Libya War and Democracy

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ABSTRACT

There is no doubt that the Libya civil war has been one of the most dreadful war to happen in Africa in the 21st century leaving the country deeply fractured. It started as a protest against the Abu Salim massacre and then resulted to a conflict which quickly felt across the country as revolutionary wave in the region. By May of 2011, the armed conflict between Colonel Gaddafi forces and those who sought for his removal from government has reached a new dimension. During the war, offers for a truce were rejected by the rebels and endeavors by the international community to stop the battle in light of the fact that the plans put forward did exclude the expulsion of Colonel Gaddafi. Libya responded to the protest with military force, threatening to crush any protester.

The United Nations produced UNSC resolution 1970 and 1973 calling for a no-fly zone over Libyan airspace and called on states to take mandatory actions to stop the humanitarian crisis in Libya. NATO responded militarily with a coalition of willing states to enforce the resolutions. This study focuses on analyzing the Libya civil war, humanitarian intervention in line with the principles of just war theory and the expected outcome which is democracy. The study also examines the concept of Responsibility to Protect as an obligation of the international community and states to protect civilians irrespective of their location. The quest for democratization was analyzed and the study concluded that Libya has a long way to democratization. The study recommended true reconciliation, strong political, socio-economic and security engagements including the conduct of free, fair and credible election as solutions to the dead end in Libya.

Keywords: Libya, Civil War, Humanitarian Intervention, Responsibility to Protect, NATO, Democracy.

ÖZ

Libya İç Savaşı, 21. yüzyılda Kuzey Afrika'da baş gösteren en korkunç savaşlardan biridir ve ülkeye son derece zarar vermiştir. Savaş, Ebu Selim cezaevi katliamı karşıtı gösterilerle başlamış, ardından bölgedeki devrimci dalganın bir parçası olarak ülke genelinde bir ayaklanmaya dönüşmüştür. Albay Kaddafi yönetimindeki güçler ile hükümet karşıtları arasında yaşanan silahlı çatışma, 2011 yılının Mayıs ayında farklı bir boyut kazanmıştır. Çatışma sırasında isyancılar hükümetin ateşkes isteğini ve uluslararası camianın savaşın sona ermesi konusunda gösterdiği bütün gayretleri, öne sürülen planların içinde Albay Kaddafi'nin sınır dışı edilmesi yer almadığı gerekçesiyle reddetmiştir. Libya hükümeti, ayaklanmaya askeri güçle müdahale etmiş ve bütün göstericileri ezip geçmekle tehdit etmiştir.

Uluslararası camia, bu savaşa yanıtı Birleşmiş Milletler Güvenlik Konseyi'nin (BMGK) 1970 ve 1973 sayılı kararlarıyla vererek Libya hava sahası üzerinde uçuşa yasak bölge oluşturulması ve Libya'da yaşanan insanlık krizini durdurmak için ne gerekiyorsa yapılması konusunda adım atmıştır. NATO, kararların uygulamaya koyulması için üye ülkelerin de desteğiyle askeri müdahale başlatmıştır. Bu çalışmanın temel odağı, Libya'daki iç savaş ve insani müdahaleyi haklı savaş teorisi ve öngörülen sonuç olan demokrasi bağlamında incelemektir. Bu çalışma, aynı zamanda Koruma Sorumluluğu kavramını uluslararası camianın ve devletlerin, hangi bölgede olursa olsun sivilleri koruma zorunluluğu olarak ele almaktadır. Bu çalışmada demokrasi arayışı incelenmiş ve Libya'nın demokrasi konusunda uzun bir yol kat etmesi gerektiği sonucuna varılmıştır. Bu çalışma, Libya'nın içinde bulunduğu çıkmazı çözebilmek için gerçek anlamda uzlaşma, aynı zamanda özgür, adil ve güvenilir seçimleri kapsayan güçlü siyasi, sosyo-ekonomik ve güvenlik adımlar atılmasını önermektedir.

Anahtar Kelimeler: Libya, İç Savaş, İnsani Müdahale, Koruma Sorumluluğu, NATO,

Demokrasi.

DEDICATION

To my parents, Mr and Mrs Adibe who has been of immense help, support and constant words of encouragement assuring me that I should always trust in myself and God. I could not have gotten this far without their kind words of encouragement, faith and support towards me.

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To my family, thank you all for your support and for believing in me.

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LIST OF ABBREVIATIONS

GNA   Government Of National Accord

GNC   General National Council

HOR   House Of Representatives

ICISS   International Committee on Intervention and State Sovereignty

JCP   Justice And Construction Party

KLS   Kosovo Liberation Army

LNA   Libyan National Army

NATO   North Atlantic Treaty Organization

NFA   National Force Alliance

NSG   National Salvation Government

NTC   National Transitional Council

R2P   Responsibility To Protect

SC   Security Council

UN   United Nations

UNSC   United Nations Security Council

UNSMIL   United Nations Support Mission In Libya

Chapter 1

INTRODUCTION

The cold war and its end was an epochal scenario that has been instrumental to the promotion of armed intervention in the world today. Fortunately, the threat of another global interstate war drastically reduced, however the nature of conflicts during this era changed from interstate to intrastate. The struggle for sphere of influence between the western aligned NATO and the Soviet Union led Warsaw Pact. Enuka (2015:1) opined that the main manifestations of the post-cold war time was the increase in the number of intra state conflicts which took place in Eastern Europe, Africa and Asia. This era opened a deluge of conflicts that are brutal and protracted causing human right violations.

15years after the cold war era witnessed a massive outbreak of 176 conflicts, some of these conflicts were interstate in nature. Kegley and Raymond (2003) reported that the remaining 172 conflicts were intrastate in nature. 1946 to 2011 witnessed an increase in civil wars. DeRouen and Newman (2014: 3) in their work on civil wars, reported that 102 countries experienced civil strife within this period. 40 of these countries are situated in Africa, 20 countries in the Americas, 18 in Asia and 13 in Europe. Some common denominator that resonates among this organized violence is the struggle for economic control, political autonomy or structured social exclusion by the national government. These features were evident in all the 40 African states that experienced civil wars post second world war up to 2011.

The factors of economy can be seen as the main cause of civil war. It is believed that when a country is in economic decline, it depends on primary commodity exports, and when the GDP per capita and income is unequally distributed, such a state stands a high risk being involved in civil war. When there is poverty and inequality it can cause young people to easily join militant groups to press for a better life in addition to absence of democratic tenets. Such scenario played out in Liberia, Sierra Leone, Rwanda, Angola, Darfur, Middle East and North African countries including Libya that is the subject of this study.

In response to the expanding number of intrastate conflicts with devastating consequences on the full enjoyment of the natural privileges of the people in the report of 2001 stated that in ICISS entitled "Responsibility to Protect" R2P declared a few criteria for military intervention for human security purposes. (ICISS 2001) The General Assembly subsequently adopted the R2P through (GA Res 2005: 30) Kofi Annan who was the then Secretary General of UN, position was that the main objectives is to intervene and prevent conflict where necessary and prevent it from spreading. It is on the backdrop of Annan's statement that this work will view humanitarian intervention.

In the UN preamble affirmed that members of the United Nations are determined to unite to be able to maintain international peace and security.
Humanitarian intervention is widely viewed as an attempts to rescue the innocent civilian population trapped in conflicts from harm whether such conflict is international or intra state in nature. The United Nations chapter VII charter supports military action in any established case(s) of threat to international peace and massive violation of human rights. These issues a background cases of humanitarian

intervention in the world today. The hotly debated question has been, is there anything humanitarian about humanitarian intervention?

Teson (2003:105) is of the opinion that interveners are more likely to be partial. According to him, a situation where an intervention whereby a foreign troops misuse their power is not an instance of humanitarian intervention. Peter Singer contend that when the issues of saving lives come to fore, distance is no longer necessary. In line with Springer's assertion, Teson justified the 2003 invasion of Iraq as a humanitarian intervention citing that the motive to free the victims of oppression and guard people from terrorists as cogent enough to attract intervention in Iraq.

The challenges before the emergent Middle East and North African MENA states has been how to struggle with a variety of the complex political, economic, environmental, cultural and social conflicts that have arisen in an unprecedented manner in the various parts of the region. Libya has been battered and collapsed due to many wars, intractable political conflicts and economic insolence. The people have become more pauperized, hopeless and helpless victims of wars, repressive and corrupt governments, and economic adjustments that are devastating and conflict-worsening consequences.

The Arab revolution of 2010 had its initial moments in Tunisia when a food vendor self-immolated himself to protest state sponsored brutality, inequality and bad governance. The humanitarian crisis is a culmination of age-long seed of political and economic struggle. It was the outcome of the struggle for power between governments of Arab states and their peripherals. Not long after the motion of the Arab Spring, Libya citizen rose against the 40 years dictatorship, a mass campaign was launched against Col. Muammar Gaddafi. Due to the nature of the crimes committed, the UNSC imposed a no-fly zone over Libyan airspace. Naval blockade was also mapped by the

coalition forces. After 7 months of hostilities, Gaddafi was caught and killed and that led to the end of the humanitarian intervention in Libya.

Given this background, this study seeks to investigate the rationale behind NATO's armed humanitarian intervention in the Libyan conflict in a bid to democratize Libya. Can the intervention be justified? Has it been successful in restoring democracy to Libya. The oil rich Libya has been fractured into conflicting parties claiming sole leadership of Libya. These questions are the thrust of this study.

1.1 Statement of The Problem

Ethnic, economic discourse and quest for democracy have been adduced as explanations for civil conflicts. Contenh-Morgan (2004:193) clarifies, "since the end of the cold war, there has been a marked development in ethno-nationalist conflicts, with disputes". Keen (2000) in support to Contenh-Morgan posit that "tribal, ethnic and national rivalries have been kept on hold by the hard regimes of the cold war, and with the end of these regimes those hidden feelings were able to re-emerge, hence the deluge of conflicts in Middle East and Africa today. It is similar to what Lewis Gaddis saw as the period of long peace in Europe.

Ramsbotham and Woodhouse (1999) classified humanitarian intervention into coercive and non- coercive. coercive humanitarian intervention was further sub divided into coercive action that involves the use of force militarily and coercive non-military action which includes sanctions. Non-coercive humanitarian intervention deals with peaceful activities of states and inter-governmental organizations in resolving conflicts. The post-cold war conceptualization of humanitarian intervention include, non-coercive methods which aims at easing the sufferings of those trapped in between ceasefire and mechanisms to prevent a relapse into conflict (Enuka 2015: 34), including measures adopted by the intervener to restore democracy.

Furthermore, the intervention in Libya by NATO is a reference to R2P. In 1973 resolution, the Security Council took plan of action to the UN charter measures with the end goal of protecting civilians. Whereas it was easy to invoke the doctrine of R2P in Libya, such articulation is apparently missing in Syria. To arrive at that, this work will analyze the operations of NATO led forces in Libya from the two principles of just war theory and how it has achieved its liberalization agenda. What are the major challenges militating against democratization in Libya and what ways can these challenges be addressed.

1.2 Purpose of the study

This study contains both broad and specific objectives. The broad objective is to appraise the concept of humanitarian intervention in conflicts.

1) The main objectives of this study are to arouse a debate on the selective intervention. What was the rationale behind NATO intervention and non-intervention in Syria.

2) Does the Libyan example represent the idea of a "responsibility to protect" in international politics?

3) To examine the operations and mechanisms adopted by NATO in Libya just war theory principles.

4) Analyze the level of democratization after the which the intervention sought to accomplish. This will help us to understand the extent the intervention has gone towards institutionalization of democratic tenets in Libya.

1.3 Scope of The Study

Conflicts, military intervention and democratization are wide and comprehensive research subjects hence the need to draw boundaries. The study examines the war in Libya and NATO led intervention. Geographically, the study covers Libya, in terms

of time span, the study begins with Arab uprising in Libya. While Libya crisis ended with the defeat of Gaddafi, the quest for democratization has been ongoing with series of internal crisis. The work spans a period from 2011 to May 2019.

The case of Libya is vital because it it is a human crisis. The case matter to the study of post-cold war humanitarian intervention because of its timing. However, the concept of R2P played out in the Libyan conflict in respect to humanitarian intervention. The UN for the first-time hinged humanitarian intervention to R2P.

1.4 Significance of The Study

My research is significant because it contributes to theory development. The study is important because it gives more understanding to the use of R2P. The adoption of R2P took place in 2005 by the UN but its success took more time. It is necessary to have a look at situations where R2P has been carried out because by doing so, we will be able to show what R2P and its effects are when been practiced. This research is a contribution to the discussion of if the UN standards was carried out by the international community.

1.5 Research Methodology

Research methodology involves the structuring of investigations aimed at identifying variables and their relationship to one another. In this context, we seek to have a methodology that will enable us to understand humanitarian intervention and democratization and thereby enabling us to explain the Libyan civil war. Although the war broke out in 2011, most of the works available on the subject are attached to either the humanitarian perspective or supports the dimension of the Libyan government which points to sovereignty and a peaceful resolution without undue interference with Libya's sovereignty, hence no need for intervention.

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The central issue of this work is focused on a case study. The study generated data from secondary sources such as, journal articles, books, reports of both local and international observer groups. The study shall look into histories, official documents and other sources such as resolutions by UN, NATO, and other key international to determine the causal relationship between our variables.

This work will depend on qualitative descriptive analysis. Asika (2006) defines "qualitative descriptive analysis as summarizing the information generated in the research verbally." This technique is also known as content analysis. It will enable us to analyze.

1.6 Research Question

Liberals are of the view that a state should protect her citizen at all cost This thesis investigate whether the responsibility to protect was used and how it fared. After the humanitarian intervention, was there any significant improvement in the form of democracy? Again, it will investigate any recorded improvement in relation to the tenets of democratization.

1.7 Hypothesis

Hypothesis are assumptions that the researcher hopes to either confirm or reject at the end of the study. its assumption is that the intervention in Libya is expected to bring about a change in government that will usher in stable democracy and economic growth.

1.8 Organization of Chapters

This thesis covers of 6 chapters. Chapter one is the introduction which include an overview of the research question, background information and purpose. It also includes the scope of the study. Chapter two has to do with the theoretical framework adopted for more understanding of this work. It explains the R2P doctrine and the two

principles of Just war theory. Chapter three focus on literature review. Chapter four explored the political development of Libya, the conflict and the humanitarian intervention. Chapter five covers the quest for democratization while chapter six will include conclusion and recommendations of the work.

Chapter 2

THEORETICAL FRAMEWORK

NATO led humanitarian intervention in the Libyan crisis will be based on liberalism and underpin the international interventions for example, the R2P can be traced directly to the evolution of the just war theory. Theories are formulated to explain, predict and understand phenomena. Imenda (2014) further views theoretical framework as "the application of a theory, or set of concepts drawn from the same or one of the theory to give an explanation of a research problem". Liberalism is a theory that explains the intention of this study as it is used to explain democracy. In sharp contrast to the pessimistic view of realists, liberalism shields individual rights, life, liberty and property and promotes complex inter dependence amongst states. This according to them will eradicate the anarchical perceptions of the realists.

Protections of human rights is seen as the first priority for the government or states. For them, the individual wellbeing is seen as a building block for a just political system. Thomas Hobbes in his social contract theory argued that the main essence of the state is to protect the people and not to abuse powers as seen in many states today. They see any political system under monarchy or dictatorship as unable to protect its citizens. Liberalism responsibility is to construct institutions that will ensure individual freedom by constraining political power. Liberals are disturbed by militaristic foreign policies and further concerned that war expects states to build up military power leading to arm races.

Wars that has to do with expansion of territory or imperialism are seen as problematic for liberals because states aim to take over territory overseas by building empires.

According to Peace Democratic theory, states that practice democracy do not go to war with another state that also practice democracy. Democracies tends to observe each other as legitimate and not a threat so, they have can for cooperate with each other than nondemocratic hence the quest for a peaceful world through waves of democratization.

President Woodrow Wilson views democratization as a major instrument to world peace hence democratic states are peaceful. This work will be based on the tenets of liberalism as it relates to democratization and the just war theory with the two principles of jus ad bellum and jus in bello properly explored.

2.1 Responsibility to Protect Doctrine

Towards the end of the Cold War, to be able to protect citizens from humanitarian violations, states felt mandated to mediate militarily. The R2P doctrine is a liberal approach. Supporters of the right of intervention, especially the western states hold that the liberal internationalist guarantee that new international standards set up to protect the rights of individuals promise a liberal structure.

After 40 years of oppression, Libyans called for freedom and democracy. The responsibility to protect concept present in the ICISS 2001 report stipulates that the international community would have the responsibility to prevent, the responsibility to react and the responsibility to rebuild. The criteria of legitimacy are critical for the use of force within the responsibility to protect doctrine. The first is there needs to exist a 'just cause threshold' such as genocide, ethnic purifying, crimes of war and against humanity. Second, the call to utilize the responsibility to react instruments

ought to follow with the precautionary standard present in the ICISS report including a 'right intention'. Finally, the military intervention should only be completed by legitimate authority which relies upon the decision of the Security Council members.

2.2 Just War Theory

Just war theory is based on the justification of how and why intervention are carried out while the whole intervention was carried out in the interest of liberalism; to restore peace and democracy in Libya. these are the lenses through which this study will be viewed.

The origin of the just war theory has been debated. Historians have been divided between the Christian era and pre-Christian era. Robinson (2013:117) traced the origin to pre-Christian arguing that the Indian Hindu epic "the Mahabharata" was the first instance of theorizing just war. The story centers on the justification of the killings and sufferings caused by war. The 5 siblings discussed on the proportionality, just cause and just means of the war. The world's longest epic poem at 1.8 million words captured the Hindu tradition for its non-violent reputation. This was largely due to the influence of Ghandi, who preached nonviolence over resorting to violence for any cause, even in self-defense. The Mahabharata on the other hand accepts the principles of just war. War is an option that should be resisted to after political solutions fail. The epic also points out that once a war breaks out, it is not only justifiable but mandatory to fight if it is for a good cause.

Cicero's De Officiis (1913) work centers on the just cause for wars in the Roman Empire. His work acknowledged all the recognized principles associated with the just war theory. Cicero called for forgiveness for those who have wronged us.

Modern writers usually trace the origin of the just war ethics to the works of saint Augustine of Hippo. Augustine's notion of the 'two cities'; city of God and city of

man. The city of god are people who believed in the eternal truths of God and the city of man are those people who involved themselves in the world pleasures. Augustine's position for the restoration of peace includes purpose, authority and conduct. He admonished Christians not to go to war unless declared by the government, who constitute the legitimate authority. Wars should be fought to revenge wrongs and undo injustices were the central theme of Augustine's work relating to just war theory. Thomas Aquinas proffered a more acceptable principle of just war theory combining theological principles of faith and reason. Thomas revised St. Augustine's version creating 3 criteria for a just war. Thomistic just war theory opines that in just war, a legitimate authority such as a state must carry out the war, it must be for a just purpose not for gain. Peace must be the focal point for going to war. These criteria distinguish Thomas Aquinas Just war from his contemporaries.

The just war theory originated from these philosophical and theological standpoints. The central theme in the theory is the need to preserve mankind and maintain peace in the society. In the 17th century, Hugo Grotius developed his comprehension of the law on the premise that states should represent their "actual subject" which has to do with human beings. Three centuries later, scholars like Michael Walzer, Lango and Coady have extended the idea. Walzer is of the opinion that massive harm and human right violations should constitute a just cause for intervention to protect human rights. Coady (2002:6) argues that when there is a malevolent action of states against their own populations then there is certainly reasons to intervene. States that perpetuate evil against their citizens have lost the right to refer to the 1648 treaty of Westphalia that promotes sovereignty.

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Inherent in this theory are two principles that are used to gauge to actions motive and actions of the intervener. The two principles of this theory jus ad bellum and jus in bello states the comprehensive principles governing the use of force by an intervener in the territory of another state.

2.3 Jus ad Bellum

In justifying a just war, certain considerations must be looked into before launching the war. These includes;

2.3.1 Last Resort

The UN charter seeks to preserve future generations from going through the despicable lane of armed conflict hence in the article 1 of the charter seeks to maintain international peace and security. The charter further prohibited the using of force without authorization in resolving both civil and international conflicts. However, from the foregoing, it has been established that total abolition of force is not tenable in a chaotic global setting as realists would argue. Force might be use according to Just war after all options to promote peace have been exhausted. In Libya such opportunity as dialogue was not established as the UNSC and NATO quickly moved in to forestall further humanitarian crisis.

2.3.2 Just Cause

A just cause should be considered before the declaration of war. Recapturing a captured territory or punishing people who have done wrong should not solely determine the declaration of war. Walzer (1977:4) argued that only when a harm has been inflicted, then there is a just cause for waging a war. In modern times the UNSC is burden with the responsibility in determining when a grave harm has been inflicted to constitute a just cause for war. The massive human right abuses, killings and general humanitarian crisis in Libya constituted a just cause to intervene.

2.3.3 Competent Authority

The principle of just war stipulates that only a properly constituted authority can declare war such as UNSC. The controversial nature of this issue was evident in the case of Kosovo. The Kosovo Liberation Army KLS was not part of any recognized state apparatus but its war against Serbia was given de facto recognition by the coalition of wiling western states. Enuka (2015:107) argued that "the armed force against Serbia raises fascinating political questions". He went further to inquire "was it a justified act of intervention or illegitimate aggression against a sovereign state". Same scenario played out in Libya when the western world supported the National Transition Committee against the Gadhafi government. NATO under the disguise of implementing UNSC resolution invaded Libya.

2.3.4 Just Intention

When there is the right intention as a condition in just war, it sets a limit to war. Even when a just cause and just authority have been established, the right intention should be geared towards correcting a wrong or harm as Walzer puts it. Acquiring material gain is not a right intention for a just war. Many still argue today that NATO invaded Libya because of Libya's rich oil resource.

2.3.5 Probability of Success

This occupies a strategic position in the just war theory. It is not just to wage a war but is there any reasonable expectation that the war will be successful in restoring peace and true reconciliation. Thus, whether a country is faced with defending against an attack or considering an attack, the authority must do so if the plans indicate that victory over "evil" is reasonably possible. What is the essence of launching a war when the outcome will be worse than the situation before the war. Although NATO

succeeded in removing Gadhafi however, they were not able to top the increasing death tolls, or humanitarian crisis which continues till today.

2.4 Jus In Bello

This theory is a moral principle that specify that once the war has begun, certain moral actions must be considered by the parties to the war. The tenets of discrimination and proportionality are the two broad issues.

2.4.1 Discrimination

It is considered unjust to attack indiscriminately during warfare. Sometimes in the civil war cases where it is difficult to differentiate the combatants from the noncombatants since the rebels and militants operate from the civilian population including the use of civilians as shields, Walzer (1977) in his work on "Just and Unjust Wars" asserted that the absence of identification does not give the government the privilege to execute arbitrarily. The states has a duty to identify combatant. In Libya, both the intervener and the Libyan government defaulted in this aspect. They attacked and killed innocent person, non-combatants.

2.4.2 Proportionality

The second principle of just conduct in wars deals with the measure of force. This principle is useful as it sought to reduce the suffering by considering the nature of force that is morally acceptable. It was obvious that NATO invaded with heavy equipment over that of the Libyan government.

In conclusion, the research focused on Libya and the activities of NATO in the North African state following the Arab. It is impossible now for states to hide under sovereignty and harm the people. NATOs coalition of wiling state were successful in removing the government however Libya is yet to recover from the activities of both the government and the intervener. The government is deeply divided while the

country has turned into a passage route for smuggler trafficking human beings. The recent slave trade which received international condemnation is an attestation that Libya is still struggling to recover from the activities of 2011.

Chapter 3

LITERATURE REVIEW

3.1 Introduction

Under the literature review, this study intends to review works that dwells on humanitarian intervention, justification of just war theory, Libyan civil war and liberal democracy. Most scholars that have studied and published articles on the effectiveness of peacekeeping operations and humanitarian intervention have divided their subsets of operations into two periods: from 1948 through the cold war and the post-cold war period. This is attributable to the nature of conflicts within these periods. In the cold war era, peacekeeping operations were done in regards to interstate conflicts unlike the intra state conflicts, hence the frequent manifestations of post-cold war conflicts were the deluge of intra state conflicts. The UN has authorized 63 peacekeeping missions, 18 of them were during the cold war whereas 45 of the Peace Keeping Operations (PKO) were from 1991; post-cold war.

3.2 Humanitarian Intervention

International Commission on Intervention and State Sovereignty (ICISS), stated on its report entitled *The* Responsibility to Protect, (2001) to allows a certain guideline for states who are challenged with human protection in another state to exercise their military power in an ethical way. It helps in answering the questions of when, how, why and who should intervene especially when there is a serious infringement on human rights especially in cases like genocide, humanity crime, war crimes and ethnic cleansing.

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Responding to the when, how, why and who to intervene philosophy, Enuka (2005) critically analyzed the invasion of Kosovo by NATOs which is one the post-cold war conflicts. The human rights violation by the Milosevic regime attracted NATOs intervention. The pro west intervention was applauded in its circles however it was filled with flaws in many ways. Although NATO fulfilled the just cause and just intension to intervention, Enuka pointed out the intervention was a dangerous international example, citing the unilateral military action of NATO as a violation of its own treaty and article 41 and 42 of UN charter; comparing NATO's action to Hitler's military intervention in Czechoslovakia to save Sudeten Germans. Further pointed that intervention should always be a last resort after peace processes failed, the interveners should be just, should not take sides with the conflicting parties and it should be with the sole motive of restoring peace and order in the location.

Innocent Okoronye and V.O.S. Okeke (2011) supported the divergent view; they argued that the international customary law supports the invasion of the territorial sovereignty of a state by another state when it has to do with humanitarian. The charter already mandated the UN security council to use any measure to sustain world peace and security including the peaceful measures outlined in article 33 of the UN charter. M'bartee Lucola (2011) argues that some states who rejects or against the principle of humanitarian intervention are violating human rights and then hide behind the concept of sovereignty. According to this scholar, the humanitarian interventions debate reflects a negotiation between the security of individuals and the upholding of the sovereignty principle on the other.

On the much-debated issue of national interest behind humanitarian intervention. Coady (2002) is of the view that since the veto existence the United Nations Security Council finds it complicated in achieving justice because the powerful states with the

help of the veto power are in a position to block humanitarian interventions that do not satisfy their interests. This help in explaining and understanding the actions of USA and NATO in Libya and Russia – Chinese interest in vetoing humanitarian intervention in Syria.

Meulen and Putten collaborated Coady's work that national interest plays a critical role on who, when and how to intervene. They contend that Russia and China have been quite friendly with Syria: they have expressed reservations over the accusation of Assad government using chemical weapons. Both Russia and China, but particularly the latter, do not wish to be seen as headstrong blocking progress and are thus likely willing to compromise and unlikely to take extreme hardline attitude. On the contrary.

3.3 Just War

According to D'Amato (1971:33), he stated that "International law exists only when an international dealings refer to it, either by direct reference and by the use of legal argumentation in claim-conflict situations." According to Holzgrefe (2003) the sources of international law are generally in accordance with the Statue of the International Court of Justice. D'Amato explains that custom are to be established in state beliefs instead of state practice, states may not generally act in understanding their true convictions if certain (vital) state interests are being referred to. Hurd (2011:311) seeks the idea of ambiguity of global law to the question of humanitarian intervention legality, expressing that there is no accord over the legality of intervention.

In article 42 of the UN Charter, the UN Security Council is faced with the task of authorizing interventions as international law disallows the use of force excerpt if it is act of self-protection. According to Wheeler and Bellamy (2001), he explained that it

is up for discussion if humanitarian intervention should be excluded from the general restriction on the utilization of power. The reason for this is the recognition that the UNSC's role in deciding lawfulness comprises an undesirable coincidence of government issues and law.

3.4 Libyan Civil War

Diverse studies on the origin of civil wars pointed three approaches: ethnic, economic and state's structure and features as a central explanation for wars. Collier and Hoeffler (2004) evolved on economic causes of civil conflict. They concluded that when a country is experiencing decline in the economy, has a low per capita income and its income is distributed unequally, it stands a chance of having a civil war. This implies that poverty and inequality breeds frustration causing young people to easily join militant groups to press for a better life. Collier and Hoeffler maintain that the opportunities model performs much better in predicting the beginning of civil war.

The dynasty created by the Libyan leader occasioned by high unemployment rate and poverty in the midst of abundant natural resources encouraged the people to join the Arab Spring protest. Fearon and Latin (2003) agreed with the above of Collier and Heoffler, that economic factors drive civil war, however they suggest that states that are weak and has unstable politics, spreads across a huge risk to experience civil wars. On the operations of NATO in Libya, Western and Goldstein (2011) supported the military intervention citing criteria for such intervention. They discussed the future level of military interventions and argue that the international community has to: (1) act as fast as possible, (2) equip humanitarian interventions with suitable forces and reserves; (3) stand against the opposition and pressure that may arise in case of civilian; and finally, (4) have an exit strategy.

The history and development of Libya is sufficiently evaluated using basic works of Dirk Vandewalle (2006). Dirk in his work 'History of modern Libya, argued that before the rebellion in Libya started, the country with its 6,400,000 inhabitants was assessed as an authoritarian regime.

Eriksson (2015), on his own analyzed the Libyan conflict from different security lenses and historical perspectives. He suggested that the quest for democracy do cause civil conflict as a result of increased demands and concerns. The Arab spring helped to trigger off an impending conflict as Libyans were already disappointed with the sufferings associated with the Gadhafi regime in Libya. The work concluded that post-civil war Libya is divided along many lines and distracted with political and security crisis. Libya is still divided between politicians with Islamist views against liberal ideologies leading to the occupation of some territories.

3.5 Democratization

In 2010, there were many uprisings against authoritarian regimes in the Arab world, normally referred to as 'the Arab Spring'. To rebuild a nation after a military intervention it is necessary to include peace, good governance and economic advancement.

From the foregoing, relevant literatures have been reviewed for proper understanding of the interest of study. This work will rely on this step to fill the gaps in relation to the topic. None of the works reviewed captured the mood of this study in analyzing the intervention in the Libyan conflict in a bid to restore democracy in Libya. Eriksson's work was the closet however, it only explored the post Gaddafi Libya without any contribution on human intervention, just war theory or a historical process tracing of the Libyan war. This study will cover all these gaps.

Chapter 4

LIBYAN CONFLICT AND ARMED HUMANITARIAN INTERVENTION

4.1 Introduction

This chapter explored a historical explanatory of Libya's political development. It explains humanitarian intervention and the main actors in the 2011 Libyan revolution.

4.1.1 Libyan Political History

The history of Libya has different of ethnic groups included to the indigenous Berber tribes. Libya's rich record comprises of distinct periods starting from the Ancient Libya, the Roman era, the Islamic era, Ottoman rule, Italian rule to the modern era. This works finds its necessary to briefly discuss the prehistoric Libya as it will help us to properly understand the present Libya.

4.1.2 Prehistoric Libya

The present-day Libya was occupied by the Neolithic peoples from early 8000 BCE. The Afro-Asiatic ancestors of the Berbers people are believed to have spread into the area by the Late Bronze Age. They were later joined by the Phoenicians, who were the first Semitic civilization to arrive Libya and developed the first trading post in Libya. Cities such as Oea later known as Tripoli, Leptis Magna and Sabratah were in an area that was later called Tripoli's (Three Cities) from which the Libyan capital Tripoli takes its name.

4.1.3 Ancient Libya

During Hellenistic period, the Berbers were originally known as Libyans; which is a Greek name for inhabitants of the Berber world. This area covered the modern Morocco to the ancient borders of Egypt. Herodotus divided Libya into Eastern and Western Libya. Easterners were nomadic shepherds located at the east of Lake Tritonis while the Westerners were inactive farmers who inhabited the west of Lake Tritonis. The Greek established 4 new cities Cyrenaica (Marj), Euesperides (Benghazi) Taucheira (Taucheria) Balagrae (Bayda) and Apollonia (Susa), together they were all called the Pentapolis (five cities). The pentapolis waded off encroachments from ancient Egyptians from the East and from West the Carthaginians.

4.1.4 Roman Era 146 BC --- 642 AD

After the Carthage was captured and destroyed in 146 BC, the whole Northwestern Africa were under the Roman rule prompting the establishment of the Tripolitania region. Rostovtzeff (1957: 364) posited that the first Christian communities in Cyrenaica's established in the time of Emperor Claudius were crushed during the Kitos war leading to the depopulation of Greeks and Jews. By the 6th century the Romans recaptured these cities under Justinian the Great rule. One fundamental mission of this era was the revival of the empire's greatness including her outposts abroad. However, these polices were unsuccessful as the unpopular policies like heavy taxation imposed by the Byzantine governors during the Vandal's rule led to the decay of public amenities. Rodd (1925) argued that in the 7th century, the control over the area by Byzantine was fragile and there was little to no effort as to the opposition of the Muslim invasion.

4.1.5 Islamic Era 7th – 16th Century

By September of 642, the Arabs entered the Pentapolis with little resistance from a weak Byzantine control. The army was led by Amr ibn al-A's conquered Cyrenaica renaming the pentapolis, Barqa. They also ran over Tripoli and destroyed the Roman walls of the city. By 647, an army of 40,000 Arabs under the command of Abdullah ibn Sa'd penetrated Western Libya leading to the total defeat of the Byzantines, Libya's southern corridor was conquered in 663. Arab rule was formally imposed on Libyans from then with several Islamic dynasties. The rule was allowed in Cyrenaica as followers of the Coptic church sees the Arabs as the liberators. Hourani (2002:198) pointed out that the Berber tribes in the hinterlands of Libya acknowledged Islam but not the political rule of the Arab.

For several decades, the leadership of Libya was under of the Umayyad Caliphate of Damascus till 750 when Abbasids overthrew the Umayyad bringing Libya under the leadership of Baghdad. They brought prosperity back to Libya, this was made possible by the restoration of order and the restoration of Roman irrigation system which was destroyed by the Vandals. Bertarelli (1929 :203) reported by the 16th century, the Tunisian Hafsid dynasty which ruled Tripolitania from 1221 for nearly 300 years there were struggling of power between Spain and the Ottoman Empire. The Habsburg Spain successfully invaded Tripoli in 1510 and in 1551, admiral Sinan Pasha under Ottoman Empire took control over Libya.

4.1.6 Ottoman Era 16th – 1911

Ottoman admiral Sinan Pasha through his naval expedition conquered the Maghreb coastline in 1551. In 1611, the beys (lord; title given to the rulers of Algiers, Tripoli, Tunis under the Ottoman era) staged a coup and appointed bey Sulayman Safar as the head of government. By 1711, a Turkish officer Ahmed Karamanli staged a coup,

murdered the Ottoman Bey of Tripolitania and ruled from 1711. It is Pertinent to note that the war in Libya from 1793 to 1795 led to the dethronement of Hamet, one of the Karamanlis' by Ali Bengul who briefly returned the area to Ottoman rule.

By the 19th century, the first and second Barbary war was between the United states and Tripolitania over piracy in the Mediterranean Sea. In fact, the first war broke out when the Barbary pirates seized a US merchant ship and demanded ransom from US. The Barbary is a collective name for the provinces under the Ottoman Empire; Tripoli, Algiers and Tunis. The various Napoleonic wars treaties were extending to the Barbary states in 1819 leading to the crumbling of the Tripolitania economy which thrived on piracy.

In 1832 when Yusuf handed over to his son Ali II was the beginning of Ottoman Libya decline which then resulted to a civil war. Ottoman Sultan Mahmud II sent in troops to end the crisis which prompted to Ali II dethronement and this marked Karamanli dynasty end (Bartarelli 1929:205) order was not restored until 1858 when Ottoman Empire applied changes through the direct Ottoman rule. The order in the three Libyan provinces were short lived when the scramble for Africa began bringing the Ottoman era to an end after the Italo-Turkish war of 1911

4.1.7 Italian Era 1911 - 1947

Italy in 1911 the annexation of Tripolitania and Cyrenaica was announced and does so formally on 25 February 1912. Pappe, (2005:26) is of the opinion that in 1928 and 1932, the Italian military "killed half of the Bedouin population. Italy in 1934, unites the provinces as the colony of Libya by governor Italo Balbo with Tripoli as the capital. One key feature of the Italian era was the emphasis on infrastructural development. The Libya railway was expanded and road network from 1934 to 1940, and it led to the establishment of new industries. Although African writers like Rodney (1972) does

not believe that colonial rule such as the Italians in Libya were beneficial to the host country. The railways and roads were solely constructed to help the colonialists' economic interest. They covered only their trading post connecting the raw material site to the nearest exit point. By February 1943, the Allies which promoted an alliance as a means to control German, conquered from Italy all Libya.

4.1.8 Modern Era 1949

The United Nations General resolution of November 21, 1949 called for the independence of Libya before January 1 1952. To the end, after series of negotiations, on December 24, King Idris pronounced a United Kingdom of Libya and finally the unification of three regions (Tripolitania, Fezzan and Cyrenaica). In 1951 when the Italians withdrawal, it affected the Libyan national ambitions which western countries supports. It is safe to say that the pro-western monarchy were pretty close to the United States and the United Kingdom which due to the problem with the Soviets led to the establishment of a military bases on the territory of Libya.

In 1961, a mile-pipeline was opened and this lead to oil fields in the Mediterranean Sea and it was possible to export oil from Libya. The west in 1980s accused Gaddafi for various assaults in Europe. In 1984, a British officer was fired dead with a weapon from inside Libyan embassy. This prompted Britain's suspension of its strategic relations in Libya.

4.1.9 Analysis of the Libyan Conflict

On 17th of February, a 'Day of Rage' was carried out by the Libyans through social networks and the demonstrations spread all over the country. An interim government called the National Transitional Council (NTC) emerged on February 27 2011 and it was recognized by France and Qatar. The NTC was make out of a small gathering of

Libyans with profound intellectual towards the west, the majority of who deserted from the system.

The protesters were handled in a harsh way, there was use of aircrafts against civilians. Libyan diplomats and high-ranking officials resigned from office because they were against Gaddafi action. The international community took it upon themselves to take serious measures in order to prevent the citizens. Gaddafi action towards its citizen were condemned and political leaders called for peaceful negotiation.

The first international country to respond to the carnage in Libya was the French government, they called on the European Union to sanction Libya. The United States government later responded on 25th February by closing American embassy in Tripoli and imposed unilateral economic sanction on all assets of the Libyan government. Unfortunately, the US lost ambassador Christopher John Stevens in 2012 when the US special mission in Benghazi was attacked by militants. The UNSC produced resolution 1973 with an aim to establish a no flight zone over Libyan airspace. This was possible because Russia abstained from voting at the UNSC. Had Russia voted, the traditional stance on Russia on issues like this would have been calls for respect of Libya's sovereignty hence an expected veto.

The 1973 Resolution, mandated that the international community must take all essential measures in order to protect civilians and civilian populated areas without utilizing forces on the ground (UNSC, 2011).

Algeria and Syria rejected the idea because similar uprising was brewing in their territories. Algeria later accommodated Gaddafi's wife Safia, daughter Aisha and son Hannibal, including members of his family.

The president of Equatorial Guinea, Teodoro Obiang Nguema who doubles as the president of the African Union Heads of States and Governments was dragged into the Libyan crisis when he called on African leaders to rally round Gaddafi to stop the "external attack". Other African countries like South Africa, Zambia froze the assets of the Libyan officials and Gaddafi family in their territories while Malawi, Zimbabwe severed diplomatic relations with Libya by recalling their diplomats and closed their missions in Libya. The African Union generally acknowledged the NTC as representatives of Libyan's.

The success or otherwise of the proclamation of a new Libya depends on Freedom, democracy, human rights, rule of rule and most importantly reconciliation will be greatly discussed in chapter 5 of this study.

4.2 An Analysis of NATO'S Armed Humanitarian Intervention in Libya with Just War Theory

As earlier stated, theories help in explaining, predicting and understanding of interest and in this case the just war theory. The two principle of this theory jus ad bellum and jus in bello states the comprehensive principles governing the use of force by an intervener in the territory of another state.

State sovereignty based on the principle of nonintervention is protected by article 2 (7) of the UN Charter. However, according to the ICISS report (2001), "sovereignty entails state responsibility to respect the basic rights of all the people within their state and other states. Human rights is a Jus cogens; rights on which no derogation is accepted. On this basis, this study will interrogate the activities of NATO in Libya in line with the twin principles of Just war theory.

4.2.1 Jus ad Bellum

In justifying an armed humanitarian intervention, certain considerations must be looked into before launching the intervention. These includes;

4.2.1.1 Last Resort

The charter of the UN seeks to safeguard coming generations from going through the sordid lane of armed conflict hence article 1 of the charter seeks to maintain international peace and security. The charter further prohibited the use of force without authorization in resolving both civil and international conflicts. Article 33 (1) although not exhaustible, prescribed options to peaceful settlement of international disputes. These includes, negotiation, mediation, conciliation, arbitration and other peaceful means.

Article 41, 42 and 45 of the UN charter stipulates the two categories of measures to embark on by the UN in enforcing collective security. Article 41 mandates the Security Council to initiate economic sanctions on states that threatens the peace and security of the world; article 42 supports the use of military measures to enforce peace and security when threatened while article 45 mandates the UNSC to take urgent measures to restore peace. Many judicial and academic inks have flowed in efforts to define what may constitute aggression or threat to world peace. Article 2 of the charter provides that states should refrain from the use of force while article 39 defined what constitutes an act of aggression. This article mandates the Security Council to solely determine what measures to be taken when an infringement of world peace has been established. However, from the foregoing, it has been established that total abolition of force is not tenable in a chaotic global setting as realists would argue.

The just war theory suggests that force can be used when all peaceful alternatives have been exhausted. In Libya such opportunity as dialogue was not established as the

UNSC and NATO quickly moved in to forestall further humanitarian crisis. The military intercession in Libya was not seen as a case of last resort, and no quiet goals to the contention was desired by France, UK and United States. In spite of the fact that the duty to avert has been emphasized by the ICISS as the most extreme significant obligation, it was totally ignored in Libya case.

4.2.1.2 Just Cause

A just cause should be considered before the declaration of a just war. Recapturing a captured territory or punishing people who have done wrong should not solely determine the declaration of war. In modern times the United Nations security council is saddled with the responsibility in determining when a grave harm has been inflicted to constitute a just cause for war. The massive human right abuses, killings and general humanitarian crisis in Libya constituted a just cause to intervene.

4.2.1.3 Competent Authority

The tenets of just war stipulate that only a properly constituted authority can declare war such as UNSC. The controversial nature of this issue was evident in the case of Kosovo. The Kosovo Liberation Army KLS was not part of any recognized state apparatus but its war against Serbia was given de facto recognition by the coalition of wiling western states. Enuka (2015:107) argued that "the armed force against Serbia raises fascinating political questions". He went further to inquire "was it a justified act of intervention or illegitimate aggression against a sovereign state". Same scenario played out in Libya when the western world supported the National Transition Committee against the Gadhafi government. NATO under the disguise of implementing UNSC resolution invaded Libya. The execution of R2P in the case of Libya was harmed by the gaps in communication between those who ordered the activity and those individuals who executed it.

4.2.1.4 Just Intention

The right intention as a condition in just war sets a limit to war. Even when a just cause and just authority have been established, the right intention should be geared towards correcting a wrong or harm as Walzer puts it. Acquiring material gain is not a right intention for a just war. Many still argue today that NATO invaded Libya because of Libya's rich oil resource.

4.2.1.5 Probability of Success

This occupies a strategic position in the just war theory. It is not just to wage a war if there is no expectation that the war will be successful in restoring peace and true reconciliation. Thus, whether a country is faced with defending against an attack or considering an attack, the authority must do so if the plans indicate that victory over "evil" is reasonably possible. What is the essence of lunching a war when the outcome will be worse than the situation before the war. Although NATO succeeded in removing Gadhafi which this study adopts as one of its mission in Libya going by the opinion of USA, UK and Franc, however, they were not able to stop the increasing death tolls, or humanitarian crisis which continues till today. As to the success in the democratization of Libya, this will be largely discussed at length in chapter 5.

Apparently, the presence of two governments and three centers of power of Libya is an indicator that Libya is deeply divided. The 2012 and 2014 elections that were meant to usher in a government of national accord that will help in the democratization of Libya failed.

4.3 Jus In Bello

The second principle of the just war theory is a moral principle that stipulates that once the armed humanitarian intervention has begun, certain moral actions must be

considered by the parties to the war. The principle of discrimination and proportionality are the two broad issues.

4.3.1 Discrimination

This implies that it is unjust to attack indiscriminately during warfare since noncombatants or innocents are deemed to stand outside the field of war. In the case of civil war where it is difficult to differentiate the combatants from the noncombatants since the rebels and militants operate from the civilian population including the use of civilians as shields.

4.3.2 Proportionality

The proportionality principle deals with just conduct in wars deals with the measure of force. This rule is utilitarian as it looks to limit by and large suffering by considering the sort of power that is ethically allowable. In a civil conflict, it is not morally reasonable to completely gun down a barely armed belligerent tribe. It was obvious that NATO invaded with heavy equipment over that of the Libyan government. Although NATO did not attack Libya with land soldiers, it provided cover for the rebels to attack the government forces. The air power of the coalition forces was mightier than that of the Libyan government.

Basically, armed humanitarian intervention has been modified over the years to accommodate the use of force and preserve the territorial integrity of states. States can no longer hide under the concept of sovereignty to perpetuate harm on their citizens. The research focused on Libya and the activities of NATO in the North African state following the Arab spring. NATOs coalition of wiling states were successful in removing the Ghaddafi government however Libya is yet to recover from the activities of both the government and the intervener. The government is deeply divided while the country has turned into a passage route for smuggler trafficking human beings. The

recent slave trade which received international condemnation is an attestation that Libya is still struggling to recover from the activities of 2011.

Chapter 5

QUEST FOR DEMOCRATIZATION

5.1 Introduction

It has been eight years since NATO led an alliance of states who are willing to intervene in the uprisings in Libya. From the preceding chapters, this research has been able to analyze the Libyan society, the Libyan conflict and the armed humanitarian intervention that was aimed at protecting Libyans from Ghaddafi dictatorial leadership and move then closer to democracy. This chapter will analyze the quest for democratization in Libya: How far and how well? The political developments in Libya after Gaddafi can be divided into three stages. The first stage started from October 2011 to July 2012 which centers on leaders that recused Libya from the conflict, the second phase started from July 2012 to May 2014 and it is said to be controversial because it focuses on the testing of the institutions that emerged after the first post Gaddafi election.

The third phase which is currently ongoing features tensions and violence between violent Islamist groups and members of political-military coalitions.

As the war was raging, the NTC was formed in Benghazi on March 5; a major opposition city in Eastern Libya and declared itself the only representative of the people of Libya. According to their website, it acknowledges that the National Transitional Council is the only main body legitimate to represent citizens of Libya and the state and therefore calls on all other countries in the world to recognize it and should be on the basis of international legitimacy. It also notes that it will respect and

regard the agreements both regional and international signed by the previous Libyan government emphasizing its yearnings in observing that Libya play an important role when it comes to in establishing international peace and security (NTC).

The death of Gaddafi brought renewed optimism for democratization by world leaders. According to British Cameron, citizens in Libya today have a possibility to build themselves a solid and fair future. The UN secretary General, Moon cited that as time goes on, the road ahead for Libya will be difficult and full of challenges" (The Guardian 2011).

The first wave of democratization began with the constitutional declaration in 3 2011 by the NTC. The document specifically called for a democratic transition, secularization of the Libyan political nature and liberalization of all kinds. In fact, article one of the declaration, expresses that Libya is an autonomous democratic state where individuals are the sources of powers. Tripoli city will be the capital of the state. Islamic 1 the religion of the state and the standard wellspring of the enactment is Islamic Jurisprudence (Sharia). The official language is Arabic. The state will ensure the social rights for all parts of the Libyan cultures and its language will be regarded national ones. This is a sharp departure from the practices during the Gaddafi era where religious intolerance reigned supreme including the suppression of other ethnic groups in the country.

Much academic and journalistic ink have been spilled in attempts to report democratization attempts in Gaddafi Libya, however, only a few have been able to identify what constitutes democratic rule. The relevant question to ask at this juncture is what are the important characters of a democratic country. Bearing in mind that they are many types of democracies, this work asked do we have to group all democracies together? Huntington in the *Third Wave* identified differences between rationalistic,

idealistic and utopian conceptualization of democracy. Consequently, Huntington argues that a political system can be said to be democratic to the extent that its most powerful decision makers are selected through fair, honest and periodic elections. (Huntington 1993: 7). Brancati (2006: 85) posits that in most regions of the world, definition of political democracy by Huntington evidently absent leading to the series of Democratic protests in many parts of the world including the 2011 protest in Libya and other parts of the Middle East.

Huntington's definition has been adopted by many as the standard for democratization because it starts with the replacement of an undemocratic government with a democratically elected government. His democratization process involves three stages; the first deals with the bringing down of an undemocratic government which is followed by the election of a democratic government and finally the consolidation of the democratic system. This is by far the longest and most challenging in Huntington's postulations because it deals with establishing and strengthening democratic institutions to be above an individual manipulation. (Huntington 1993:17) Deriving from the above postulation, it won't be out of place to argue that democratization includes majority of contestant in support of voters and unlimited participation of voters of voting age.

Furthermore, even when Huntington's definition is achieved, Przeworski and Alvarez (2000: 34, 35) argued that some other considerations must be fulfilled to achieve democratization. They pointed out accountability, responsibility, conceived responsiveness to the people, freedom of association and most importantly freedom of the press must also be achieved. Organizing a single election without term limit does not classify a state as democratic as most African and Middle Eastern leaders sit tight in power after one election. Elections in democratic settings must be periodic.

Gaddafi in his book, The Green Book (1983) views democracy as the supervision of the people by the people". This entails that democracy is all about the people supervising their resources and whatever they have. Gaddafi view representative democracy as a false form of democracy because there are intermediaries between the people and their resources hence his idea of direct democracy. The solution to this 'false democracy' is an arrangement of famous congresses which enabled citizens to take interest in government. This bottom-up approach enables the people to convey their demands through the local popular congresses to the counterparts at the national committees. Apparently, this system did not drive up democratic tenets in Libya, rather it fueled chaos and confusion leading to Gaddafi's socialist policies.

By 7 July 2012, the Libyan voters filed out to cast their ballot on the first national post Gaddafi election. This was the first election in Libya in 50 years. Despite the reported cases of violence and voter suppression that ruined the election, United Nation and European Union observers adjudged the election as pretty fair and transparent. Against the expectations of majority of local and international observers, the election did not produce a strong government. The election was intended to create members GNC that will supplant NTC in accordance with Huntington's democratization steps. The GNC was modeled as the legislative assembly of Libya which will pave way the transition from revolution to democracy.

The election a commendable 62 percent turnout in addition to front lining the preference of Libyan voters. The National Forces Alliance, which is a nationalist party and the former Prime Minister Mahmoud Jibril won the 50 percent of the 80 seats reserved for political parties out of the 200-member parliament. The Justice and Construction Party JCP came second with 21 percent of votes. The Salafi parties did not perform well in the election. The NFA was able to win the support of smaller

parties which helped it to create a parliamentary block of 94 members (Libya's High National Election Commission). Unfortunately, the NFA was not able to discharge its constitutional duties as a result of the frustrations and confusions from the Islamists opposition and other militia groups led by Jibril. A significant moment which defined Libya's failed political and democratic transition was the political detachment law passed by the GNC in May 2013.

Eljarh (2018:53) argued that the law "targeted thousands of technocrats and employee who had worked with the Gaddafi regime during the 42-year rule, including Mahmoud Jibril, the leader of the NFA. Reminiscent of the process of de-baathification that took place in Iraq after the fall of Saddam Hussein in 2003, this law deprived the state the vital power and human resources necessary for running the country in its post Gaddafi era" This law further split in already divided Libya in de facto groups which was instrumental to the 2014 conflict occasioned by socio-economic, political and security problems. At this time, politicians ignored these events and were focused on power struggles even when early elections were called to replace the old GNC members.

Having tried to extend the tenure of the members of the GNC, a new movement known as the November 9 movement was formed. The movement pressured the GNC to organize elections in line with the stipulations of the constitutional declaration of the NTC. The Islamist party performed badly at the 2014 polls in which they tried many antics to delay the announcement of results. They went as far as destroying the international airport at Tripoli and finally went to the Supreme Court demanding the court to declare the election unconstitutional. The Supreme Court gave judgement in the Islamist favor calling the election unconstitutional because of the absence of a new constitution. This brings to fore Huntington's argument that some democracies take a

step forward but takes two steps backward. This decision by the court encouraged the newly elected House of Representative member from the eastern city of Tobruk to rebuke the verdict of the court calling it a judgement under duress by the already militarized GNC.

At this juncture it is imperative to highlight the evolution of the Libyan legislative assembly. No serious democracy overlooks the composition and functions of the parliament as it is a veritable instrument in democratization because the interest of the people is always attached to the representatives. Kashiem (2017;24) reported the first popular assembly in Libya came after the 16 February 1952 election during the constitutional monarchy. Libya practiced a bicameral legislature, while the lower chamber is filled by elected representatives from the people for a four-year term, King Idris appointed members of the upper chamber. From 1969 to 2011, there was a vacuum as it relates to the parliament as Gaddafi abolished the parliament and replaced it in 1977 with the body, he called the Authority of Libyan people. It is therefore on this that this study concluded that the GNC established by the NTC was a step further in democratization process, however the events that proceeded cannot be aid to be democratic in any form.

The 2014 crisis trumped up many issues as the UNSMIL mediated between Libya's political and military leaders for 18 months. By December of 2015, the politicians signed an agreement in Skhirat, Morroco. This agreement is reference as the Skhirat Agreement was aimed at putting an end to the division that erupted after the 2014 elections which stalled the transition process in Libya. Eljarh (2018: 55) posited that "the Skhirat Agreement sought to resolve the dispute between the HOR and its associated government, based respectively in the eastern cities of Tobruk and al-Bayda, and the General National Congress GNC government in Tripoli. The GNA was

mandated to form a government of national accord that will accommodate all the conflicting parties in order to bring an end to the conflict of interest in Libya. Despite the international support to the GNA, it was not able to live up to expectation as it collapsed from inside.

This disagreement further divided Libya into three power centers. The presidential council located at the Abu Sittah navy base is the first power center. The GNA is led by Prime Minister Fayez al-Sarraj. The second power center is the opponent of the GNA which comprises some members of the defunct GNC. It is important to state here that some members of the GNC are working with the GNA as members of the advisory council as specified in the Skhirat Agreement which hosted the Libyan people agreement. The National Salvation Government NSG is led by Khalifa al-Ghawill who is currently wanted by the International Criminal Court for crimes against humanity which he committed during the impasse in Libya. The third power center is made up of officials in Tobruk and al-Bayda based in eastern Libya. The HoR in Tobruk is recognized by the Skhirat agreement. And led by Abdullah al-Thani. It is also aligned militarily with Haftar's Libyan National Army. They key question then is, who is the official government of Libya?

A country with two governments and two parliaments cannot be said to be democratic. In fact, it changes the narrative to a failed state. There is no control of land or airspace, armed groups engage in local conflicts, organized crimes are booming, torture, kidnapping, rape as instruments of warfare, and most disappointing is the recent slave trade market booming in the country where migrants from other African countries are sold in slavery. Webber (1964) opined that a state is said to have succeeded "when it maintains a monopoly on the legitimate use of physical force within its borders." From Weberian definition, Libya has satisfied all the trappings of

a failed state, this research then wonders whether a failed state can possess the attributes of a democratic state.

5.2 Conclusion

Human right conditions keep deteriorating in post Gaddafi Libya as the years passes by. There is an upsurge in militia groups linked to majorly the interior and defense ministries of the GNA which is backed by the UN and others inked to the Libyan National Army LNA which is affiliated with the rival interim government. The Human Rights Watch reported in October 2018 that there are about 313,000 internally displaced persons in Libya, 1.3 million in need of humanitarian assistance (Freedom House) attack on civilian populations, extra judicial killings by the GNA and the oppositions groups creating a fertile ground for the entrance of ISIS. Individual rights are not respected despite the fact that the NTC constitutional declaration guaranteed individual rights and freedom of movement. The 2017 decree by the LNA which banned women under the age of 60 years from travelling abroad without a male companion was an affront on women's right.

The Freedom House which rates political rights and civil liberties rates Libya as one of the countries that are not free from violations of political and civil liberties. Libya's freedom rating is 6.5 out of possible 7.0 where 0 represents most free and 7 indicates least free with an aggregate score of 9 out of 100. Under the band of political and civil liberties which features the nature of government, legislative representations, electoral laws and framework, Libya scored 1 out of 40. This represents the division in government and lack of a coordinated electoral laws. Also, under political pluralism and participation, the right of the people to elect their leaders, realistic opportunity for the opposition, voters' intimidation and suppression by military officials. The country

fared badly as the 2012 and 2014 elections are bad precedents for any state that wants to transition from dictatorship to democracy.

Libya's quest for democratization cannot be complete with a mention of the roles played by external forces. One distinguishable fact is that the Libyan revolution or civil war has little to do with the local players at the initial time. This was as a result of the armed humanitarian intervention by NATO. At the regional level, President Abdel Fattah el-Sisi clampdown on the Muslim Brotherhood in neighbouring Egypt effected Libya's democratization journey. In Benghazi, General Khalifa Haftar launched Operation Dignity in May 2014 aimed at getting rid of Islamists in the region in order to restore security. This led to a wave of assassinations, kidnappings and an upsurge in terrorist activities in the region. With an already divided society, Egypt and the United Arab Emirate backed the Haftar forces which is in control of government in eastern cities of Tobruk and Bayda while Turkey, Sudan and Qatar backed the elements of the Dawn coalition. (Whehrey 2016) the French sees their contribution as a readjustment of their commitment to North African politics towards democratization.

Chapter 6

CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

From 1511 under Ottoman rule to 1951 when it gained independence, Libya has been on the world map due to the activities of the leaders at different stages of development. The Gaddafi era has been more pronounced in Libya's history as a result of the activities of Gaddafi who assumed power after the 1969 coup. The 2011 Arab uprising which started in Tunisia with the self-immolation of the food vendor in Tunisia over the poor conditions of living and harassment in the country. The protest quickly spread like a wide fire into Libya. Gaddafi applied many dictatorial antics to suppressed the protest including using the military against the people, however, the people of Eastern Libya who were fed up with his divide and rule policies were steadfast in their protest against his regime. The protesters made their demands clear that they wanted a regime change that will bring about a democratic state that will provide for the people unlike the tribalistic policies of the Gaddafi government.

The conflict trumped up a deluge of humanitarian issues arising from the high handedness of the Libyan leader who publicly promised to crush any protester. The international community tested the much talked about R2P in the Libyan case. Although questions are been asked why Libya and not in Syria since Syria has degenerated into a worse scenario than what was obtainable in Libya that propelled a NATO led armed humanitarian intervention into Libya in 2011. Although the intervention led by North Atlantic Treaty Organization in Libya was not the pushed of

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this exploration, there is no way that an inquiry into the outcome of the intervention could be sustained without analyzing the outcome of such an intervention. Institutionalization of democratic tenets was the expected outcome of the intervention.

According to the Treaty of Westphalia of 1648, it is an aberration on the internal sovereignty of any state for another state to meddle into her activities. This has been the most cherished outcome of the 1648 treaty that ended the 30 years war between princes. The terror of 9/11 and the need to rid the world off terrorists changed the thinking of world leaders towards sovereignty and humanitarian intervention. The treaty was supported by article 2(4) and 2(7) of the United Nations charter which prohibits the use of force by member states on another state. In response to the increasing number of intrastate conflicts and terrorist attacks with devastating consequences on the full enjoyment of the inalienable rights of the people, the 2001 report of the International Commission on Intervention and State Sovereignty ICISS entitled 'Responsibility to Protect' R2P promoted some criteria for military intervention for human protection purposes. This made it clear that states like Libya can no longer rely on internal sovereignty to commit crimes against their citizens. This brought to fore the discussion on jus cogens.

Faced with the massive violations in Libya, the international community responded through resolution 1973 of 2011. This also gave way for the no-fly zone imposed on the Libyan airspace to stop the Gaddafi administration from using war planes against the increasing protesters. This study pointed out that the issue of authorization and legitimacy of humanitarian intervention is still contested as some members of the international community are ever ready to use their veto power to block humanitarian intervention. This research concluded that such members are scared because such antics might be used against them due to their regimes anti human right stance in their

home countries. On who authorizes intervention, when to intervene, how to intervene and the motives behind intervention, the work further analyzed the twin principles of the jut war theory of jus ad bellum and jus in bello. The two principle were veritable towards determining whether NATO's intervention in Libya was a just war. Jus ad bellum deals with the moral principles governing the resort to war such as last resort, just cause, competent authority, just intention and probability of success while jus in bello which stipulates the moral principles governing the conduct such as proportionality and discrimination of non-combatants.

In an analysis of the two principles, the study observed that even when saving the innocent lives in Libya was a just cause to intervene in Libya, the issue of competent authority was not convincing as the UN did and specifically mandate NATO to enforce the resolution. Libya was not under the purview of NATO hence this study wonders if there is any other motive outside the oil politics and the strategic importance of the Libya's location in the Middle East. Assuming that all other conditions under Jus ad bellum was one, this study notes that the probability of success was a failure.

While others might argue that the armed humanitarian intervention in Libya was a success depending on their lens, this study shows that the intervention only succeeded in removing Gaddafi but has failed woefully in all attempts to restore democracy to Libya. Even when the interveners were in Libya, the troops committed crimes against humanity as allegations of rape, torture and bombing of civilian populations were recorded against the interveners.

Furthermore, 8 years after the death of Gaddafi, Libya has remained fractured. The country has deeply divided more than it was during the Gaddafi era. The NTC issued the constitutional declaration which declared Libya a secular state with freedom of association. The 2012 national elections which was the first in nearly 50 years of Libya

was ruined with accusations of voter suppressions, however, as the first in a long time it was adjudged to be credible by the western powers who was obviously protecting their interests. The first poll elected 200 members of the GNC. The internal wrangling could not allow the GNC to unite Libyans across political and ethnic lines. The 2014 election was worse than the 2012 elections as it further divided the country into 2 governments and 3 center of powers.

The GNA which is backed up by the UN has also failed to establish a government of national accord in Libya even after the 2015 Skhirat Agreement. There are cases of human rights abuses, arrest of opposition members, extra judicial killings, rape and the recent slave trade network used by criminals to traffic unsuspecting migrants to slavery.

The international community has a big role to play in Libya. The third pillar of the responsibility to protect R2P made it clear that the international community is charged with maintaining international peace and security, ensure social and economic development across the world. This is also re-echoed in article 1 of the United Nations Charter which charged the UN and by extension all member states with maintaining international peace and security. The United Nations Support Mission in Libya UNSMIL has been acting to the challenge of establishing peace and democratic transition in Libya through mediation and other peace building measures outlined in article 33 of the UN charter. Article 33 (1) although not exhaustible, prescribed options to peaceful settlement of disputes. The European Union, USA and Turkey are also concerned with the security situation in Libya, however, these efforts are limited by some local and international interests. Apparently, Libya fits into the trappings of a failed state and will continue to nosedive if serious steps are not taken to rescue the oil rich state.

6.2 Recommendations

This study would not go the way of some similar studies that take delight in highlighting the failure of the local and international parties to the Libya civil conflict towards restoring democracy to Libya. This study believes that the conflict in Libya is driven by a combination of internal and external interests hence, recommendations to end it should contain local and international solution.

The first step towards ending the Libyan conflict and reposition Libya for democratic transition is to implement a ceasefire agreement between Operation Dignity and Operation Dawn. Operation Dignity is a group of disaffected military units made up of eastern tribes and federalist while Operation Dawn is a group of Islamist forces from Misrata. When the ceasefire is in force, any of the groups that attacks the civilian population should be the target off the international community. The ceasefire should lead to a negotiated political solution that will tackle the myriad of security challenges.

The United Nations should deploy genuine diplomacy that won't be seen to be in favor to any of the factions to the conflict. The UN should have realized at this point that excluding the key parties in key negotiations and mediations have not and will never yield any positive result in Libya unless the real participants in the conflict are engaged. The continued interaction between the militia leaders and the UN has led to the multiplicity of militia groups clamouring for power and attention. The Libyan peace process currently comprises many competing and overlapping interests. There is need for a unified peace process and not the parallel processes involving many actors.

A transitional government that will reflect the various agitations in Libya should be established. This all-inclusive government should marshal out a power sharing

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formular for all and not limited to politicians alone. This cannot be possible without the support of the USA. The decision of the Trump government to play passive roles in conflicts abroad may further prolong this conflict. The UN is already over weighed by the conflict including the weak government its backing in Libya. A strong government in Libya will solve half of the problems in Libya.

It is a common knowledge that the conflict in Libya is an outcome of multiple regional and internal interests. Regional powers should be brought in to sign a peace pact against military interference in Libya's internal affair. Most of these local militia groups are funded by external power. These powers should stop supplying equipment to the militia groups. This should be in form of a 2014 noninterference pact that included Qatar, UAE, Egypt and Turkey.

The international community should support the emergence of a new Libyan security structure including new national army and police. The will include the training of these civilian controlled security system to achieve its goal; democratization. This study does recognize that France and other western powers have trained and equipped Libya security institutions. These trained personnel do revert to regional loyalties because of the fragile nature of the society. Libyans attach more loyalties to their regions than they accord to the state.

A truth and reconciliation modalities should be fashioned out. Just like the Rwandan genocide of 1994 or the Nigerian civil war of 1967-1970, a cultural exchange programme should be mapped for proper study of cultures. This will spread understanding and protection of the horrible effects of the conflicts of the last 8 years and even beyond. This will help to bridge the tribalism and division in Libya. Libya is currently divided that voters will continue to vote on tribal lines if urgent steps are not taken.

Technocrats should be brought in to handle Libya's economy to recovery. Despite the huge resource accruable from oil, poverty remains a major challenge to Libya. These poor and unemployed Libyans are easily recruited by terrorists and militia groups as instruments of destructions. There are many Libyan students studying abroad, they should be encouraged to return home on completion of their programme to contribute their quota to the development of Libya.

In cases where the Islamists reject all offers to them for possible negotiation, the international community should pursue an agenda aimed at degrading the Salafi Jihad groups inside Libya and block the transnational salafi networks outside Libya from accessing Libya. This will help in deradicalizing the people and starve the militia groups memberships.

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