of the alliance's decision the first step in this strategy, which explicitly NATO Secretary-General has mentioned, "Anders F. Rasmussen," "the US president announced a long-term policy to support democratic reform and economic development in North Africa and the Middle East, the NATO can provide input unique in this area where it will be defense and security institutions of modern, under fully accountable to

¹⁴⁷Florence Gaub, **Building A New Military**:The NATO Training Mission Iraq, NATO, Defense. No.67, April, 2011.

¹⁴⁸Al-Ahram Newspaper, May 21, 2012.

elected authorities, democratically, a vital priority for Libya and many other countries in the region, "and added" We welcome Libya's Democratic partner in the Mediterranean dialogue ".¹⁴⁹

In addition, the NATO operations in Libya have had a major role in the consolidation of al-Qaeda in the Islamic Maghreb which has taken Mali as a center, after the collapse of the Gaddafi regime, and to enter the country in chaos, leading to the arrival of sophisticated weapons to the base in Mali Perhaps this explains the control of al Qaeda in the territory of AZAWAD in northern Mali, in addition to the events that have recently witnessed in Libya, most notably the assassination of the US ambassador in the city of Benghazi in eastern Libya going through a difficult phase and the instability and chaos.

As for the future of Libya, in terms of state-building and political stability, it indicate statistically carried out by the UN Security magazine-published by Harvard-University that if the success of any armed resistance in overthrowing the authoritarian regime, becomes the possibility of deterioration of the situation towards civil war is 43 %, that is, with nearly half of those cases where authoritarian regimes fell arms, the political situation is turning into a civil war after the success, so keep Libya dramatically threatened by who the scourge of civil war, there are several indications that, Libya during the forty years of rule Gaddafi, known weakness in the political structures.¹⁵⁰ (parties and trade unions and civil society ...) in front of traditional social structures based on tribal lines, due to inflation Power and the absence of the state and the absence of political life in the country.

Gaddafi regime on the basis of tribal meeting to defend his regime, which lacks political legitimacy.¹⁵¹

Since the beginning of the Libyan revolution, Libya has been flooded with weapons and a group of affiliated tribes and Islamic currents and militias have appeared therefore Libya has known chaos in both arms and military decision.

¹⁴⁹Ziad Akl, **Libyan Revolution** (The Fall of the Regime and the Priorities of State-Building), Alahram Center for Political and Strategic Studies, The Number of 219. APRIL-2016. [Acps.ahram.org.eg>projects](http://Acps.ahram.org.eg/projects) Rep.

¹⁵⁰Ziad Akl, **The Roots of the Libyan Crisis and the Prospects for A Political Settlement**, 26, May, 2015.

www.kitabatnews.com.

¹⁵¹Abdelilah Belkeziz, **Problems Post the Fall of the Gaddafi Regime**, Arab Future Journal, No:393, 2011, p. 120.

Difficulties have emerged in determining the form of the state as it is difficult to strong political agreement on the basis of this state, there is controversy in the vision of the Libyan state between ideological currents, whether liberal or Islamist or ownership .

To highlight the range of problems and the challenges that will affect the political future of the country format, these challenges are not only related to the fact that Libya lacks the authority of the actor, but also the status of the post-war as well as a strong internal interaction of different nature and trends with the presence of foreign powers, especially the NATO countries, imposing overcome the challenges of transition and reconstruction controlled by the negative effects of the dictatorship of Gaddafi and the lack of any political or institutions that ensure business continuity and construction experience, for example, united by strong actors and emerging around the goal of toppling the regime, and welcomed the intervention of NATO but after inspecting emerged differences between them on many files related to identity national integration and democratic transformation and the determinants of the new political organization as a whole, including the federal file, which has been claimed on March 6, 2012, through the Conference on the people of Cyrenaica, which announce the establishment of an entity Cyrenaica was a part of a call for a revival of the system of the federal Constitution of 1951, it is clear that the announcement in this time for it .Moreover, strategy so that the region, which is stored the most of the Libyan oil and gas sources.

The presence of NATO in Libya forces, means the elements of the theory of complete tighten parties to fold the central region after the occupation of US troops to Iraq, with the possibility of calling the South Sudan state of international troops to protect against threats to Sudan's future, limiting the strategic decisions of the decision-maker Egyptian as the Egyptian national security remains connected to stability of the internal situation in Libya, under the borders between the two countries extending to approximately 1.49 km² Egyptian and labor on Libyan territory reaches about two million workers.¹⁵²

¹⁵²Khaled Hanafi Ali, **Who Governs Libya After Gaddafi**, International Policy Magazine, No: 186, October 2011, p.143.

The NATO intervention in the Arab region is a threat to Arab national security, intervention in Libya means the a lossthe Arab League, which is corporate entity embodied in the Arab national security identity The initiative of the arab crises in favor of the North Atlantic Treaty Organization for the weakness of the ArabLeague and for not having the ability for decisiveness in the Arab crises. This always is to open the way for NATO to intervene in the internal affairs of Arab countries.¹⁵³

Arab crises in favor of the North Atlantic Treaty Organization, and the weakness of the university and its inability to decisiveness in the Arab crises, always open the way for NATO to intervene in the internal affairs of Arab countries.

¹⁵³Ashraf Mohamed Kishik, NATO: "Of The New Partnership" to Intervene in the Arab Crises, International Political Magazine, www.siyassa.org.eg. 19, April, 2016.

CONCLUSION

The NATO intervention have created a range of views in Libya, including the support for this intervention, because in their view became necessary and the duty to protect Libyan civilians, and there are other views opposed to such intervention, only their opinion this interference violation of state sovereignty and interference in its internal affairs.

But the success of the NATO mission security in Libya, evidence that it has become a political and military force that has an important role internationally, taking advantage of this weakness of the UN, Security Council and other institutions of international legitimacy, in the imposition of international laws and resolutions, to replace these international organizations and bodies, and in light of the state of division by the UN prevail over the crises that require intervention on an urgent basis, NATO probably believes that represents scientific alternative to this organization, as it comprises 55 countries, including 28 main members and 20 countries connecting with the alliance bilateral agreements (28 +1), 7 countries are members of the Mediterranean dialogue , meaning that the alliance of more than a quarter of UN members, allows NATO to intervene militarily outside the United Nations, and that has been UN resolutions specific to this interference, and thus seeks to weaken the role of the security Council and the marginalized in international politics as a guarantor of peace, security and stability in the world, and then confiscated his role in everything that is contrary to the interests of NATO countries. If it really intervenes in order to protect the Libyan civilians, as they have already claimed, why did not the alliance leaders intervene in order to protect Syrian civilians?

In the course of the conflict, which you know the strong international competing in the new international order, which raises the question in front of us as Arab united countries will strengthen our and our point of view in a world of severe competition more and more and the trend shift regional and regional blocs.

Therefore, the decision-makers in the Arab region to create Arab nationalist consciousness toward a unified NATO to explain its goals and strategy against the heart of the Arab national security, and that the establishment of a comprehensive Arab strategy deepens the role of the work of the Arab work of existing institutions

and activated, starting with the joint Arab defense treaty, the Arab League specialized in various magazines and Arab organizations, and to get rid of the Qatari trend of narrow thinking that characterized the Arab world since the political independence day, and we have to be aware of the dangers of strategies practiced by non-us, as it is the case with the new strategy of NATO, which the southern geographical area has become one of its components, or the proposed Middle Eastern regional system as an alternative to a regional Arab system collapsed.



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ÖZET

Bu çalışmanın önemi, konunun uluslararası çapta gündeme gelmesidir. Zira örgüt uluslararası siyaseti şekillendirmekte artık ana rolü oynamaktadır. Özellikle de bazı bölgelere müdahale etmesinden sonra savunma durumundan çıkarak uluslararası güvenli barışı koruma alanında önemli bir yere sahip olmuştur. Zira devletlerin içişlerine müdahale etmek, bir nevi devletlerarası olan ilişkilerde köklü inkılaplarını ve güçlerini hiçe saymak demektir. Rolü, sadece sivilleri korumakla sınırlı olmadığı gibi, devletin siyasi gidişatını kontrol etmeye ve siyasi sistemleri değiştirmeye kadar uzanmıştır. Buna ilaveten Kuzey Atlantik Anlaşması Örgütünün yeni stratejisi, orta Arap ülkelerindeki durumları da etkilemiştir. Bu durum özellikle bu ülkedeki istikrara ve güvene yansımıştır.

Örgüt, Libya devriminin başarısı için büyük bir katkıda bulunmuştu. Albay Muammer Al-Kaddafi rejiminin düşmesinde önemli bir rol oynamıştı. Zira NATO, Libya krizine müdahale konusunda askeri kurum olarak diğer devletlerin meşru kurumlarının ve güvenlik konseyinin yerine geçip kendi çıkarları doğrultusunda olayı yönetmiştir.

NATO'nun Libya'ya müdahale etmesi, bu devletin egemenliğini ihlal etmesi ve müdahale etmeme prensibinin açıkça çiğnenmesi anlamına gelmektedir.

Libya'ya bu örgütün müdahale etmesi, devlet örgütlerinin, devlet yasalarını ve kararlarını almakta ve uygulamakta güçlerini kaybettikleri zamana denk gelmişti.

Böyle bir durumda, örgütün etiklik açısından Libya'ya müdahale etmesi şart olmuştu. Libya'lı sivilleri, Kaddafi güçlerinin saldırılarından koruması gerekiyordu.

Ancak NATO, güvenlik konseyinin 1973 tarihinde çıkarmış olduğu kararın sınırlarını aşmıştı.

Libya dosyanın başından beri uğramış olduğu durum bundan ibarettir. Bu olay, söz konusu olan krizin akabinde bir gerekçe gibi meydana gelmiştir. Bu gerilimin zirvesi sadece Batı Arap ülkelerini değil, tüm dünyayı etkilemiştir. Ta ki 19 Mart gecesi Kuzey Atlantik (NATO) örgütünün, Bingazi'yi Kaddafi'nin tugaylarının eline düşmekten kurtarmak amacıyla, "Odisiye şafak" adında yaptıkları operasyon ile askeri müdahaleye başvurup, gecenin geç saatlerinin son dakikalarında ani bir müdahaleyle Libya'ya girmesine kadar. Böylece devlet örgütü aracılığı ile Libya'ya hava bombardımanı başlatılmıştı. Devrimciler "Muammer Al-Kaddafi" yakalayıp,

2011 yılın Ekim ayının yirmisinde geleneksel yöntemle idam etmişlerdi.Libya devriminin birçok nedenleri vardır:

İç Nedenler: Rejimin maaşları ve ücretleri artırmakta çaba göstermesine rağmen, pahalılığın ve açılım çizgisinin hızlıca kötü yönde ilerlemesi, fiyatların artması ve ahlaki çöküş, rejimin düzenlemiş olduğu artışların önüne geçmişti, 1170 kişi kurban veren 1996 yılında ki Bu Selim cezaevi katliamı ve Bingazi de Peygamber Hz Muhammet (Aleyhisselam) hakkında çirkin karikatür resimler krizi nedeniyle 2006 yılındaki olayların çıkması, bu olaydan dolayı 17 Aralık Cuma gününde, İtalyan konsolosluğuna doğru yürüyüş yapan yüzlerce vatandaş, bu çirkin resimlere cevap olarak harekete geçmesinden dolayı devlet polisi de ateş açmak zorunda kalınca, gösteriye katılan sivillerden 11 kişi ölmüştü. Bu olay Libyalıların zaman zaman bazen güçlü bazen zayıf bir şekilde protesto etmelerini tetiklemişti.

Dış Nedenler: Lockerbie Libya nükleer davası, bu davanın ana hedefi siyasi olup, Afrika kıtasını birleştirip, rejimin bazı terör örgütlerine ve isyan hareketlerine destek olmasıydı.

Ekonomik Nedenler: Libya petrolü ve buna bağlı olan dış anlaşmalar.

Bazı araştırmacılar ise, bu nedenin, askeri müdahaleye yol açan ana sebep olduğunu düşünmektedirler. Zira Kaddafi'nin son yıllarda ki ekonomi politikası, Batı endüstrisine karşı çıkararak yok etmeye çalışmaya dayanmaktadır. Bunların sanayilerine karşı Çinli, Hintli ve Filipinli firmaları tercih etmiştir. Bundan dolayı söz konusu olan bu ülkelerin önde gidenlerinden Amerika Birleşik Devletleri, Britanya ve Fransa, Libya'nın politikasını kınamaya başlamışlardır. Buna ilaveten Kaddafi'nin ekonomik projeleri ve açıklamaları ve özellikle de "Afrikalı Altın Dinar" diye adlandırdığı proje buna bir örnektir. Kaddafi, Arap ve Afrika ülkelerini, bu dövizin özellikle petrol alışverişinde kullanmaları için davet etmişti.

Olayların akabinde güvenlik konseyi, 1970 ve 1973 numaralı iki karar çıkardı. Bu kararların amacı sivilleri korumaktı. Bundan hareketle birleşmiş milletlerin misakinin yedinci bendine göre hareket edilmişti.

Kuzey Atlantik Örgütünün Libya'ya müdahale etmesi, birçok görüşün ortaya çıkmasını tetiklemişti. Bir gurup bu müdahalenin Libyalı sivillerin korunması için gerekli olduğunu iddia ederek desteklerken, diğer bir gurup da karşı çıkmıştır. Zira bu müdahalenin egemenliği ihlal etme ve devletin işlerine müdahale etmekten

başka bir şey olmadığını görüşündelerdi. “İnsan Hakları Filistinli Merkez” ve “İnsan Hakları Arap Örgütü” ile uluslararası adli yardım gurupları (Eailat) tarafından, Libya’ya araştırma amaçlı gönderilen Dünya Misyon Cemiyetinin raporuna göre – Libya da daha önceden NATO örgütüne ait çalışmaların mevcut olduğunu ve bu çalışmaların lojistik destek temin amaçlı olup hava saldırılarına zemin hazırlamak için koordine edildiği belirlenmiştir. Ayrıca bazı güvenilir kaynaklardan gelenbilgilere göre, aşağı yukarı her cephede NATO için çalışan bir danışmanın bulunduğu kanaatindedirler. Diğer taraftan bazı denetimciler, Libya’da askeri eğitim vermek için NATO’ya ait askerlerin ve eğitmenlerin bulunduğunu işaret etmişlerdir. Bütün bu hazırlıklar ve hareketlenmeler, güvenlik konseyinden çıkan 1973 numaralı kararın ihlal edildiğini göstermektedir.

Ancak örgütün güven sağlama operasyonunu başarıyla tamamlamış olması, o bölgede güçlü bir askeri egemenliğe sahip olduğunu gösterir. Ayrıca bu egemenliğin de devlet sahasında önemli bir rolü olduğu gözlerden kaçmayacaktır. Buradan yola çıkarak devlet kararlarını icra etmek ve kanunların yürürlüğü için güvenlik konseyinin ve diğer uluslararası meşru kurumların zayıf kalmış olmalarını fırsat bilerek istismar etmiştir.

Arşiv Kayıt Bilgileri:

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ABSTRACT

The importance of this study is that his subject imposes itself on the international scene by rule the alliance became a major role in drawing the international politics landmarks especially after his move from a defensive role to play an important role in the field of global security peacekeeping through its intervention , which led in some areas the issue of interference in the internal affairs of states is the diminution of the authority and a kind of a real coup in relation between states not only role was limited to protecting civilians but extends to change the political regimes in the courses of international politics in addition to his new strategy it has an impact on the Mediterranean ones specially the security and the stability in those countries. NATO has contributed to the success of the Libyan revolution and he had a major role in the ouster of colonel Kaddafi regime because the NATO has become an alternative as a military institution instead the international legitimacy and the UN security council and any other institutions to intervene in the Libyan crisis and his administration according to their interests.

NATO intervention in Libya presents a violation of the sovereignty of the state flagrant violation of the principle of non-interference.

NATO intervention in Libya came amid weakness of the international organizations in the decision and the application of international resolutions and laws.

NATO intervention has become amoral obligation to protect the Libya Civilians from the oppression of Kaddafi's forces.

NATO exceeded the limits set by the decision 1973 of the UN security council.

This international concern with the Libyan file (issue) from the beginning, was a result of the consequences of this crisis, which exceeded internal center of the conflict, to reach disordered and troubled regions in Maghreb countries, but also for the whole world. Which was called the night of 19 March sudden intervention of the North Atlantic Treaty Organization (NATO) at the last minute Late that day military operation called "Odyssey Dawn," to save Benghazi from falling into the hands of pro-Qaddafi forces. Thus continued the air attack on Libya by the international coalition, even the rebels have managed to capture the "Muammar Gaddafi" and executed him without trial in the twentieth of October 2011.

There are Several Reasons for the Libyan Revolution

Internal Reasons: Due to the accelerated pace of openness and rampant price rises despite the regime's attempts to control it through the increase in salaries and wages, but high prices and widespread corruption have prevented the success of those increases, Abu SALIM prison massacre there was a massacre of about killed 1170 people In Benghazi, the events of 2006 broke out because of the bad cartoons of the Prophet Muhammad-peace be upon him, the crisis came out in response to the hundreds of people in the city on Friday, February 17 and turned towards the Italian consulate, the police fired them and killed a group of civilians estimated to number 11 demonstrators.

External Causes: Lockerbie case, Libyan nuclear program, The primary objective is to unite the African continent, the system support for some rebel movements and terrorist organizations.

Economic Causes:Libya's oil wealth the Libyan and the consequent foreign contracts.

Many analysts considered that this is the main cause for military intervention in Libya, as Gaddafi's economic policies in the past, but best known as a kind of marginalization of the west industrial companies in exchange for Chinese companies and other Indian companies and the Philippines, and this make these countries that led by the United States, Britain and France to show disapproval of these policies in Libya, in addition to this Gaddafi's remarks and economic projects, in particular the "gold dinar" project advocated by Gaddafi in more than one occasion, and the purpose of that is to weaken and reject both the dollar and the euro and use its alternative, a "gold dinar "Gaddafi has called on" Arab and African countries to use these alternative currency, especially in the oil trade. Along with the events and actions, the Security Council has issued two resolutions No.1970 and 1973, the goal through which the protection of civilians, The Council acted in accordance with Act VII of the Charter,

The NATO intervention have created a range of views in Libya, including the support for this intervention, because in their view became necessary and the duty to protect Libyan civilians, and there are other views opposed to such intervention, only their opinion this interference violation of state sovereignty and interference in its internal affairs. According to a report of the international community fact-finding

mission in, Libya, which was prepared with the support of the party, "the Palestinian Centre for Human Rights" and "the Arab Organization for Human Rights" and a group of international legal assistance (EILAT) the members of NATO were present on the ground in Libya, providing logistic support and coordinate air attacks which were launched by NATO. Reliable sources have indicated the presence of one of the NATO adviser in every front almost and has a number of other observers pointed to the presence of members of the NATO also in Libya to provide training and employment of military mentors. This action is a violation of Resolution 1973, adopted by the Security Council.

But the success of the NATO mission security in Libya, evidence that it has become a political and military force that has an important role internationally, taking advantage of this weakness of the UN, Security Council and other institutions of international legitimacy, in the imposition of international laws and resolutions, to replace these international organizations and bodies.

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