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World in Conflict – The Case of Libya, The United Nations & NATO

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Abstract

This essay outlines the Libyan civil war in 2011 and describes the role that some of the involved actors came to play through out the conflict; furthermore, it puts a strong focus on the NATO-led intervention in the region and expands upon the question of its legality versus legitimacy. By analysing NATO and UN official documents the essay applies a methodological framework on its contents and sheds light upon several key aspects of the organisations' arguments and justifications. Finally, the essay concludes that the Libyan intervention 2011 was heavily surrounded by humanitarian arguments with traces of Neorealism, Liberalism, R2P, international law and humanitarian interventionism. The essay then explains that these notions ultimately made the intervention legitimate, which was key for the intervention to take place. Even if some legal scholars would argue that the intervention was in fact illegal, legitimacy out ruled these aspects of the operation.

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1. Introduction

1.1 Opening

During the outbreak of the Libyan civil war (February 2011) the world beheld as the struggles
between colonel Mu'ammar al-Qaddafi's regime and the opposing rebels resulted in

thousands of civilian casualties. The conflict quickly led The United Nations (UN) and The North Atlantic Treaty Organization (NATO) to take action. The UN passed resolution 1973, which gave NATO the mandate to intervene in Libya. This intervention came to be called *Operation Unified Protector* (OUP), which officially started in March 2011. After months of combat and political struggle the Qaddafi regime came to an end in late October, (NATO, 2015).

The Libyan intervention was not executed without complication. The operation connects to several contemporary debates on concepts such as international law, interventionism and state sovereignty. This essay will touch upon these concepts and go through the Libyan conflict in 2011 while carefully analysing the actions taken by the international community that ultimately led to a change of regime in the region.

As the events of 2011 are explored, this essay will also aim to clarify the reasoning as well as decision-making within NATO and the UN by looking at their actions in the context of the Libyan conflict. In doing so this paper also relates to the discussion on the changing nature of international interventions. In its endeavour the essay will also contribute to the understanding of Libya, post 2011.

1.2 Previous research

As the mentioned events in Libya are rather recent, there are currently being produced more and more scientific research on the topic. Presented below are some previous works made by researchers on the subject.

Amos Guiora is a professor of law at the University of Utah and wrote a scientific article in 2011 concerning the conflicts of Libya and Syria. In his article Guiora focuses on the USA and their actions in both conflicts while holding president Barack Obama and foreign minister Hillary Clinton as utmost responsible for the intervention in Libya. The professor then goes on to map out the conflict from a historical perspective, which leads him to discuss other countries in the world that have previously been subject to intervention. In his discussion Guiora touches upon post-colonialism and imperialism, arguing that interventions historically have been an extension of these concepts in countries such as Naples and Greece during the 19th century. Even though professor Guiora makes some valid remarks to the concept of interventionism as well as the conflict in Libya, this essay will have a rather different approach to the subject. Guiora puts much emphasis on problematizing around the term

humanitarian intervention itself by discussing its development and use historically in several countries. This essay will keep its focus on Libya rather than on other countries. It will not make use of extended historical perspectives on the background of the conflict but rather map it out in a more contemporary context. The scope of this essay will also be directed mainly to NATO and the UN, rather than the USA, (Guiora, 2011).

Another researcher who has worked on the subject is Graham Cronogue of Duke University who in 2013 raised some concern for the concept of R2P, which he then called *The Intervention Dilemma*. Cronogue has his main focus on discussing international law and the legality of interventions, where he argues that politics often stands in the way of action and uses the case of the genocide in Rwanda in the year of 1994 as well as the Kosovo war of 1998 as his examples. Cronogue concludes that R2P is used when it is not too expensive in terms of money and when there is a fair chance that the intervening part till actually win, furthermore he sheds some of his personal thoughts on the possible future of the concept of R2P, (Cronogue, 2013). The article authored by Cronogue focuses almost entirely on international law and the legality of international interventions. This essay will build upon a similar discussion about legality and legitimacy in the case of Libya, however it will also take one step further as it also aims to identify and analyse the arguments and justifications surrounding the conflict by the use of text analysis and idea- and ideology analysis on official documents.

In 2012 foreign affairs analyst Catlin Buckley authored an article on the subject of Libya that is worth taking note of. The article maps out the Libyan conflict as well as the Syrian conflict in 2011 and then compares them to a certain degree with a main focus on Libya. Her focus starts with the downfall of Qaddafi and then briefly touches upon international law as well as the UN. Buckley looks to the religious aspects in Syria and the Syrian relationship with Iran, which she describes as good. According to her the main reason for the downfall of Qaddafi is that he had insufficient allies and that Syria's relationship with Iran and Russia has kept them safe from intervention thus far, (Buckley, 2012). This essay will keep its focus on the Libyan conflict in 2011 rather than Syria as well. However, this essay will also do so from different angles and perspectives than Buckley. It deals with international law but goes further in terms of the perspectives of humanitarian intervention and R2P, which will be elaborated upon later on. There is no mention of ideological aspects in Buckley's article, which is something that this essay will provide along with a deeper analysis of arguments and justifications made by

the UN and NATO. In this way the article has some similarities to this essay but with a different focus and aspect on the subject itself.

1.3 Purpose and motivation

This essay aims to identify plausible explanations of why NATO chose to intervene in the Libyan crisis in 2011 and how the intervention was justified. This will be done by thoroughly presenting the theoretical and methodological foundation on which this essay will stand. Then by mapping out the conflict and identifying how NATO justified their intervention. These arguments as well as the official statements and resolutions of NATO and the UN will then be analysed through the methods of idea- and ideology analysis. Moreover, text analysis will be utilised to explain their ideological nature with regards to the theoretical framework presented below, as well as how the issues of legality versus legitimacy in interventions sets against each other. Then this essay will look to some of the dominating alternative explanations of NATO's intervention. These explanations will then be evaluated to present some sides of the debate. Lastly the essay will show conclusions that may be drawn from the analysed material.

The essay is of scientific relevance for the subject International relations (IR) as it connects to and will contribute to typical IR areas such as security, state sovereignty, identity, power politics, policy and international law. This essay will contribute further by answering the question of why there was an NATO led intervention in Libya. It also has relevance outside of the academia, as it will contribute to the on-going debate on the motivations of NATO in different conflicts. It will also bring more depth to the nature of the Arab spring, which is a contemporary phenomenon, both within as well as outside the academia.

Through out this essay the government established by colonel Mu'ammar al-Qaddafi in 1969 will be referred to as the Qaddafi regime. It is important to note that this essay does not put any normative values into this label or the former Libyan government, but uses it due to its clarity. During the conflict in 2011 there were uncertainties regarding the comprisal of the government of Libya and some actors recognised the rebels rather than the Qaddafi regime as the actual government of Libya even before the regime had actually fallen, (Reuters, 2011a & BBC, 2011c). The essay does not associate any normative assumptions with the group that was opposed to the Qaddafi regime, but labels them as rebels for the same reason, clarity. The group rebelled against the Qaddafi regime and are therefore labelled as such. The essay does

not seek to take any sides in the conflict of 2011, rather the opposite as it seeks to explain some aspects of it.

1.4 Inquiry

With the purpose and motivation above this essay will answer the following:

Thesis: How was the NATO led intervention in Libya 2011 justified?

By:

1. Identifying the main arguments made by NATO and the UN for intervening in the Libyan civil war 2011.

2. Understanding these arguments through a text analysis as well as idea- and ideology analysis.

3. Mapping out some dominating alternative views of NATO's intervention in 2011.

2. Method

2.1 Presentation

This essay will be using three primary methods: qualitative text analysis, idea- and ideology analysis and lastly source criticism. To answer this essays inquiry, it is vital to map out the conflict in Libya thoroughly in order to create a necessary background leading to the main analysis. Mapping out the Libyan conflict in 2011 and identifying its most vital milestones will achieve this. The actions of NATO will then be analysed mainly by looking at official statements from NATO and resolutions from the UN, which will also show their attitudes towards the conflict. Therefore, these official documents will be seen as an extension of both organizations and their approach to the conflict in Libya, which is why these documents have been chosen as the largest part of the material. In doing so the method of text analysis will be systematically utilized with the purpose of creating a deeper understanding of the material that the organizations presented, as well as revealing the underlying context of the statements and resolutions, (Esaiasson, Giljam, Oscarsson & Wängnerud, 2012, pp.210-226). In this essay a qualitative analysis of the occurrence of certain identified elements in these documents will be made. In more practical terms this essay will attempt to empirically identify and reveal the

ideas behind the actions of NATO by analysing the important documents connected to the organization as well as the UN, (Bergström & Boréus, 2012, pp.24-40).

The danger when using qualitative text analysis is to get lost in a "too" deep analysis where the material may be overly interpreted in terms of meaning without actual empirical results to strengthen its conclusions. This can ultimately lead to a low level of legitimacy, as the analysis becomes more opinion based rather than scientific and true to the empirical findings in the material, (Esaiasson, et al., 2012, pp.215-218). This essay will attempt to avoid this problem by having a main focus on arguments; furthermore, idea- and ideology, which will be explained below.

The essay will then use the method of idea- and ideology analysis on the arguments made by NATO and the UN and the ideologies behind these arguments. It could also prove to be a valuable asset with the purpose of identifying and understanding the structural aspects of why NATO intervened in Libya 2011, with regards to ideology, power, economy and politics. In doing so this method will also reveal the content of the ideological argumentation from NATO and the UN, (Bergström, et al. pp.139-145).

The ideological analysis will also refer to the theoretical background of liberalism, neorealism and other concepts that may be found in the material, (Ibid, pp.139-173). Understanding the context in Libya 2011, as well as the context of NATO and the UN will identify any traces of these notions. After this the UN resolutions and NATO official statements surrounding the conflict will be analysed and related to these notions as ideology gets its practical meaning through the context in which it is carried out, (Ibid, pp.156-165).

Idea- and ideology analysis is a well-established methodological framework that will give deeper meaning to the subject, however there are some weaknesses to the method that are important to keep in mind. One of the main weaknesses can be traced to the structure of how the analysis is to be carried out. If this framework is strict the effectiveness of the method gets limited as to what it will find in the material that it is used upon. With a set structure on exactly what to look for the method will fail to work with the material and may not grasp other vital aspects that could be empirically found. It is also important to note that a structure that is weakly defined and broad in its interpretation of what to find may prove to be ineffective as well since the results could be very broad, (Ibid, pp.149-173). This essay will attempt to find a middle ground between the two structures as the theoretical framework is

used as a background to understand the material, rather than in terms of explaining it, which will be elaborated more upon later.

Lastly the vital method of source criticism will assure the validity of this essay by reviewing each source accordingly. This qualitative essay will mainly use official documents as its primary source together with the secondary sources of scientific literature and mass media. The latter source will prove to be important in mapping out the intervention, as media covered much of the conflict.

The method of source criticism will aid the essay in reviewing the ideologies and possible tendencies of each source, which makes them easier to relate to. With the method of source criticism and its principles of 1) validity, 2) independency, 3) simultaneity and 4) tendency, the sources presented in this essay will reach a good standard in terms of quality, (Esaiasson, et al., 2012, pp.278-289).

2.2 Alternative method

Doing interviews was an alternative that was taken into consideration when choosing methods. It could have proven to be a valuable asset with the purpose of gaining first-hand sources and by getting closer to the decision making behind the intervention in Libya. However, interesting the results might have been the method was ultimately ruled out due to the limitations of this essay in terms of the time and resources that are required to interview key people in NATO and the UN as well as other involved individuals. Doing interviews on the subject of this essay is highly encouraged to future researchers who would like to go deeper into some aspects of the subject and also have the necessary tools to do so properly. Thus in order to limit the scope and to keep this essay focused, doing interviews was regrettably ruled out as a method, (Esaiasson, et al., 2012, pp. 251-277).

3. Theory

3.1 Presentation

To solve the given inquiry of this essay it is required to have a certain theoretical framework. It is however important to note that this framework will be used in terms of background in order to understand the findings in the material rather than explaining them. In more practical terms, the essay will not attempt to actively seek and identify the presented theories nor test them. Instead they will be kept in mind when approaching the material and also in the understanding of it.

Firstly, the concept of humanitarian intervention and responsibility to protect will be presented closely followed by an explanation of international law. These terms will then be used later in the analysis to explain the justifications made by NATO, furthermore in the chapter of concluding remarks.

The grand theories of Liberalism and Neorealism will also be presented in this chapter, as they are well-established theories attempting to explain the nature of the international arena. Both theories will aid this essay by identifying patterns in the behaviour of NATO and the conflict as well as how the intervention was justified.

3.2 Humanitarian intervention and responsibility to protect

The term "humanitarian intervention" is widely used in contemporary debates and the meaning of the term varies depending on context. As the adjective "humanitarian" is attached to a concept, interventions sound more justified and also seem more legitimate, which they may or may not be in practice. The actor who uses the term attempts to make the intervention seem non-partisan and moral, rather than an act of self-interest. In this way humanitarian intervention carries normative assumptions that an intervention is made for the greater good. The aim of an intervention of this kind is to give trans-boundary aid to suppressed people who are denied basic human rights and are unable to demand them from their government. A humanitarian intervention does not necessarily have to respect the territorial sovereignty of the state, but goes beyond this notion in order to defend human lives, (Hehir, 2013, pp.15-21).

There is however a clear distinction between humanitarian action and humanitarian intervention. The first is widely used amongst NGOs such as the Red Cross and is said to be

actions that are non-militarized and apart from political endeavours, with the purpose of helping humans in distress. The means of a humanitarian intervention are generally more militaristic and human rights are commonly enforced. These military actions must be proportionate and be the result of unsuccessful, peaceful attempts to establish basic human rights and protection of individuals in need, (Ibid, pp.16-17 & 22-23).

The actual legality of humanitarian interventions is a controversial topic and there is disagreement amongst scholars who also debate on the implications of legitimacy where some interventions are deemed illegal but legitimate. One such instance was the NATO intervention in Kosovo 1999, which was labelled "illegal but legitimate", by the Independent International commission on Kosovo. This entails that the act itself is seen as justified and accepted by the international community even though it breaks international laws such as the notion of state sovereignty, (IICK, 2000, p.4 & Hehir, 2013, p.24).

The term responsibility to protect (R2P) has recently become very closely tied to the concept of humanitarian intervention and is also a much debated idea. The term is a UN invention that refers to the notion that states are responsible to protect its citizens and if it fails to do so, should accept support from other states, (Hehir, 2013, pp.122-126). The purpose of R2P is to put pressure on states to protect its citizens and to ensure their welfare, as well as to prevent genocide and other mass atrocities against them. R2P also case that if a state is unable to protect its citizens from these acts, or is responsible for such acts itself, the international community gains a responsibility that puts them in a role that cannot be hindered by international law. This is however after the international community has given aid to the country in question when it is not able to handle a situation by itself. This is one of the big differences between humanitarian intervention and R2P, where the first is allowed to break state sovereignty at an earlier stage than the latter, (United Nations, 2009).

The controversy around R2P is mainly that it can be a way for states to legitimize intervention without concern for violating international law. R2P is frequently mentioned in many resolutions and official treaties, it is also a more acceptable term than humanitarian intervention. Some would argue that they are both problematic in the same way since the international community may carry out interventions in a legitimate way when they subjectively deem a situation to be too unstable, (Hehir, 2013, pp.138-142).

3.3 International law

International law refers to a system based on treaties between states, which attempts to govern their relationships by establishing international norms within areas such as trade, territory, peace and war. Even though international law is a rather old invention, it has become increasingly important within the international arena. This is very much a result of the establishment of the UN charter in 1945. A state has to sign this treaty to become a member of the UN. The charter is still significant today and underlines the importance of international law, which is enforced through the International Court of Justice (ICJ). The ICJ is open to all members of the UN and all else who accepts its jurisdiction. In this way international law relies heavily upon cooperation between actors who collectively agree to uphold the system and the ICJ, (Devetak, burke & George, 2012, pp. 232-233 & 297).

According to international law, actors are allowed to use force under two defined circumstances. Firstly, force may be used under article 51 as an act of self-defence, if an armed attack occurs. This is only temporary until the UN Security Council has taken the necessary actions to maintain international peace, after which the force used by the aggressor in question becomes illegal, (Evans, 2013, p. 18). Secondly, force may be applied with authorization from the UN Security Council. Militaristic interventions are therefore in compliance with international law if any of these two criteria are fulfilled. However, there may be some implications with article 2(4) of the UN charter, which restricts actors from using force within a territory that is not their own. Article 2(4) is widely debated amongst legal scholars who can be categorized into two distinct groups. The first group reads the article in a restrictive way that limits all interventions that contains any militaristic elements. The second group of scholars interprets the article in a more open way and often refers to humanitarian interventions as well as article 51. Their understanding of the articles makes pre-emptive self-defence legitimate. In practical terms they argue that an intervention could be seen as an act of self-defence if it would prevent an attack against the intervening actor in the future. The two interpretations have created a discussion on whether or not interventions are in fact legal, or illegal, (Kaag & Kreps, 2014, pp. 107-114).

Unlike national law, international law does not have any counterweight against states who break it. In other words, the ICJ does not have a "stick" to use when illegal actions are carried out. This could be seen as a weakness in the system where states could do illegal actions when they deem it to be legitimate. As there is no authority to enforce international law it could be seen as something that undermines the idea that international law ultimately makes states

more lawful within the international arena. However, it could also be argued that the system as it is works as an incentive for states to be more lawful as the idea of international norms based on the morality of actors in some cases could alleviate conflict, (Koh, 1997, pp. 2614-2617 & 2635).

3.4 Liberalism

The theory of liberalism differs from that of Neorealism in its basic assumptions and views of international relations. Liberals has a positive view of human nature, which they interpret as rational and argue that many individuals share interests, which drives them to cooperate on a domestic as well as international level. This notion about individuals is then reflected in international relations. The nature of the international arena is viewed as cooperative rather than full of conflict, which is seen as the result of progressive politics through history. Liberalism disregards the assumption of self-help, bipolar power and rearmament as ways that lead to security. Instead the theory puts emphasis on interdependence where different actors are economically dependent of each other, (Jackson, et al., 2013, pp.100-110).

As an extent of basic Liberal Assumptions Neoliberalism gained a strong foothold during the 1980s. The newer theory sets its focus on economy, structure and cooperation. Building upon the assumption that the international system has embedded cooperation, Neoliberals seek to explain the nature of the relations between international institutions. In doing so it is their belief that problems that may occur in these relationships can be mitigated so that institutions may grow stronger, which is seen as a positive development. Neoliberalism shares the understanding of the international system with Neorealism as the theory interpret it as anarchic in its nature. However, they believe that anarchy can be suppressed through relations between the actors of the international arena and puts much belief in the potential of civil society, (Dunne, Kurki & Smith, 2013, chapter 6).

Critique directed towards Liberals commonly refers to their optimistic view of the world and their strong belief in humans as rational actors. It is also argued that this optimistic view makes liberalism narrow when it comes to understanding the anarchic nature of the international system and how it effects actors on the international arena. Another key argument against Liberalism is directed towards their understanding of interdependence as means to alleviate conflict. Some Neorealists would claim this understanding to be false, as it

has done little to hinder some wars in the past, such as World War II, (Jackson, et al., 2013, pp.118-120).

3.5 Neorealism and Waltz

Neorealism argues for the notion that states exist and operate within the international system, which is in a constant state of anarchy. The theory of neorealism distances itself somewhat from the classical realist emphasis on the savagery of human nature and also departs from ethics in statecraft. Instead neorealism focuses more upon structures within the international system. These structures are seen as something external to actors and also what determines their actions. The political scientist Kenneth Waltz is often described as the leading figure when it comes to neorealism, (Jackson & Sørensen, 2013, pp.71-72 & 79). According to Waltz every state is similar in their basic functions even if they may differ in ideology, religion or culture. He also argues that states are the main actors in the international system and are primarily distinguished by their ability to carry out similar tasks, where some are better in achieving results and some are worse. These capabilities make nations rise and fall, which alters the balance of power. This is what fundamentally changes the structure of a system. Stability is achieved in a bipolar system where two powerful actors compete and in doing so maintain status quo, (Waltz, 1979, pp.96-97 & pp.161-193).

Waltz's arguments are based on determinism as he argues that actors are governed by the anarchical structure of international relations, which in practice means that they are forced to take certain actions, such as exercising diplomacy, (Ibid, pp.194-210). These structures ultimately make actors behave in self-interest and take every opportunity to gain relative power over others to ensure their own survival. According to neorealism this has been the case many times through history, which repeats itself through conflict and war. This is the natural outcome as there is no overarching authority to prevent the use of violence in the international system, which leaves actors to pursue self-help to survive and gain relative as well as absolute gains over each other, (Devetak, et al., 2012, pp.39-40 & 44-45).

Neorealism usually receive critique stating that it is too narrow in its focus, leaving out important dimensions such as civil society and international law. The theory has also been criticized for putting too much emphasis on the anarchical system, ultimately failing to acknowledge how it also forms an anarchical society. In doing so neorealism also fails to

grasp the progressivity of international politics where some actors choose cooperation instead of conflict, (Jackson, et al., 2013, pp.90-91).

4. Background

4.1 Overview of the Libyan civil war 2011

The civil war in Libya started on the 17th of February 2011 when parts of the population rebelled through massive protests in major cities such as Tripoli, Benghazi, Ajdabiya, Darnah and Zintan. These protests were aimed against Colonel Mu'ammar al-Qaddafi, who at the time had ruled over Libya for approximately 42 years, (Vandewalle, 2014, p. 438-439 & Aljazeera, 2011). Qaddafi responded with force, which resulted in the deaths of over 200 protesters. This led to even more protests against the regime, which once again answered with force. The situation in Libya was escalated quickly and Qaddafi now faced uprisings in even more parts of the country. By the 20th of February, after several days of fighting, the rebelling citizens managed to take control of Libya's second largest city Benghazi, after numerous lives had been lost on both sides, (The Guardian, 2011 & Aljazeera 2011). The week that followed proved eventful as several key people within the Qaddafi administration, including the entire Libyan delegation to the Arab League, chose to resign from their posts. The permanent representative Abdel Moneim al-Honi even said that he resigned to "join the revolution" on the rebel side, (Alarabiya, 2011). During this week the UN secretary general Ban Ki-moon met with Colonel Qaddafi on the 21st and demanded a ceasefire, to which Qaddafi replied that he would rather die a martyr than give up his power, (CNN, 2015).

On the 22nd of February the UN released a notable statement regarding the protests in Libya. The statement had a very strong focus on affected civilians and labelled their demonstrations and demands to be legitimate. Furthermore, the protestors were called peaceful and also described as exposed under the violence that the regime imposed on them, resulting in several deaths. The UN called on the Qaddafi regime to take responsibility and protect its own population, (United Nations, 2011f). As previously mentioned in this essay, R2P is a concept that means that states have a responsibility to protect its population and that if the state would fail in doing so should accept support from other states, (Hehir, 2013, pp.122-126). The Security Council urged the Qaddafi regime to accept passage of medical supplies and personnel into Libya, under the concept of R2P. This was accompanied with reference to

International Law in terms of human rights and international humanitarian law, (United Nations, 2011f).

On the 5th of March, the rebels had established the National Transitional Council of Libya, which met in Benghazi and announced that they were the official representatives of Libya. Five days later France recognized the council's authority as the representative of the Libyan population. As tensions got even higher the Qaddafi loyal forces advanced on Benghazi on the 16th under the command of Qaddafi's own son Saif al-Islam. The following day The UN Security Council authorized a no-fly zone over Libya with the purpose of defending civilians from harm and two days later NATO conducted airstrikes against the Qaddafi forces, which put a stop to the advancement on Benghazi, (Reuters, 2011a). The NATO General Secretary Fogh Rasmussen went public with an official statement that all NATO allies had decided to enforce the no-fly zone and on the 31st of March NATO initiated Operation Unified Protector as an extension of the no-fly zone, which had the purpose of protecting the Libyan population from harm, (NATO, 2011b & NATO, 2011g & NATO, 2011h).

The NATO led intervention forced Mu'ammar al-Qaddafi to write a letter to the American President Barak Obama, urging him to use his influence to put a stop to the NATO airstrikes. Qaddafi called President Obama "our son" while also stating that Libyan affairs should be left to Libya under the framework of the African Union and not be left in the hands of the international community. Lastly, the letter argued that the rebels who had risen against the Qaddafi regime in fact were members of Al Qaeda who tried to gain a strong foothold in the region, (Business Insider, 2011). A few days after the letter had been received, France, the United Kingdom and the USA hade written a joint statement, pledging NATO to keep their pressure on the Qaddafi affiliated forces in the Libyan region; furthermore, to abide by UN resolution 1973 in order to protect civilians, (BBC, 2011a).

In May the rebel forces had seized control of large areas in eastern Libya and several major cities including Tobruk, Jalu and Ajdabiya, (NATO, 2014). Qaddafi had unsuccessfully urged NATO for a cease-fire and the day after his offer, three of Qaddafi's grandchildren as well as his youngest son were killed in an airstrike against Tripoli. The NATO commander of the operation commented on the situation with; "We do not target individuals," and explained that the operations in Libya would continue until the Qaddafi forces had surrendered, (Bloomberg, 2011).

On the 27th of June the International Criminal Court issued an arrest warrant for one of Mu'ammar al-Qaddafi's sons, Saif Al-Islam. Saif was seen as the actual prime minister of the Qaddafi regime at the time and was charged with crime against humanity by implementing systematic attacks against civilians, (ICC, 2011). The warrant was a result of a referral previously made by the UN through resolution 1970, which will be elaborated upon later in this essay.

During July and August NATO and the rebels had increased their efforts in the Libyan region, resulting in large areas being claimed from the pro-Qaddafi forces, including the cities of Zawiyah, Sabratha and Surman, which are located west of Tripoli (NATO, 2014). By the end of August many of the remaining pro-Qaddafi forces had fallen back to Tripoli where they would make their major last stand in the conflict. After several days of combat, the rebels had finally pushed out the pro-Qaddafi forces from the greater city area with support from NATO, (NATO, 2011i).

Later by the end of the NATO operation in October the rebels had won the conflict as the Qaddafi regime had fallen and Mu'ammar al-Qaddafi himself had been killed, (Reuters, 2011b). The NATO led intervention had employed approximately 260 air assets, 8000 troops and 21 naval assets, including unmanned aerial vehicles, attack helicopters, submarines and aircraft carriers. During the operation the NATO coalition took out over 600 tanks or armoured vehicles, had maritime surveillance over an area of 61000 nautical square miles and boarded approximately 300 ships suspected of helping the Qaddafi regime with supplies, (Bosilca, et al., 2013, p.83 & NATO, 2011e).

4.2 The United Nations Resolution 1970

On the 26th of February The UN Security Council imposed an arms embargo against Libya and froze the assets of Qaddafi and his closest advisors. These actions were a part of resolution 1970, which also included a referral to the International Crime Court and a travel ban for individuals with high positions within the Qaddafi regime. The Security Council also demanded an immediate stop to the violence against civilians and also called their demands "legitimate". The resolution also referred to international law, including international humanitarian law and human rights. The asset freeze was carried out later by the European Union under the mandate of the UN resolution, resulting in Qaddafi and 6 of his family members and inner circle being without their financial assets. These assets would later be

available to the population of Libya according to paragraph 18 of the resolution, (United Nations, 2011a & The Telegraph, 2011).

The arms embargo presented in resolution 1970 dictated that all member states should take measures to prevent any kind of military supplies from reaching Libya. This included spare parts, technical assistance and financial assistance related to military activities. The embargo would; however, not apply for protective clothing such as military helmets or non-lethal equipment intended for humanitarian use. The paragraphs concerned with the arms embargo also authorized all member states to inspect suspicious vessels for the abovementioned supplies; furthermore, confiscate and dispose any prohibited supplies that they would find, (United Nations, 2011a).

The travel ban applied to 16 people of which 9 were directly related to Colonel Mu'ammar al-Qaddafi himself. The other 7 people listed included key people to the Qaddafi regime such as the Libyan minister of defence and the director of military intelligence. The decision was to be imposed by all member states, which were authorized to use all necessary measures to prevent the people affected by the ban to travel through their territories, (United Nations, 2011a).

4.3 The United Nations Resolution 1973

The no-fly zone was incorporated in UN resolution 1973, which was passed on the 17th of March. The resolution was in some parts an extension of resolution 1970 as it further emphasized the need for a ceasefire and refers to several paragraphs from the previous resolution including sections concerning the asset freeze, which in resolution 1973 was extended to seven more individuals as well as five new entities. The entities included two banks and one oil company, ultimately contributing to the Libyan GDP growth to drop by approximately 62% during 2011, (The World Bank, 2015 & United Nations, 2011b).

 The no-fly zone was a ban on all non-humanitarian flights with the purpose of protecting civilians, calling upon all member states of the UN as well as the League of Arab States "… to take all necessary measures to enforce compliance with the ban on flights …". The zone did not apply for flights with humanitarian purposes, flights with humanitarian supplies or aircrafts who had received clearance from the member states, (United Nations, 2011b). Resolution 1973 passed with ten votes in favour, zero against and five abstaining. The five abstaining members (China, India, Brazil, Russian Federation and Germany), stated that they

would prioritize peaceful means when resolving the conflict in Libya and would also prefer if the resolution would include how and by whom the No-fly zone would be limited and enforced, (United Nations, 2011c).

Enforcing an arms embargo was previously elaborated in resolution 1970 but had now been modified as well as expanded upon in resolution 1973. The embargo now covered the supply of mercenary troops coming into Libya. In their inspections for banned military supplies member states were now authorised to use "all measures commensurate to the specific circumstances to carry out such inspections". This was to address the case that the Qaddafi regime had started to hire mercenaries to fight against the rebels since several soldiers had defected from the national army as the civil war erupted; something which the UN deplored in resolution 1973, (United Nations, 2011c & Time Magazine, 2011 & BBC News, 2011b).

4.4 The United Nations Resolution 2009

On the 16th of September the UN general assembly passed a vote to seat the National Transitional Council of Libya as the official representative of Libya, removing all jurisdictions from the Qaddafi regime, (United Nations, 2011d). This decision led The Security Council to pass UN resolution 2009 on its 6620th meeting. The resolution established a support mission in Libya called UNSMIL, with several tasks including the purpose to restore public order, promote human rights, and initiate economic recovery and to promote political dialogue. Resolution 2009 also entailed a major lift on the arms embargo previously embodied in resolution 1970; furthermore, the resolution limited the asset freezes, releasing assets to several corporations and banks in Libya. Lastly, the Security Council decided to remove the no-fly zone and ban on flights with immediate effect by ceasing the effects of paragraph 17 of the previously mentioned resolution 1973, (United Nations, 2011e).

4.5 Operation Unified Protector

One day after resolution 1973 was passed, the NATO Secretary General Anders Fogh Rasmussen expressed NATO's support for the No-fly zone and announced that the organization was fully prepared to take the necessary actions to support it, (NATO, 2011a). A few days later NATO declared that an operation to enforce resolution 1973 would be launched by all allies with the purpose to protect civilians in Libya. Under the command of Lieutenant General Charles Bouchard, NATO decided to send ships and aircrafts to the region, whose purpose also was to monitor vessels suspected to carry mercenaries or illegal

goods to the Qaddafi regime. The initiative came to be called Operation Unified Protector (OUP), (NATO, 2011b & NATO, 2011h).

After a week NATO decided to go beyond enforcing the no-fly zone and the arms embargo to take command of all military operations. Secretary General Fogh Rasmussen announced that OUP would also entail protecting civilians from the Qaddafi regime; furthermore, work with regional and international actors to achieve a new dimension of OUP. The operation would also be carried out with immediate effect as of the 27th of March, (NATO, 2011c). The three pillars that defined OUP now became the following, (NATO, 2015):

1. "Enforcing an arms embargo in the Mediterranean Sea to prevent the transfer of arms, related materials and mercenaries to Libya"

2. "Enforcing a no-fly zone to prevent aircrafts from bombing civilian targets"

3. "Conducting air and naval strikes against military forces involved in attacks or threatening to attack Libyan civilians and civilian populated areas"

Under these three pillars OUP involved more than just NATO allies, the operation also got support from five non-NATO members including Sweden, who dispatched several fighter jets to the operation. The other four countries (Jordan, Qatar, Morocco and the United Arab Emirates) to join OUP lay in the region itself and are members of the Arab League, showing that there was some regional support for OUP as well. NATO also called for support from the European Union and the African Union. In addition to the previously mentioned asset freeze, the European Union provided approximately 80.5 million euros to humanitarian assistance and took part in talks with actors to end the conflict in Libya. The African Union rejected the notion of a military intervention before The Security Council passed resolution 1970, however Nigeria, South Africa and Gabon voted in favour of the resolution, as they were members of the Council, (Bosilca, Bunoara, Rosu & Sava, 2013, pp.80-82).

Some weeks later on the 14th of April 2011 the NATO Ministers of Foreign Affairs met in Berlin to discuss OUP. During this meeting the ministers agreed that the operation as well as strikes against Qaddafi forces would continue until all attacks and threats against civilians had ended. Furthermore, all Qaddafi forces would have to withdraw from all populated areas where they had used force or laid siege, back to their military bases. Lastly the Ministers urged the Libyan regime to permit full and safe humanitarian access to civilians in need of aid. Through the statement there are frequent mentions of the UN resolutions 1970 and 1973,

which are used to show that NATO was committed to implement every part of the resolutions and as the ministers stated, "… Support to the sovereignty, independence, territorial integrity and national unity of Libya", (NATO, 2011d).

By the 8th of June the NATO ministers of defence agreed to continue with OUP in order to keep pressure on Qaddafi to stop attacking civilians and to comply with the three pillars of the operation. After the rebels had conquered Tripoli in late August the NATO secretary general stated that the organisation was still continuing with OUP and the protection of the Libyan population. As UN resolution 2009 was adopted by the Security Council in mid September the NATO defence ministers met once more in early October but this time they decided to end OUP as soon as possible. When the rebels managed to conquer the last stronghold of the Qaddafi regime on the 20th of October (resulting in the death of Mu'ammar al-Qaddafi), NATO took the decision to end OUP at the end of the month. At the 31st of October the operation officially ended after 222 days since it had begun in March, (NATO, 2015).

By the end of the conflict NATO Secretary General Fogh Rasmussen called OUP one of the most successful operations in NATO history. He also stated that the people of Libya now had been liberated, transformed the region and that the future now was in their hands. Furthermore, the Secretary General explained that NATO was ready to provide help for the Libyan population in the future if they would need it and request it, in order for them to stay safe and free, (NATO, 2011f).

5. Analysis

5.1 The Justifications made by the United Nations

The United Nations addressed the situation in Libya with several statements through out the conflict. There are some reoccurring features in these statements and how the UN viewed the different sides to the conflict, which will be presented in this part of the essay.

The previously mentioned UN statement presented on the 22nd of February has clear features of Liberalism as it focuses heavily on civilians and their potential to form legitimate demands towards their government, ultimately resulting in the distress and deaths of civilians, which is viewed as the main issue in the statement from the UN. Furthermore, the emphasis on International Law and the urge for cooperation are typical Liberal notions as it disregards self-help to instead favour dialogue with the optimistic view that the results will be more peaceful,

(Jackson, et al., 2013, pp.100-110 & Dunne, et al., 2013, chapter 6 & United Nations, 2011f). In terms of Neorealism there are some traces of the theory within the concept of R2P. The concept identifies states as the actors designated with the utmost responsibility to protect civilians. This turns the state into the main actor when it comes to internal security, rather than civil society. The states ability to protect its population determines if the international community are to intervene with the purpose to carry out similar tasks in its stead. Even though R2P has civilians as its main subject, the state is seen as the main actor determining their well-being. In this way some aspects of the UN statement may also be interpreted as Neorealistic, (Waltz, 1979, pp.96-97 & United Nations, 2011f).

5.2 The United Nations Resolution 1970

Two of the primary official documents from the UN concerning the Libyan conflict in 2011 are UN resolutions 1970 and 1973. The resolutions are separate but highly linked as the former made way for latter and also expanded on its paragraphs. On the 26th of February the Security Council passed UN resolution 1970, only eleven days after the initial protests in Benghazi had begun, (The Independent, 2011 & United Nations, 2011a). One of the pre-ambulatory clauses stated the following:

"*Deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,"* (United Nations, 2011a).

Firstly, the clause mentions human rights, which is an International Law adopted by the UN General Assembly in 1948. The law expresses an obligation on states to respect; furthermore, protect every individual's right to live free from abuse and discrimination connected to "…race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", (United Nations, 1948). When the resolution refers to the violation of human rights the organisation may refer to the protestors right as citizens to express their opinions without being abused or discriminated against, which could be seen as the case when the Qaddafi regime answered protests with violence. The human rights law also states that every individual has the right to be free from cruel or degrading treatment, this paragraph may also be interpreted as being in violation when the protestors were attacked, (United Nations, 1948 & The Guardian, 2011 & Aljazeera 2011).

Secondly the pre-ambulatory clause from resolution 1970 mentions that the violence against the civilians comes from the Libyan government (the Qaddafi regime). Connecting to another clause, which urges the Libyan authorities to assume its responsibility to protect its population. Accompanied with the previously mentioned arms embargo as well as travel ban the resolution presents the regime as irresponsible as well as unable to preform its duty to protect its citizens, (United Nations, 2011a). Through a Neorealistic perspective this is what ultimately makes states different from each other, the ability to preform similar tasks, which alters the structure of the international system where an international intervention no longer becomes necessarily illegitimate. Due to the anarchic structures of the international arena, it was only natural that OUP was carried out. Since the UN and NATO saw the opportunity to intervene on a weakening states territory, the rules of anarchy led them to take action, according to neorealism, (Waltz, 1979, pp.96-97).

5.3 The United Nations Resolution 1973

This essay has previously mapped out UN resolution 1973 and will now provide a closer analysis of its context. The first pre-ambulatory clause recalled the former UN resolution 1970. This was followed up in the second clause where the Security Council established that the Libyan government (Qaddafi regime), had failed to adhere to the clauses presented in resolution 1970; furthermore, in its responsibility to protect its population from harm, which is stated in pre-ambulatory clause four. The resolution also claimed that the attacks against civilians were currently on-going and could amount to crimes against humanity, (United Nations, 2011b). The introduction is constructed in this way to seem more legitimate by referring to previous decisions and remarks, as well as by underlining the then current situation in Libya. When showing that the Security Council had previously attempted to put a stop to the conflict without success, the resolution leads the reader to be more likely to view the Council as being obligated, or pushed to take the decisions presented in the resolution when in fact they always had the choice of not intervening at all.

Another pre-ambulatory clause stated the following:

"Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006)," (United Nations, 2011b).

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The resolution mentioned (1738) was adopted by the Security Council five years prior to resolution 1973 and can be seen as a document of international law as it expands upon international humanitarian law (IHL) in conflicts; moreover, defines that the responsibility to protect journalists, media professionals and affiliated personnel lay with all parties involved in the given conflict. Resolution 1738 also emphasised that states have a responsibility to bring individuals in violation of IHL to trial. IHL refers to a series of laws concerned with protecting civilians in armed conflict. These laws include obligations on involved parties such as the obligation to give captured combatants a fair prosecution, as they receive the status prisoners of war. IHL applies to all armed conflicts and also attempts to limit civilian casualties by establishing that involved actors may only target military objectives. However, if civilians are likely to get caught in such a strike, then the situation must be evaluated so that the deaths are not excessive in comparison with the expected military advantage. If this were the case the strike would be deemed unlawful under IHL. Under these laws journalists and affiliated personnel are to be treated as if they were part of the country's own population, which gave the Qaddafi regime the responsibility to protect them as if they were part of the Libyan population. At the same time, they are protected under resolution 1738 making the safety of journalists the responsibility of the regime in two ways, (United Nations, 2006 & Geneva Academy, 2015). These international laws are established under the Liberal notion that a set of theoretical norms has practical and direct effects in the international arena. In this case the effects would be less conflicts as IHL alleviates conflict by recognising and underlining the importance of individual lives, (Dunne, et al., 2013, chapter 6).

5.4 The United Nations Resolution 2009

The resolution that ended the mandate for the Libyan intervention was slightly different from the previous resolutions (1970 & 1973) in terms of focus. Even though there were several mentions of civilians and populated areas, there was more of a focus on women and children, which had not been specifically mentioned in the previous resolutions. In the pre-ambulatory clauses these two groups along with minority communities are emphasised and said to be especially important to include in political processes as well as for the future of Libya. Resolution 2009 also condemned sexual violence, especially against women and girls; furthermore, the unlawful recruitment of children in armed conflicts. The resolution had a clear focus on the future of Libya and saw that the road to prosperity lay in national responsibility, economical funds and international laws such as IHL. As promised in the

previous resolutions, the resources that had been frozen were made available to the Libyan population five days after the resolution had been adopted, (United Nations, 2011e).

Sexual violence could have been lifted in this closing resolution for several reasons. One being that the extent of these specific circumstances might not have been fully known when the previous resolutions were adopted. Another reason could be that these facts were not prioritised when the civil war was on-going as other matters may have seemed more pressing at the time. A third reason being that the UN might have seen inequality as a one of the contributing reasons for the outbreak of the Libyan conflict in the first place, which could be why women were mentioned in number 2009 as part of the peace building process. There are traces of Liberalism in the resolution as it has a clear focus on individuals as well as the civil society as cornerstones of creating a stable future for Libya. Interdependence is also a method for stability imposed by resolution 2009 through establishing the support mission UNSMIL with tasks such as to assist efforts to initiate economic recovery. Another trace of interdependence comes from clause 18, which requests cooperation between the Libyan authorities, the International Monetary Fund and the World Bank. UNSMIL together with the requested economical cooperation attempts to create a state of dependence between national and subnational actors, which according to Liberal theory leads to lasting peace as a conflict between the involved parties becomes costly. Creating stability in the international arena is in the interest of the UN because the organisations goal is to create peace, disarmament and security. Interdependence is a useful theoretical framework to help the organisation to build upon these three points. (United Nations, 2011e & Jackson, et al., 2013, pp.100-110 & United Nations, 2016).

5.5 The Justifications made by NATO

Through out the intervention NATO made numerous statements regarding OUP and held press conferences almost every week, addressing the situation in Libya, from February through October, (NATO, 2012). There are some continuous patterns in these statements as NATO attempted to legitimize the intervention. In a statement made by Secretary General Fogh Rasmussen on the 24th of March 2011, he officially announced that NATO would enforce the no-fly zone over Libya. Much like the justifications made by the UN, Fogh Rasmussen underlined the paramount objective to protect civilians; furthermore, he put emphasis on the importance of cooperating with regional partners to achieve this objective. It was explained that NATO would enforce the no-fly zone in order to save human lives from

the violence presented by the Qaddafi regime. This was justified under the obligations presented in UN resolution 1973, which all NATO allies were prepared to undertake. The statement from Fogh Rasmussen was in alignment with resolution 1970 and 1973 respectively as he made frequent mentions of the need to protect civilians; moreover, underlined the regional actors of the conflict, which was also the case in resolution 1973, (NATO, 2011g & United Nations 2011a & United Nations 2011b). The rhetoric of the statement tries to make the NATO intervention hard to argue against since, the secretary general presents the intervention as justified in several ways. By continuously referring to the UN resolutions, Fogh Rasmussen attempts to present the decision made by NATO as legitimate as well as legal. The references also argue that NATO is not to blame for the intervention as the organization acted on the mandate provided by the UN. From a Neorealistic view this reference has to be made because of the anarchic structure of the international system. This is because the secretary general needs to show the world that NATO is not weak or alone but strong and with many allies. This secures their position and attempts to fend off actors that might have an interest in challenging NATOs actions, (Waltz, 1979, pp.194-210).

As previously mentioned, the foreign ministers of NATO and its operational partners made an important statement on the 14th of April 2011 that defined the nature of OUP through three pillars. The statement has clear signs of humanitarian interventionism. As described earlier in this essay, the term carries a normative assumption where an intervention is presented as being made with regards to humanitarian values. The aim of such an intervention is to provide aid to civilians who are in need of basic human rights and are unable to claim these rights on their own. These motivations for an intervention goes beyond the notion of territorial sovereignty in order to protect human lives. The statement made several references to the Libyan people, civilian-populated areas and described the conflict as "… a very serious humanitarian situation …". The ministers claimed that the Qaddafi regime had lost all its legitimacy by not complying with the demands of UN resolutions 1970 and 1973, (NATO, 2011d & Hehir, 2013, pp.15-21). By this claim, together with the emphasis on civilians in need of protection, the ministers attempt to make OUP and its three pillars fully legitimised. Through a Neorealistic perspective the intervention can be interpreted as something natural due to the anarchic structure of the international arena. As a result of the failure of the Qaddafi regime to perform its duties to protect its civilians it may be seen as weak and therefore become illegitimate as well as a target for interventions by stronger states, in an

attempt to pursue relative and absolute gains, in order to survive in the long run, (Devetak, et al., 2012, pp.39-40 & 44-45).

The last statement on OUP made by secretary general Fogh Rasmussen was given on the 28th of October, three days prior to the official end of the operation. He called OUP an historical success, that also showed that NATO had the ability to stand together and make important decisions quickly and decisively. The statement underlined the importance of international law, democracy and that the future of Libya lay in the hands of its population, (NATO, 2011f). There are several interesting remarks about the statement made by the secretary general; one being that he states that the fall of the Qaddafi regime is a victory that utmost belongs to the people of Libya. At the same time, he gave large credit to NATO and the role that it took in the conflict. From a more critical perspective this puts the Libyan population in a seat where they should celebrate but also remember to be thankful for the NATO intervention. Something that shows the civilians as incapable units and NATO as their capable protector, which is strengthened by Fogh Rasmussen when he states that NATO could help the population again in the future if they were to ask for it. From a Neorealistic perspective the secretary general is obliged to make such an offer under the anarchical structure of the international arena. If he would not extend his hand in this way there is a risk that the withdrawal of NATO would be interpreted as a sign of weakness when leaving its responsibilities in the region. In other words, he made the offer to the Libyan population in order for NATO to keep looking strong in the eyes of other security actors. Lastly the statement shows signs of Liberalism as it makes mentions of values such as democracy, individual responsibility through civil society in the future of Libya and also underlines the value of international laws when it comes to national and international stability.

6. Alternative views

This essay has analysed some of the key statements and documents made by the UN as well as NATO who both argue that the intervention in Libya was largely a success. The essay will now continue by presenting some alternative interpretations of the intervention and its outcomes in order to shed different lights on the subject.

Associate Professor of Public Affairs, Alan Kuperman from the University of Austin at Texas, has authored the first article that this section will present, (The University of Texas at Austin, 2015). This article takes its standpoint from a critical perspective in an attempt to challenge

the mainstream views of the Libyan conflict. One such standpoint is that the author claims that the so-called peaceful protests in February were not peaceful at all, but rather violent; moreover, that several protestors were in fact armed from the first day of the conflict. He also argues that the Qaddafi regime initially responded to the protests with nonlethal means, such as water cannons and rubber bullets rather than with live ammunition; furthermore, the author argues that lethal force was used by the regime only when the protesters escalated in their violence by means such as throwing Molotov cocktails, (Kuperman, 2013).

According to the article the Qaddafi regime managed to retake several of the cities held by rebel forces between the 5th and 15th of March without deliberately targeting civilians in revenge. By the 16th of March the Qaddafi forces prepared for a final assault on the last major stronghold of the Rebels in the city of Benghazi. The article argues that the Libyan conflict would have ended by late March if NATO would not have intervened and hindered the Qaddafi troops from the assault on the city. In doing so, NATO prolonged the conflict which, ultimately resulted in many more civilian casualties than if the intervention would not have taken place. The author of the article also states that the intervention fostered the rebellion in Libya since they were dependant on the implementation of the no-fly zone and air support provided by NATO, (Ibid, 2013).

Another article worth mentioning is authored by Carl Cavanagh Hodge from the University of British Columbia-Okanagan in Canada. The article describes the Libyan intervention as having similarities with the former NATO operation in Kosovo 1999; furthermore, argues that the former was less ambitious than the latter. Kosovo was about to be disintegrated from the Yugoslav Federation and had begun to establish a sovereign state, which made their operation complex. It is still costly today since NATO maintains troops in Kosovo over a decade after the operation had been initiated. This fact led the organisation to avoid commitments in Libya after OUP had ended, according to the article. The same financial aspects are implemented on the USA by showing that they took the case for Bosnia but delayed action in Rwanda, (Hodge, 2013).

Seen as UN resolution 1973 authorised all means necessary to protect the Libyan population the article by Hodge states that NATO had a stronger mandate for intervening than it did in Kosovo. Hodge also establishes that France and the United Kingdom were the primary driving force for OUP since they had previously stated that a regime change in Libya would be welcome. Both countries also had forces in the North African region before the uprising

had even started. This driving force led to the implementation of OUP even though there is little to gain from the Libyan intervention in terms of economy or strategic means compared with the situation in Kosovo, (Ibid, 2013).

As mentioned before, there is a debate within international law concerning the legality of international interventions. This debate has also stretched to the case of OUP, where some legal scholars have argued that NATO overstepped their mandate. Two such legal scholars are Geir Ulfstein and Hege Fosund Christiansen of the University of Oslo. In one of their articles they state that NATO's actions to protect the civilians were legal and within the mandate of UN resolution 1973. It was the support provided to the rebel advancements against the Qaddafi regime with the aim of overthrowing its authority that violated the mandate and made the use of force illegal. This argument is accompanied by reference to resolution 1973 and the sentence, which authorises actors to "take all necessary measures". According to the authors this makes all force not directly aimed at protecting civilians illegal under the mandate of the resolution; furthermore, they claimed that civilians should only be seen as parties who were not involved in fighting on either side of the conflict. Under the UN mandate NATO should also have prevented attacks from both sides if they were to stay within the legal boundaries, (Ulfstein & Fosund Christiansen, 2013).

The article also addresses the initial clash at Benghazi, establishing that the NATO bombings of Qaddafi forces was legal as they were advancing on the city; moreover, Qaddafi and his son had announced an upcoming assault against the rebels. In legal terms the authors interpret that the situation was an act of defending civilians in the city as the attack seemed imminent. Even though it could be said that a change of regime would ultimately protect civilians from harm, the lawfulness of the Libyan intervention was established by UN resolution 1973 and with the aims of protecting civilians who were under attack. In other words, even though the actions from NATO may have been legitimate or not, they were definitely unlawful as the organisation exceeded the UN mandate to foster regime change in Libya, (Ibid, 2013).

Claudia Gazzini, who at the time (2011) was a visiting fellow at North-western University, but later became a senior analyst at the International Crisis Group of Libya, wrote the last alternative view on the Libyan conflict that this essay will present. Her article sheds some light on the circumstances around the death of colonel Mu'ammar al-Qaddafi in late October. The author underlines that Qaddafi did not receive a proper trial prior to his improvised execution, which had taken place on a road outside of the city Sirte, as the former leader was

fleeing the city in a convoy. The rebel fighters had taken the matter into their own hands and the killing of Libya's former leader casts some doubt on the actual motivations behind the NATO intervention in the region. What ever the motives of OUP might have been, the article argues that it was paramount for the rebels rather than NATO to pull the trigger to create national unity. In which case there might have been Arab criticism if western powers were to cause the death of an Arab leader. However, the author expresses the need to recognise the important role that these powers played in the death of Qaddafi in order to stay true to reality. She explains that it was a missile from an US drone that compelled the convoy leaving Sirte to spread out, leaving Qaddafi likely hurt and to continue on foot till the rebel fighters found him by the road. Under these circumstances it is important to acknowledge that NATO and the US played an important role in the final hours of Mu'ammar al-Qaddafi, even if they attempted to downplay their involvement surrounding his final death, (International Crisis Group. 2015 & Gazzini, 2011).

In the second half of her article, Gazzini addresses the nature of humanitarian interventionism. Calling the concept "Pandora's Box" due to its complexity, the author presents what she thinks were the three main issues with the intervention in Libya. The first issue is the lack of a clear definition of what qualifies a crisis as humanitarian disaster, which would legitimize an intervention. This is dangerous because it may lead actors to use the concept for their own gains, or in the case of Libya with pre-emptive motivations since Qaddafi forces were targeted with the assumption that if they were not, they would attack civilians. The second issue expands upon the first by showing that misuse of humanitarian interventions has been done in the past; one such misuse being the previous imperialist expansions and colonial wars being fought in the name of civilizing humans, which at the time was considered legitimate. The Last major issue brought up by Gazzini is that of legality. Since humanitarian interventions breaks the international law of state sovereignty it becomes hard to legitimize humanitarian interventions under the norm of international order. In conclusion the author deems the intervention in Libya to be a regime change by another name. Colonel Qaddafi had many times mocked the Western powers calling them colonialist and immoral, also stating that the UN was the outmost representation of these values. There was little chance that he would give in to the pressure from the UN through resolution 1970. Without OUP the rebels would most likely have been defeated within weeks and Qaddafi would have continued his reign. Therefore, the author argues that regime change might always have been the underlain driving force of the humanitarian intervention from NATO, (Ibid, 2011).

7. Concluding remarks

This essay has now reached its final section where it will provide some conclusions on the material and analysis; moreover, shed some light upon certain aspects of its concluding remarks.

The scope of this essay was established in the introductory chapter by the inquiry that created a line that has been followed closely through the course of this article. The initial thesis was to actively seek and answer the question of how the NATO intervention in Libya was justified 2011. The thesis was then followed by three sub questions: a) what are the main arguments made by NATO and the UN for intervening in the Libyan civil war 2011? b) How these arguments can be understood through a text analysis as well as idea- and ideology analysis? c) What are some dominating alternative views of NATO's intervention in 2011?

The inquiry has been answered with the theories of humanitarian intervention, R2P, international law, liberalism and neorealism with the support from the methods of idea- and ideology analysis as well as qualitative text analysis and source criticism, which has been constantly present in the background of this paper.

With the above in mind this essay has concluded that the NATO intervention in Libya 2011 was justified on several levels and by different means. There are however some justifications that are reoccurring more than others through the statements and official documents that this essay has analysed. The concept of humanism is one of the most used themes in the justifications. Civilians have been mentioned dozens of times and emphasised in all three of the major UN resolutions that this essay has brought up, they have also been frequently presented as subjects in dire need of assistance. This is accompanied by many mentions of responsibility to protect and that the Qaddafi regime had the utmost responsibility over its population, how the international community has a responsibility to protect civilians and to enforce the decisions made by the Security Council. Resolution 1970 and 1973 also presented the Qaddafi regime as irresponsible; moreover, incapable of protecting its population from harm under the notion of R2P, which legitimised the humanitarian intervention led by NATO, (United Nations, 2011a & 2011b & 2011e).

As previously explained, humanitarian interventions do not necessarily have to respect territorial sovereignty or legality, but goes beyond these concepts to provide trans-boundary aid to supressed civilians and to defend them from harm. This is precisely what NATO used to legitimise OUP. When the Qaddafi regime failed to protect its own population and also

were responsible for the violence against them, the UN released resolutions 1970 and 1973, which made OUP justified under the concept of humanitarian intervention as well as R2P. The violence also broke some international laws such as international humanitarian law and human rights law that are underlined by the UN as well as NATO in their justifications. It is clear that the arguments for intervening in the Libyan conflict 2011 were mainly of humanitarian nature, as well as a discussion of legitimacy and some mention of the situation as being a threat to international peace. This essay has also shown that there are several traces of liberalism and neorealism in several of the statements and documents, where the latter seems less frequent than the former, (NATO, 2011d & 2011g & 2011f & United Nations, 2011a & 2011b).

The fact that the UN and NATO both have elements of liberalism and neorealism creates a certain ambivalence in the organisations. This certainly took its expression through their actions in Libya, where they in some cases retired to international law and dialogue, but in other cases used airstrikes to have their way. The split between the ideologies makes the organisations intervene in some conflicts while staying out of others, even if the circumstances might be similar. There was a balanced mixture between Libya being a large security threat and also endangering humanitarian values, which eventually led to OUP. If these two values would have been less balanced, things would most likely have played out differently.

The alternative views of the intervention have demonstrated several important standpoints, which sheds some critical thinking on NATO and the UN. One of the main discussions is the legality and legitimacy of OUP. The essay has presented Ulfstein and Fosund Christiansen's arguments that the operation was illegal when it went from protecting civilians to overthrowing the Qaddafi regime, for which NATO had no mandate. Even if the actions from NATO were illegal or not, the overstepping was definitely viewed as legitimate in the eyes of the UN Security Council as they did not attempt to hinder the evolvement of the operation. From this analysis it is clear that in the case of Libya the legitimacy of OUP was more important than its legality, which is why the operation carried on from only protecting civilians to also help the rebels with overthrowing the Qaddafi regime, (Ulfstein & Fosund Christiansen, 2013).

This essay has been focused on answering the given inquiry, which has led it to be more vague on some other aspects of the NATO-led intervention in Libya. With its clear focus on

legitimacy, justifications, security and contemporary interventionism, some dimensions such as culture, economy and single actors in the conflict have been limited. In this regard the essay has been more thorough on some points and less on others, making the conclusions drawn in this paper part of how the intervention could be understood; furthermore, part of a larger body of knowledge together with other articles aiming to make sense of the Libyan conflict in 2011.

In conclusion, the NATO-led intervention 2011 was justified through humanitarian bottles as arguments from NATO as well as the UN were heavily surrounded by the notion of protecting civilians. There are traces of Neorealism, Liberalism, R2P, international law and humanitarian interventionism, which have been shown through the method of idea- and ideology analysis. Seen as some aspects of the intervention could be seen as illegal in the context of international law, legitimacy was the key for the intervention to be carried through to the end and for the Qaddafi regime to fall in late October when Libya was declared to be liberated by NATO, (NATO, 2015 & NATO, 2011f & Ulfstein & Fosund Christiansen, 2013).

8. Acknowledgements

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