

NATO's Intervention in the 2011 Libyan Crisis: An Examination of the Responsibility 2 Protect

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Abstract

The industrial and especially illegal small-scale gold mining has resulted in serious environmental degradation in mining communities in Ghana. It continues to threaten human well-being, endangering health, physical security, and social cohesion. Other issues include the ability to meet material needs, rapidly disappearing forests, deteriorating landscapes, polluted waters, and urban sprawl. With the application of spatio-temporal technology in the form of Geo-spatial Intelligence, a framework based on the principles of human security is presented to resolve the menace of illegal small-scale mining. Using the qualitative content analysis approach, the study focuses on the characteristics of language as communication with attention to the content or contextual meaning of text and/or imagery. The study largely finds that the use of Geographical Information System (GIS) via Geo-spatial Intelligence (GEOINT) involving a combination of imagery, imagery intelligence, information communication and technology and geo-spatial information underpins the framework in resolving and/or reducing the incidence and menace of small-scale gold mining towards an enhanced national security architecture and the process of sustainable development in Ghana.

Keywords: Environmental degradation, illegal small-scale mining, Geographical Information System, Geo-spatial Intelligence, National security.

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Introduction

The Treaty of Westphalia (1648) and its endorsement of the principles of sovereignty and territorial integrity constitute vital cogs in the machinery of states' relations (Article 2(4 &7) of UN Charter). To an appreciable extent, the context and content of global peace and security architecture, international law, among others, have been structured the aforementioned Westphalian principles. As noted by Michael Walzer, "the state is constituted by the union of people and government, and it is the state that claims against all other states the twin rights of territorial integrity and political sovereignty (Walzer, 1980)." This is iterated in Articles 2 (4) and (7) of the United Nations (UN) Charter, which canonized the principles of territorial integrity and sovereignty.

Suffice to say that the consummation of the UN Charter coincided with the genesis of the Cold War, an ideological war which formed the spine of East-West relations until its demise in the late 1980s, symbolized by the fall of the Berlin Wall in 1989. From the perspective of sub-Saharan Africa (SSA), the demise of the Cold War also withered away the War's encumbering effect. This left in its trail a host of morbid symptoms, mainly the prevalence of intra-state conflicts which had hitherto been stymied by the Cold War's encumbering effect. As the primary organization tasked with the maintenance of international peace and security, the UN has endowed with mechanisms including peacekeeping operations to defang the morbid symptoms of conflict on the African continent. That notwithstanding, the 1994 Rwandan genocide, the application of enforcement measures by the North Atlantic Treaty Organization (NATO) in Serbia in 1999, and a clamour for a norm-based approach to global governance incited a wave of discourse on the schism between the principle of non-intervention on the one hand, and the necessity of humanitarian intervention with or without states' consent on the other hand. Specifically, the Rwanda genocide revamped debate over the

responsiveness of the UN to dire humanitarian straits. In addition, the NATO-led intervention in, as noted earlier, Serbia in the late 1990s reignited debate over the legality or otherwise of enforcement action under the aegis of 'humanitarian' intervention. The aforementioned, to a significant extent, contributed to a groundswell of international support aimed at fostering international peace and security through a "conditional interpretation of sovereignty". The UN began to sow the seeds of this approach to sovereignty through norm entrepreneurs such as then General Secretary, Kofi Annan. Consequently, the International Commission on Intervention and State Sovereignty (ICISS), in its 2001 report adopted a nuanced conception of sovereignty while simultaneously, sowed the seeds that would later germinate as the Responsibility to Protect:

State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (ICISS, 2001).

Despite the enabled bulwark against unilateralism and unwarranted use of force, the ICISS retains elements of Just War theory by making clear that coercive measures must be employed as last resort and in instances of crimes against humanity, genocide and war crimes iterated in the statute that birthed the International Criminal Court (ICC). A key feature of the work of the ICISS is also its emphasis on the responsibility of the international community to undertake post-conflict reconstruction to safeguard human security. Suffice to say that the report compiled by the ICISS was endorsed at the 2005 World Outcome Summit. The endorsement marked the evolution of a new global norm, the Responsibility to Protect (R2P) (Paragraphs 138 & 139 of UN Summit Document).

A seminal phase in the evolution of R2P was its application in 2011 in Libya, and which subsequently led to the overthrow of Muammar Gaddafi. This stirred intense controversy due to three factors. First, proponents of R2P believe the Libya case was a test case and demonstrable evidence of a responsive UNSC to dire humanitarian straits. Second, proponents of R2P have invoked the Just War doctrine to make case for why the intervention was imperative. This view draws on the Rwandan genocide as a cautionary tale. The intervention by the UN, according to R2P proponents, vindicates Just War doctrine, which imposes a duty on states and the 'international community' to prevent the preserve lives and property and to prevent a tyrant from perpetuating greater evil perpetuation of greater evil. In effect, the Libya intervention fits the *Just War* doctrine because it was premised on a just cause, authorized by a competent authority, UNSC, use of force was proportional with a high probability of success. Three, the 'success' of the NATO-led intervention has been cited as evidence that R2P has been internalized by the 'international community'.

The aforementioned assessment of the 2011 Libya intervention is not unanimous. A contrary perspective holds that the NATO, which led the intervention in Libya, overreached its role. The justification and application of enforcement action, the overthrow of Muammar Gaddafi and mounting human casualties have chipped away claims of *just cause*. Consequently, some scholars are of the view that the Libya intervention was a smokescreen to promote the economic imperatives through what Jean Bricmont and Noam Chomsky refer to as "humanitarian imperialism." This has fueled the notion that the interplay of politics and economics, rather than R2P, triggered the 2011 NATO-led intervention in Libya. This has given vent to the notion that the interplay of politics and economics, rather than humanitarian

concerns, provides a veritable explanatory framework for the 2011 Libya intervention.

Importantly, the current state of insecurity, economic paralysis, proliferation of terrorist cells and a tenuous maritime security that has accentuated illegal migration prompts questions as to whether the intervention was driven by just cause and a termination plan, post-conflict reconstruction. This has prompted questions as to the extent to which the Libya question fits the just war model or, emblematic of a mixed bag of political economy variables. It is against this backdrop the following questions are pertinent to this article. Is it plausible to invoke the Just War doctrine as the substructure of the 2011 Libya intervention? To what extent can it be argued conclusively that the intervention was driven by humanitarian imperatives? How credible are assertions that the Libya intervention constitutes a pursuit of political and economic interests by preponderant states? What are the contending issues in Libya ominous to the peace and security profile of the African continent?

Just War Doctrine: History & Threshold of Application

The historical antecedents of Just War theory are traced to the works of political thinkers including Cicero, Aristotle, and St. Augustine's in the 15th Century. It is enmeshed in the Christian tradition, which holds as immutable, the preservation of life and therefore, imposes moral limits on the conduct of war. The emergence of the Just War doctrine, therefore, was a 'middle ground' between Christian theologians who espouse the normative dimensions of states' relations and political realists, who are unabashed in the view that force must be wielded as a tool to promote the national interest regardless of the cost. These ideas subsequently found space in the works of theorists such as St. Thomas Aquinas, Vitoria, Suárez, Hugo Grotius, and Immanuel Kant, who also contributed towards defining constituting boundaries of Just War in the 18th Century. Through

its emergence of natural law and Just War, the School of Salamanca—a n intellectual tradition that merges the central holdings of just war and natural law—has also profoundly shaped the contours of Just War. This is due to the School’s emphasis on moral limits on war such as proscription acts including killing innocent hostages, limits on ability of governments to declare through what can be conceptualized as “necessary and sufficient conditions” threshold.

Three principles undergird the Just War doctrine namely *Jus ad bellum*, referred to as “the rules that govern the decision to resort to armed conflict”, *Jus in bello*, “justice in the conduct of war and is usually targeted at the military commanders who have the responsibility in executing an order to wage war” and *Jus post bellum*, post-conflict resolution and peace-building. First, *Jus ad bellum* underscores the legitimacy of the decision making processes leading to the operationalization of war. Key to deconstructing just ad bellum is its six principles: (a) Just cause for the use of force, not arbitrarily; (b) The legitimacy of the decision to wage war must not be in doubt. Specifically, the decision to use force ought to be authorized by those clothed with the power to do so. In the case of use of force, the UNSC is the arena for such decisions. According to jus ad bellum, the intent of all decisions must be clearly defined and publicly declared (c) The decision to wage war must be driven by the right intention and a disinclination toward the attainment of parochial objectives (d) The probability of achieving success must be evidently high (e) The use of force must be proportional to the harm it intends to ameliorate (f) Use of force and decision to wage war operates as a last resort and driven by necessity. This implies that pacific settlement of disputes remains preferable while coercive measures retain the status of the last tool in the toolbox of international peace and security.

Second, the waging of war is not a license for impunity. Under International Humanitarian Law (IHL), there are minimum standards that govern/regulate the conduct of war, *Jus in bello*. In this regard, protagonists are required to not use banned weapons, treat Prisoners of War (POW), reprisal attacks, nefarious acts such as the use of civilian populations as human shield, rape, ethnic cleansing, lack of proportionality regarding the use of force, among others. Effectively, *Jus in bello* emphasizes human rights even during war, and eschews a Hobbesian state of nature where war becomes “nasty and brutish”.

Third, the devastating ramifications of war leads to a fledgling perspective in Just War doctrine that focuses on ethical termination of wars and post-war peacebuilding and reconstruction. Known as *Jus post bellum*. This entails institutional reform, restitutive rather than retributive justice, payment of financial compensation to victims of war, terms of peace between and among protagonists has be publicly declared by a competent authority, etc. *Jus post bellum* is central to preventing a relapse and to ensure that the termination is informed by ethical consideration. A just war, therefore, must meet the aforementioned threshold.

Moralizing war, however, has been the bane of Just War doctrine. The inclination that war can be waged but under certain conditions is fundamentally flawed because the dysfunctions unleashed by war circumscribes the boundaries of morality, ethics, and norms. This brings to the fore the intellectual schism between political realism, that privileges power politics and cosmopolitan ethics, a theoretical tradition that emphasizes the proselytization of universal norms and values as well as hortatory ideals. Accordingly, cosmopolitan ethics provide a context for the international revulsion toward wars and the prevalence of dehumanizing treatment wrought by conflict and violent conflict. This logic also applies to the desire by states to regulate access to,

and use of nuclear weapons at the individual, state, and systemic levels of analysis.

A profound influence of cosmopolitan ethics in the 21st Century is the endorsement of, as noted earlier, a norm-based mechanism, R2P in 2005. The norm's foray into the intervention discourse is significant for two reasons. First, the R2P retains elements of the Just War doctrine by reiterating that the use of force is permissible as a last resort and protect civilians from crimes against humanity and genocide. As mentioned already, the ICISS report which was decisive in galvanizing support for of R2P—to a significant extent—typified the Just War doctrine through by setting an onerous bar for intervention: (a) “large-scale loss of life,” with or without genocidal intent, which is the product of deliberate action or neglect, or (b) “large-scale ethnic cleansing whether carried out by killing, forced expulsion, or acts of terror or rape” (International Development Research Centre, 2001). Second, and perhaps the most contested aspect of R2P is its coercive elements. While coercive measures already exist in international peace and security architectures, their invocation have been marred by selectivity and arbitrariness. These morbid symptoms have reinforced a view held by critics of R2P that the norm is symptomatic of, as mentioned earlier, ‘humanitarian imperialism’ that operates through “reflexive justification for every resort to force and terror, subversion and economic strangulation”.

The Case for R2P in Libya: Wither Just War doctrine?

The emergence of R2P has been hailed as a seminal juncture in tackling impunity. For proponents, R2P represents the "coming of age ... saving lives imminently at risk, and at last decisively cutting across centuries of state practice treating sovereignty almost as a license to kill" (Gareth, 2012). Jennifer Welsh notes R2P is "firmly established as a principle that shapes the international community's expectations about the need to

prevent and respond to atrocity crime" (Jennifer, 2016). Alex Bellamy asserts that "Resolution 1973 . . . is the first time that the Security Council... authorized the use of military force for human protection purposes against the wishes of a functioning state" (Bellamy, 2011). Bellamy adds that R2P has "begun to change the world". It is against this backdrop that the enforcement of R2P in Libya is referred to as a "model intervention that saved threatened hundreds of thousands of civilians rebelling against an oppressive regime" (Daalder & Starvridis, 2012) and a test case due to its novelty (Pattison, 2011). Bearing in mind existing controversy over whether intervention is permissible without state consent, the operationalization of R2P in Libya was touted as "a precedent that it will not be inhibited as a matter of principle from authorizing enforcement for protection purposes without host state consent" (Alexander, 2011). Alexander Bellamy notes that 'Resolution 1973 is especially important because it is the first time that the Security Council has authorized the use of military force for human protection purposes against the wishes of a functioning state' (Ibid).

However, some scholars are of the view that enforcement action in Libya circumscribes the central holdings of *Jus ad bellum* and *Jus in bello*. First, the decision-making processes in the lead up to the NATO-led operation was, as expected, dominated by the United States of America (USA) and the United Kingdom (UK). The sectional interests of these two states were supported by neoliberal media platforms through what Vivienne Jabri refers to as "hegemony discursive theory", the social construction of knowledge that universalizes the parochial values of preponderant states or global hegemons (Malito, 2019). Consequently, media reported that constructed Muammar Gaddafi as a purveyor of mass atrocities was up by 142,244% by 2011 while those of rebel groups were largely ignored (Ibid). For example, Gaddafi's vow hunt down "rats and cockroaches" was reiterated and construed as an apocalyptic prediction of what

awaits civilians in the heady days of the Libyan conflict (Doyle, 2015).

For James Pattison, however, the construction of Gaddafi as a throwback of the Rwandan genocide did not constitute a sufficient cause for regime change in Libya. Michael Walzer, whose work *Just and Unjust War* poses the following insightful questions that cast doubt over claims the NATO-supported intervention in Libya was inspired by a just cause:

.. It is radically unclear what the purpose of the intervention is – there is no endgame . . . Is the goal to rescue a failed rebellion, turn things around, use Western armies to do what the rebels could not do themselves: overthrow Qaddafi? Or is it just to keep the fighting going for as long as possible, in the hope that the rebellion will catch fire, and Libyans will get rid of the Qaddafi regime by themselves? But a military attack of the sort now in progress is defensible only in the most extreme cases. . . Libya does not (Walzer, 2011).

Relatedly, did the intervention lead to the prevention of a greater evil? Alan Kuperman notes that “before NATO’s intervention, Libya’s civil war was on the verge of ending, at the cost of barely 1,000 lives. Since then, however, Libya has suffered at least 10,000 additional deaths from conflict. In other words, NATO’s intervention appears to have increased the violent death toll more than tenfold” ((Kuperman, 2015). This is reinforced by Richard Haass' view that ‘the “humanitarian” intervention introduced to save lives believed to be threatened was, in fact, a political intervention introduced to bring about regime change. Now NATO must deal with its own success’ (Haass, 2011) Regime change in Libya was a classic case of ‘imperial overreach’ and mission creep, a situation that contradicts “justice in the conduct of war”. Even though the UNSC did not authorize regime change, “the Western war party had been pulling a confidence

trick . . . the end of Gaddafi had been the policy from the outset. All subsequent offers of a ceasefire by Gaddafi – on 30 April, 26 May, and 9 June – were treated with the same contempt (Roberts, 2011). This also raises red flags over the proportionality of force applied, the target of the intervention and safeguards for civilian populations who the interveners set out to protect. The reticence of the United States of America (USA) and United Kingdom (UK) to accept a proposed road map to peace unveiled by the

African Union (AU) at the incipient phase of the Libya uprising corroborates assertions that regime change had been on the front burner of interveners' policy plank (.⁵ This is buttressed by reports that during the intervention, the UK British ensured that "rebels [were] well-supplied with petrol while others tried to starve Muammar Gaddafi's troops of fuel."⁶

Due to the salience of sectional interests and overbearing influence of the UNSC, Christopher Zambakari believes that the 2011 intervention in Libya was "misguided and mismanaged" (Zambakari, 2016), and R2P is the "emperor's new cloth". As observed by Elizabeth O'Shea, the UNSC operates as a "pseudo political chessboard of war, much more a reflection of the jostle for imperial power than a place to attend to grievous human rights complaints" (O'Shea, 2012). The unwillingness or inability of the UNSC to act decisively in cases of dire humanitarian straits such as Yemen, Syria and Egypt undercuts assertions equivocated by proponents of R2P since the norm's inception, that since the inception "it has become almost routine for the

⁵The inability of AU to assert itself in the 2011 Libyan crisis exposes a fundamental weakness in the Union's peace and security architecture. This dysfunction, however, is the outcome of the Union's membership to commit to a peace and security architecture that provide mechanisms to prevent and resolve conflict as adumbrated in the Constitutive Act. A counter argument could also be that the AU was bound to fail in the case of Libya due to the overwhelming influence of the permanent members of the UNSC whose interest was tied to regime change.

⁶ Ibid.

Council to respond to genocide and mass atrocities (Bellamy, 2015)." It is also demonstrable evidence that in "a politically pluralist international society", achieving consensus on when and how to act when confronted with atrocities against humanities (Ralph, 2018)" is not a given due to the pursuit of subjective interests.

“Mixed Motive”: Interplay of Politics and Economics

Proponents of the Libya intervention insist that the single most important reasons for Libya case was to prevent a humanitarian catastrophe. In effect, the case of R2P was mainly an altruistic enterprise. However, this approach is methodologically flawed because it fails to acknowledge the possibility of other explanatory variables at play. It is against this backdrop Roland Paris "mixed motive" analytic framework is salient. This signals a need to throw a searchlight on other explanatory variables that structured the context of UNSC authorization of R2P in Libya. In that regard, the interplay of economics and politics cannot be discounted (Davidson, 2017). This requires interrogating the historical trajectory of Libya-West relations to ascertain whether the motive of the 2011 intervention was altruistic.

A historical analysis of the economic drivers behind the 2011 intervention requires an insight into Gaddafi's chequered relations with the West. It is an understatement to say that Muammar Gaddafi's ascension to Libya ushered in a period of tensed relations with the West. In fact, Gaddafi's ascent to power in 1969 was at the expense of a Western-backed leader, King Idris al-Senussi, who was deposed in a coup d'état (Ibid, p. 93). From the outset, therefore, Gaddafi was deemed inimical to the economic interests of global hegemony. These fears were not unfounded. Natural resource endowment has always been a formidable foreign policy tool. As was witnessed during the 1973 oil embargo, economics does influence what states do, an example being the decision by the USA to commit to the Arab-Israel peace process to placate Organization of Oil Exporting

Countries (OPEC), which pushed for the embargo due to the overbearing influence of Israel. Suffice to say that Gaddafi has had to survive the turbulent terrain of international politics. Initially, Gaddafi was described as "mad dog" and "dean of dictators" and a sponsor of terrorism as Libya was diplomatically isolated in the 1980s (Ajami, 2012). However, there was a reset in Libya's relations with the West when the European Union (EU) and the USA lifted diplomatic and economic sanctions imposed on the Gaddafi regime in 2004. While this was politically symbolic for Gaddafi, there was an economic dimension that saw a host of corporate businesses mainly from the USA, France, and United Kingdom (UK) signing oil and ammunition sale deals.

By 2007, Libya-Britain bilateral investment was worth \$15 billion (Davidson, 2017). A year before the Arab Spring of 2011, ammunitions worth \$500 million was shipped to Libya from Britain, Germany, France, and Italy. Oil companies such as ExxonMobil, and ConocoPhillips from the USA were deeply embedded in the Libya oil industry (Ibid). While Libya was embraced by the West and reintegrated into the global market, Gaddafi was averse to any engagement that will lead to the plundering of Libya's resources particularly by the West. This became manifest in 2007 when Gaddafi threatened to nationalize foreign oil firms due low oil prices (Pleming, 2009). This move was likely to affect the corporate interests of USA companies such as ExxonMobil, ConocoPhillips, Hess Corp and Marathon Oil, which had significant investments with Libyan oil corporation (Ibid). In addition, the award of oil concessions and infrastructural projects to China, Russia and Indian companies was deemed inimical to the interest of the corporate interests of the USA, UK and France. Thus, as Gaddafi began to also gravitate towards Russia and China--both veto wielding members of the UNSC, it was perceived as a threat to the corporate interests of USA, France and Britain (Davidson, 2017). Recall that Gaddafi opposed the expansion of the USA-sponsored African Command

(AFRICOM) command in Africa, citing recolonization of the continent (Glazebrook, 2012). In addition, Gaddafi had invested considerably in the AU, a giant step toward continental project but which was detested by states such as France and the UK, who still retain considerable stranglehold on former colonies. To a certain extent, therefore, Gaddafi had become an obstacle to the economic and political interests of global powers. The 2011 uprising in Libya, therefore, fueled an inclination toward regime, a decision to that was hatched in the heartlands of "Washington, Paris and London" to pursue sectional interests (Roberts, 2011).

From a resource endowment perspective, Libya contributes at least 2% of global oil production and possessing the highest quantity of proven oil reserves in Africa. Thus, Libya is of strategic interest to global powers whose economies are dependent on oil exports (Belogolova, 2011). In addition, multinational firms need oil contracts to generate petrodollars. It is, therefore, not unexpected that few months after Gaddafi had been toppled, reports revealed France had "tied up an agreement to be given 35% of all the country's oil in future in return for military help" (Macalister, 2011). This strengthens Horace Campbell's observation that a symbiotic relationship exists between the NATO-led intervention in Libya on the one hand and, the promotion of vested corporate interests on the other hand (Campbell, 2013).

Political upheavals in Libya exacerbated by the 2011 intervention contributed to a surge in global oil price, the most significant being that of 2011, when price surged to \$118 per barrel, an increase of at least \$2.40. For oil importing states, particularly those in the Developing World, this has dire implications for the cost of living because prices on the international markets have a direct bearing on the cost of fuel. By January 2016, Libya had lost an estimated \$68 billion of potential oil revenue due to insecurity fueled by rebel groups who control oil fields (Raval & Heba,

2016). This is significantly higher than the \$18 billion required by the National Oil Corporation of Libya in to boost oil production (Lewis, 2016). It is estimated that GDP "lost half of its pre-revolution level" by 2016 mainly due to conflict, pushing Libya's economy into recession.⁷ Before the overthrow of Gaddafi, Libya was producing on the average 1.6 million barrels of oil daily. However, this dropped to below 1 million barrels daily due to the conflict and instability among different militia groups (Armin Rosen, 2015). The demise of Gaddafi had a destabilizing effect not only on global price but also the financial muscle of Libya, whose 90% revenue is inextricably linked to oil exports.

Furthermore, the termination of Gaddafi's regime has contributed to "unprecedented illegal immigration from Africa" to Europe and led to "militarisation of Europe's borders (Lemberg & Pedersen, 2018)." The implication is that companies that supply this technology for border control are likely to profit from investing in tough border controls. It is estimated that the technology required to stem the tide of illegal migration from across the Mediterranean to Europe will be worth \$56 billion by 2022 (Ibid). As Europe mulls over border controls, migrants are being constantly abused and treated as slaves by traffickers in Libya. Militia groups who extort money extorted from migrants are likely to purchase more arms to fuel the conflict in Libya. Curiously, London Banks hold about £12bn Libyan assets, although Libyans are still grappling with socio-economic challenges that require significant investments. Curiously, NATO reportedly spent over \$1.2 billion during the interventions, yet the same level of financial commitment has not been demonstrated regarding the reconstruction of Libya. This brings to the fore, an important dimension of Just War doctrine, *jus post*

⁷See Libya Economic Outlook-April 2017:<http://www.worldbank.org/en/country/libya/publication/economic-outlook-april-2017>. Retrieved on: 8/05/2019. Retrieved on? 16/05/2019.

bellum, a principle that requires just termination of the war and post-conflict rebuilding.

It would not be far-fetched to conclude that post-2011 intervention; Libya has relapsed into a vicious of conflict. The proliferation of terrorist cells, tenuous government and sectarian violence show that sponsors of the 2011 intervention had no end point. The influx of stray ammunitions from Libya into the Sahel regions of West Africa has had a destabilizing effect on countries such as Mali and Burkina Faso. Due to weak border control occasioned by a power vacuum, Libya is unable to stymie the influx of illegal immigrant's migrants who access that country to Western Europe for economic emancipation. The current turf wars between rival leaders and the indifference of the West toward the deteriorating security in Libya exposes the West as playing a destabilizing, rather than a mediating role. Libya's political and economic future is in a state of flux as states such as France, the USA and Italy muddle through to find a lasting solution. The power vacuum created because of the demise of Gaddafi has transformed Libya into an "ungoverned space". It is still obfuscated as to whether Libya will reap the 'dividend' of the 2011 intervention, transparency, accountability, and civil liberties. Reflecting on presidency, Barack Obama made a several concessions that show that the Libya intervention has thus failed to meet the threshold of post ad bellum. While reiterating his stance that the intervention was, in his words, the "right thing to do", he conceded that Libya is now a "mess" .⁸ He noted poignantly that his worst mistake during his presidency was failing to plan for the aftermath of the intervention and criticized the UK and France for being 'distracted' after the intervention.⁹

⁸See "President Obama: Libya aftermath 'worst mistake' of presidency":

<https://www.bbc.com/news/world-us-canada-36013703>.

⁹ Ibid.

Conclusions

The verdict of the 2011 Libya intervention is that it failed to address the fundamental triggers of the conflict. There is no justification for the regime change, nor the mounting civilian casualty that continue to plague Libya. Tenuous transitional arrangements have spawned a wave of impunity. Thus far, only persons close to Gaddafi have been prosecuted, Gaddafi himself was handled in manner that contradicts the tenets of IHL, which makes case for humane treatment for Prisoners of War (POW). Victors' justice, intractable conflict, weak economic fundamentals, and the flourishing of terrorist cells continue to afflict Libya. Libyans face an uncertain future as the country's oil resource is being plundered by preponderant states. These dysfunctions contrast assertions that the UN-authorized intervention was to promote a just cause. After more than eight years after the intervention, it can be concluded, to an appreciable extent, Libya has become a byword for violence, instability, and pillage.

The 2011 intervention in Libya was driven by a multiplicity of factors. The economic agendas of global powers were evident, while the selectivity of UNSC to authorize enforcement action in Libya but ignore similar cases in Yemen and Syria cannot be gainsaid. This forms part of a chain of events that reinforces humanitarian imperialism. In addition, the UNSC has been mainly reactionary, a situation that makes R2P a veritable tool for conflict prevention.

The dire state of affairs in Libya lends credence to the fact that the 'international community' did not plan for post-conflict reconstruction. Sidelining the AU in the Libya crisis resolution means there is minimal or no African-led solutions to the current situation. This also speaks to the fact that the AU lacks the financial and diplomatic clout to work in the interest of African states. The implication is that critical issues that affect African states would be mediated by external actors some of whom set

out to promote their interest. The mantra, “African solution to African problems”, therefore, remains a pipe dream.

1.6 Recommendations

The case of Libya reiterates the widely held notion that UNSC reform is critical to safeguarding international peace and security. While proposals for UNSC reform appear utopian, there is a need to open the process leading to the authorization of enforcement action to vote at the United Nations General Assembly (UNGA), refers to as should make a case for the “Uniting for Peace Resolution”. In this case, the interest of permanent members of the UNSC would be circumscribed, thus promoting "Responsibility with Protection" (RWP).

It behooves the international community to ameliorate the socio-economic and security challenges in Libya. The UN ought to implore key actors such as the UK, USA, and Italy to accelerate the pace of economic and political reforms in Libya. The current turf wars among global powers serve to play into the hands of rival militias whose activities thrive in an atmosphere of instability. A stable Libya helps to guarantee steady contribution of crude to the international market, thus contribute to stability of crude price, stem the tide of migration along the Mediterranean and reduce the influx of stray arms into the Sahel regions of West Africa. It must be mentioned that Mali, for example, is still reeling from a rebellion fueled by Tuareg rebels armed with stray arms from Libya.

The AU needs to draw lessons from the Libya case. These include a rigorous implementation of its peace and security architecture. The Unions back burner role in addressing the Libyan crisis shows a weakness in the institutional and operational framework designed purposely for conflict prevention. Often, the Union seems unprepared to address grievances within member states before they escalate. However, Article 4 (h) of the Union’s

Constitutive Act makes provisions to ameliorate situations such as that of Libya. The sticking point is how to give practical meaning to these lofty ideals. If the Union were proactive, it would have defanged any attempt by external players to complicate Libya's conflict trajectory. The Union can only become a bulwark of conflict prevention only when it prioritizes conflict prevention. This also requires members of the AU to demonstrate commitment to resourcing the Union financially. In that regard, the continental body can become assertive, independent and a dominant player on the international stage.

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