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Saving Strangers in Libya: Traditional and Alternative Discourses on Humanitarian Intervention

By

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Abstract

The paper inquires into the 2011 intervention in Libya through the lens of traditional and alternative approaches on International Relations Theory and International Law as means to unveil the academic-informed discourses that justify the latest military action in the Mediterranean region. Claiming that the intervention in Libya is justified by a blending between an international discourse of responsibility with a utilitarian approach on humanitarian intervention, the paper reflects upon the politicization of humanitarian intervention in current international affairs. In order to support this argument, the paper forwards Realist, Constructivist and respectively, Poststructuralist appraisals of the humanitarian intervention in Libya in order to bring to light the subject matter.

Acknowledgements

**To Nariman-Ioana,
who knows the human face of conflict…**

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Introduction

Force and mind are opposite; morality ends where a gun begins.

(Ayn Rand, "Atlas Shrugged," 1957)

All the means by which one has so far attempted to make
mankind moral were through and through immoral.

(Friedrich Nietzsche, "Twilight of the Idols," 1895)

i.   The Arab Spring in a Nutshell

The self-immolation of the college-educated street vendor Muhammad Bouazizi on December 17, 2010 in response to the humiliation that he suffered due to police force mistreatment sparked a series of events that challenged the political structure of Tunisia, Egypt, Morocco, Algeria, Yemen, Bahrain, Libya or Syria. The mass demonstrations started in Tunisia. In the course of several weeks, the Tunisian President Zine el-Abidine Ben Ali was ousted and replaced by a transitionary government that engaged into a reformation process. In Cairo, Tahrir Square became a symbol of Egyptian mass demonstration and trademark of Arab political and social awakening. After the resignation of Hosni Mubarak and the power transfer towards the military, Egypt has already casted its first democratic vote.[1] In Morocco, the uprising was sparked by profound dissatisfaction regarding food prices, corruption, the Berber unsolved issue, and a call for the freedom of the Islamist prisoners. After failing to stop the demonstrations, the king announced constitutional reforms that would limit his powers, while the party with the most seats in the Parliament would appoint a Prime Minister.[2] In Bahrain, the riots were brutally repressed by the government, which asked the Gulf Cooperation Council to send troops to put an end to the uprisings and asked the

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[1] Katerina Delacoura, "The 2011 uprisings in the Arab Middle East: political change and geopolitical implications," *International Affairs* 88, no. 1 (2012): 63-5.
[2] Human Rights Watch, "World Report: Morocco and Western Sahara," January 2012, <http://www.hrw.org/world-report-2012/morocco-and-western-sahara>, (accessed June 24, 2012).

establishment of an emergency law. In June 2011, the king was pressured by his Western allies to allow an international investigation in his country and to dismiss the emergency law. Even though the king agreed on a 'national consensus dialogue,' it seems unlikely that the royal family would agree to relinquish some of its powers.[3] In Yemen, the demonstrators rallied against President Ali Saleh and demanded he stepped down from the presidential seat. As an outcome, the president launched a series of repression movements against the protestors but promising, in the same time, political reforms.[4]

In mid-March 2011, protests started in the Southern Syrian territory and spread across the country. The governmental forces have launched a series of deadly attacks against all rioters under the claim that they are responding to terrorist gangs. Human rights observers claimed that the security forces are performing arbitrary arrests, forcibly detaining or torturing the anti-governmental rioters. Even though President Assad lifted the emergency law, granted a serious of amnesties and announced the freedom of the media, these formal reforms did not appease the riots and bloody clashes continued between the government's forces and the protestors.[5] The international community imposed sanctions and assigned Kofi Annan to broker a ceasefire. Despite Assad's formal agreement to the 'Annan Plan', at the time of writing, the situation in Syria is not improving.[6]

After forty years of dictatorship and three days after the fall of Hosni Mubarak, the Libyan people had raised against colonel Muammar el-Qaddafi and his authoritarian rule. The opposition organized in Benghazi, and the revolt soon reached the capital of Libya, Tripoli. Colonel Qaddafi launched a series of violent attacks against the rebels. The fierce interaction between Qaddafi's loyalists and

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[3] International Crisis Group, "Popular Protest in North Africa and the Middle East (VIII): Bahrain's Rocky Road to Reform," *Middle East Report N° 111,* July 28, 2011, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/bahrain/111-popular-protest-in-north-africa-and-the-middle-east-viii-bahrains-rocky-road-to-reform.aspx>, (accessed June 24, 2012).
[4] Delacoura, "The 2011 uprisings," 66.
[5] Human Rights Watch, "World Report 2012: Syria," January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-syria>, (accessed June 24, 2012).
[6] International Coalition for the Responsibility to Protect, "Crisis Update on Syria: Conditions for Ceasefire Appear Unstable Amid Expanding Violence," April 11, 2012, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/4103-crisis-update-on-syria-conditions-for-ceasefire-appear-unstable-amid-expanding-violence- >, (accessed June 24, 2012).

rebels transformed into a so-called civil conflict, which endangered the lives of the civilian population. The opposition quickly organized itself into an 'Interim Government' calling the end of the Qaddafi regime.[7]

As the international media and activists signaled significant breaches of human rights in Libya, the international community decided to take action in order to safeguard the lives of the Libyan population. Libya was suspended from the Arab League on February 22, 2011.[8] The same day, the United Nations called Libya to "meet its responsibility to protect its population."[9] Two days latter, the Interim Government renames itself as the 'Transitional National Council.' In less than a month, France and the Council of the European Union would recognize the Transitional National Council as the legitimate representative of Libya.[10] On February 26, 2011, the United Nations Security Council adopted a resolution in response to the violence that the Libyan government launched against its population. Hence, the United Nations Security Council Resolution 1970 demands "an immediate end to the violence and calls for steps to fulfill the legitimate demands of the population,"[11] while asking the international community to provide for humanitarian assistance. In addition, the resolution refers the situation to the International Criminal Court regarding the crimes that have been performed in Libya during the uprisings, imposes an arm embargo against Libya and freezes the assets of Qaddafi family and its loyalists.[12] Moreover, in the beginning of March 2011, the United Nations General Assembly suspended Libya's membership to the Human Rights Council.[13]

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[7] Marie-José Domestici-Met, "Protecting in Libya on Behalf of the International Community," *Goettingen Journal of International Law* 3 (2011): 866.

[8] BBC World, "Arab League suspends Libya until demands of the people are met," February 23, 2011, <http://www.bbc.co.uk/worldservice/africa/2011/02/110223_libya_arableague_focus.shtml>, (accessed June 24, 2012).

[9] United Nations Security Council, Press Statement, February 22, 2011, <http://www.un.org/News/Press/docs/2011/sc10180.doc.htm> (accessed June 24, 2012).

[10] Domestici-Met, "Protecting in Libya," 867.

[11] United Nations Security Council Resolution 1970 (2011), February 26, 2011, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement >, (accessed June 24, 2012).

[12] Ibid.

[13] United Nations General Assembly, "General Assembly Suspends Libya from Human Rights Council," March 1, 2011, <http://www.un.org/News/Press/docs/2011/ga11050.doc.htm>, (accessed June 24, 2012).

In less than a month and due to the failures of the Libyan government to comply with Resolution 1970, the United Nations Security Council adopted a second resolution by authorizing the establishment of a 'no-fly zone' over Libya. Therefore, the Security Council "authorized Member States to take all necessary measures to protect civilians under threat of attack in the country, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory."[14] According to the official website of North Atlantic Treaty Organization, a "'no-fly zone' requires a continuous surveillance of the possible target, intelligence, tactical aircraft for air-to-air and possible air-to-ground missions."[15] On March 19, 2011, a coalition of states led by France, Great Britain and the United States of America launched air strikes against the Libyan territory in order to destroy Libya's military capabilities.

Several days later, on March 31, 2011, the North Atlantic Treaty Organization took over the command of the intervention in Libya. According to the mission statement, "the aim of the North Atlantic Treaty Organization was to protect civilians and civilian populated areas from attack or the threat of attack," while adding that "the North Atlantic Treaty Organization No-Fly Zone closed Libya's airspace to all flights except humanitarian ones and thereby prevents any aircraft from attacking civilians."[16] In order to fulfill its mission, the North Atlantic Treaty Organization acted "in accordance with the Security Council Resolution 1973, in order to pursue reconnaissance, surveillance and information-gathering operations to identify those forces which present a threat to civilians."[17]

In October 2011, the Allied forces captured Qaddafi. He died in the hands of the Transitional National Government loyalist, while the North Atlantic Treaty Organization terminated their mission at the end of October 2011, under the request of the United Nations Security Council. After three days, the country

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[14] United Nations Security Council Resolution 1973 (2011), March 17, 2011,"<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>, (accessed June 24, 2012).

[15] Geoff Booth, "No fly-zone explained," <http://www.nato.int/cps/en/natolive/news_71959.htm>, (accessed June 24, 2012).

[16] North Atlantic Treaty Organization, "Operation Unified Protector: Protection of Civilians and Civilian Populated Areas & Enforcement of the No Fly-Zone," October 2011, <http://www.nato.int/nato_static/assets/pdf/pdf_2011_10/20111005_111005-factsheet_protection_civilians.pdf>, (accessed June 24, 2012).

[17] Ibid.

was formally declared as liberated and the Transitional National Council declared their aim to draft a new constitution and to elect a new government. At the time of writing, elections await to be organized.[18] According to an article written by the North Atlantic Treaty Organization Secretary General Fogh Anders Rasmussen for *Foreign Affairs* journal, the intervention in Libya was a success and demonstrated the capacity and the professionalism of the Allies to be involved in an 'out-of area' mission with the aim to protect the lives of innocent civilians.[19]

Currently, Libya finds itself at the crossroads and is in a transitory phase. The possibility of civil war still exists as the country remains largely divided. Civilian councils and local militias distrust the Transitional National Council, whereas the fear of secession dominates amongst the frail post-Qaddafi Libyan state.[20]

ii.   Literature Review

The intervention in Libya sparked a serious debate in the media and in the academic field. Arguments supporting or disapproving the intervention in Libya raised questions related to the usage of the Responsibility to Protect principle, the ethical grounds of the intervention, its selectivity or its legality. Another group of scholars was interested in the reasons that drove the United States of America, France or United Kingdom to intervene in Libya. Finally yet importantly, some authors focused on the role that the North Atlantic Treaty Organization played in this intervention and the consequences of this intervention on the identity of the Atlantic alliance.

A brief survey of the scholarly literature shows that the bulk of academic discourse concentrated on the usage of the Responsibility to Protect principle in

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[18] "Libya – Revolution and Aftermath," *New York Times*, <http://topics.nytimes.com/top/news/international/countriesandterritories/libya/index.html>, (accessed June 24, 2012).
[19] Anders Fogh Rasmussen, "NATO After Libya: The Atlantic Alliance in Austere Times," *Foreign Affairs* 90, no.4 (July-August 2011).
[20] International Crisis Group, "Middle Eastern/North Africa Report: Holding Libya Together: Security Challenges After Qaddafi," *Middle East/North Africa Report* N° 115, December 15, 2011, <http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/115%20Holding%20Libya%20Together%20--%20Security%20Challenges%20after%20Qadhafi.pdf>, (accessed June 24, 2012).

the intervention and the consequences that the events in Libya have over the practice of humanitarian intervention. James Pattison and Thomas G. Weiss stress that the intervention in Libya represents the first humanitarian intervention from the past years that obeys the rules of the Responsibility to Protect concept and officially acknowledges the existence of such a principle.[21] Jon Western, Joshua S. Goldstein and Stewart Patrick agree with Pattison and Weiss by claiming that the intervention in Libya represents a clear illustration of the Responsibility to Protect principle and that the action in Libya sheds a new light on the rationale of humanitarian intervention. Alex J. Bellamy argues that the intervention in Libya is important because, for the first time, military force under humanitarian reasons is deployed without the approval of a functioning state. Moreover, the intervention in Libya discloses the new role that the United Nations Secretariat and the Joint Office on the Prevention of Genocide and the Responsibility to Protect have in calling upon the United Nations Security Council to take action in circumstances characterized by breaches of human rights.[22]

Beyond the exceptionality and the moral driving forces behind the intervention, James Pattison and Jennifer M. Welsh warn against the ethical pitfalls of the intervention in Libya and the consequences that the military action may have on the practice of humanitarian intervention. Welsh forwards two reasons according to which the Responsibility to Protect was abused during the intervention in Libya. Firstly, the United Nations Resolution 1973 mentions the responsibility of the Libyan government to protect its civilians and not the responsibility of the international community. Secondly, the intervention in Libya demonstrates that the principle of impartiality – advocated by Responsibility to Protect □ lost its significance since the military action in Libya was an example of biased intervention since the international community took sides with the rebels.[23] James Pattison questions as well the moral purposes of the intervention. He claims that the changing of the aims of the intervention, from the protection of

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[21] James Pattison, "Introduction," *Ethics and International Affairs* 25, no.3 (2011): 251-254; Thomas G. Weiss, "RtoP is Well and Alive after Libya," *Ethics and International Affairs* 25, no.3 (2011): 287-92.
[22] Alex J. Bellamy, "Libya and the Responsibility to Protect: The Exception and the Norm," *Ethics and International Affairs* 25, no.3 (2011): 263-9.
[23] Jennifer M. Welsh, "Civilian Protection in Libya: Putting Coercion and Controversy Back into RtoP," *Ethics and International Affairs* 25, no.3 (2011):255-62.

civilians towards regime change, represents an unfortunate and a dangerous precedent in the practice of humanitarian intervention. Pattison adds that the selectivity through which the international community acted in Libya and not in Syria undermines the strengths of the Responsibility to Protect principle.[24]

Various authors forwarded a legal assessment of the intervention in Libya. Michael N. Schmitt and Marie-José Domestici-Met inquire into the legality of the intervention. While Schmitt is concerned with assessing the legal framework according to which the no-fly zone in Libya was enacted, Domestici-Met inquires into the role of the international community in urging an intervention in Libya but not in Syria or Bahrain.[25]

Some authors concentrated on providing a scattered account of the motives that lead states such as the United States of America, France or Great Britain to intervene in Libya. Simon Chesterman questions the rationale that drove the United States of America to intervene in Libya and underlines that this intervention proves President Barack Obama's lack of a coherent vision regarding humanitarian intervention.[26] Dana H. Allin and Erik Jones assess the grounds on which the United States of America became involved in the intervention in Libya. On the one hand, the European Union was unable to act as the Member States demonstrated opposing interests. Therefore, the United States of America had to assume leadership and intervene in Libya. On the other hand, the overall situation in Libya was a perfect opportunity to demonstrate Obama's view on international affairs: a war is just if aims to safeguard the lives of innocent people.[27] Bush *et al.* adopt a tougher position and argue that the intervention in Libya is a pure example of Western imperialism. According to the authors, the military intervention represents a window of opportunity for the Western world to promote its interests, and to establish a Western-obedient new regime in Tripoli that would accept

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[24] James Pattison, "The Ethics of Humanitarian Intervention in Libya," *Ethics and International Affairs* 25, no.3 (2011): 271-77.
[25] Michael N. Schmitt, "Wings over Libya: The No-Fly Zone in Legal Perspective," *The Yale Journal of International Law Online 36* (Spring 2011): 45-58; Domestici-Met, "Protecting in Libya," 863-99.
[26] Simon Chesterman, "'Leading from Behind': The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya," *Ethics and International Affairs* 25, no.3 (2011): 279-85.
[27] Dana H. Allin and Erik Jones, "As Good as It Gets?," *Survival: Global Politics and Strategy* 53, no.3 (2011): 205-15.

neoliberal reforms meant to open up the Libyan oil and gas reserves to the world.[28]

Other scholars were interested in the role that the North Atlantic Treaty Organization played in the intervention and into the post-Libya image of the Alliance. Adam D.M. Svendsen argues that intelligence sharing and cooperation played an important role in the success of the intervention in Libya. Therefore, the intervention in Libya represents a 'new type' of humanitarian intervention that bases itself on high standard warfare technique and technological development.[29] Ivo H. Dadlder and James G. Stavridis salute the North Atlantic Treaty Organization intervention in Libya by stressing that the intervention should be a model of action for future intervention. However, Dadlder and Stavridis warn that the Allies must remain politically united and must share capabilities, in order to secure a stable future for their organization.[30] Ellen Hallams and Benjamin Schreer question the assumption according to which the intervention in Libya is a new model of North Atlantic Treaty Organization intervention. According to them, the intervention in Libya demonstrates no only the lack of American interest towards the North Atlantic Treaty Organization but also the inability of the European Allies to coordinate their military capabilities. Therefore, the authors conclude that the future of the Alliance lies in a strengthened cooperation between the European states, actively supported by the United States of America.[31]

iii. Main Research Question, Secondary Research Questions and Thesis Statement

- Primary research question: *'What are the justifications for the intervention in Libya?*

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[28] Ray Bush, Giuliano Martiniello, and Claire Mercer, "Humanitarian Imperialism," *Review of African Political Economy* 38, no. 129 (2011): 357-63.
[29] Adam D.M. Svendsen, "NATO, Libya Operations and Intelligence Co-Operation – a Step Forward?," *Baltic Security and Defense Review* 13, no.2 (2011): 51-68.
[30] Ivo H. Dadlder and James G. Stavridis, "NATO's Victory in Libya," *Foreign Affairs* (March/April 2012).
[31] Ellen Hallams and Benjamin Schreer, "Towards a post-American alliance? NATO burden-sharing after Libya," *International Affairs* 88, no.2 (2012): 313-27.

- Secondary question: *'How can International Relations Theory explain the intervention in Libya?'*

This paper argues that the intervention in Libya is justified by a discourse that blends utilitarian rationale with an international normative discourse of responsibility. Hence, the intervention in Libya reflects upon the politicization of humanitarian intervention and its competing discourses in international affairs.

iv.   Objectives

The paper aims to assess the intervention through the lens of an interdisciplinary approach by resorting to International Relations Theory and International Law. Therefore, the paper has a two-fold objective. On the one had, the paper aims to understand the *locus* of the intervention in Libya in the study of world politics therefore conceptualizing it through the use of both mainstream and alternative understandings of International Relations Theory, combined with the role of International Law in each of the theories presented. On the other hand, the thesis looks at constructivist, realist and poststructuralist standpoints on humanitarian intervention in order to forward different academic discourses in which the intervention in Libya is embedded. Drawing on these, the paper aims to bring an empirical contribution to the scholarly literature that bridges the gap between International Relations Theory and International Law.

v.   Justification of the Paper

The thesis is inspired by Jennifer M. Welsh's claim that humanitarian intervention forwards "one of the most heated discussions in International Relations."[32] Thus, the newness of the topic regarding the situation in Libya provides a breeding ground for the pursuit of an academic-informed appraisal of the intervention in Libya. Rather than forwarding a pure empirical account of the intervention in Libya, I will detach from the existing literature by concentrating

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[32] Jennifer M. Welsh, Introduction," in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh (Oxford: Oxford University Press, 2006),1.

on a theoretical-informed evaluation of the intervention, by using an interdisciplinary approach constructed with the help of International Relations Theory and International Law.

Moreover, the paper looks into three different theories of International Relations – Constructivism, Realism and Poststructuralism in order to assess the intervention in Libya. With different ontological and epistemological groundings, these theories were chosen due to their contradictory explanatory power and due to their different perspective on why humanitarian interventions are performed. This is especially useful for the purposes of the paper because its structure is built according to a theory-testing rationale. Put it simply, the paper forwards a theoretical assessment of the intervention in Libya in order to evaluate the strength of each theory in explaining the military action that took place in Libya last year.

Finally yet importantly, the choice of an interdisciplinary approach merits justification. On the one hand, the paper builds upon the nexus between International Relations and International Law under the rationale that it will enable me to apprehend the different discourses that justify the humanitarian intervention in Libya. On the other hand, the issue of humanitarian intervention represents a complex topic that touches upon sovereignty, Responsibility to Protect and protection of human rights. These concepts represent the linchpin between International Relations Theory and International Law since they are used both by political scientists and by legal scholars in their academic work. Hence, this paper will arrange the intervention in Libya into a comprehensive conceptual framework that revolves around and provides different understandings of humanitarian intervention in order to secure a sound evaluation of the motives that drove the international community to intervene in Libya.

vi. Methodology

The paper presents the intervention in Libya as an in-depth case study analysis through the prism of a theory-testing rationale. The paper resorts to content and discourse analysis as tools to bring to light the subject matter. Content analysis will be used in order to inquire into scholarly books, academic articles

and policy papers as means to examine the intervention in Libya and to forward the theoretical framework of the paper. Textual discourse analysis will be used in order to scrutinize the official discourse and the speeches of various state actors that asked for the launching of the intervention. Since the intervention in Libya is a recent topic, the paper will rely on triangulation research as means to secure the soundness of facts and empirical validity.

vii.   Structure

The paper is structured in four chapters. The first chapter represents the corollary conceptual basis of the thesis. It defines humanitarian intervention and assesses its place at the intersection between the study of International Relations Theory and International Law. Moreover, the first chapter presents the main features of intervention in Libya as springboard for the further development of the paper. This academic piece of work continues with the assessment of the intervention in Libya through the lens of constructivism. Therefore, the second chapter uses the English 'School' of International Relations Theory in order to claim that the intervention in Libya is morally justified and is the result of an ideational discourse that polarizes around the duty of the international community to intervene whenever it witnesses gross human rights violations. The third chapter argues that geostrategic reasoning mixed with desire for prestige motivated the launching of the intervention in Libya. The fourth chapter of the paper presents a poststructuralist reading of the intervention in Libya and claims that the intervention occurred due to the self-appointed role of an international sovereign power to 'administer' the life of non-Western populations. The paper ends by assessing its main findings and by suggesting several areas of further research.

Chapter 1. Humanitarian Intervention in Libya: Crossroads between International Relations Theory and International Law

The first chapter represents the springboard for the further development of the paper. Firstly, it dwells upon the definition of 'humanitarian intervention' and its study at the intersection between International Relations Theory and International Law. The chapter ends with an assessment of the main features that characterize the intervention in Libya.

1.1. Humanitarian Intervention and International Relations

Since 'humanitarian intervention' represents the conceptual pole around which this paper is constructed, this section will define humanitarian intervention and will asses its place in the study of International Relations. Firstly, a few definitions on humanitarian intervention will be scrutinized in order to hint at the conceptual meaning of the term and to forward the definition that will serve the purpose of this paper. Secondly, this section dwells upon the evaluation of the study of humanitarian intervention in International Relations Theory.

Ian Brownlie defines humanitarian intervention as "the threat or the use of armed force by a state or a belligerent community, or an international organization with the object of protecting human rights."[33] Fernando R. Tréson takes a stronger normative approach on humanitarian intervention by claiming that it represents a "proportionate transboundary help, including forcible help, provided by governments to individuals in another state who are being denied basic human rights and who themselves would be rationally willing to revolt against their oppressors."[34] J.L. Holzgrefe claims that humanitarian intervention is the "threat or the use of force across state borders by a state or a group of states aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals other than its own citizens without the permission of

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[33] Ian Brownlie, "Humanitarian Intervention," in *Law and Civil War in the Modern War,* ed. John N. Moore (Baltimore, Maryland: John Hopkins University Press, 1974), 217.
[34] Fernando R. Tréson, *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry, NY: Transnational, 1988), 135.

the state within whose territory force is applied."[35] James Pattison defines humanitarian intervention as "forcible military action by an external agent in the relevant political community with the predominate purpose of preventing, reducing, or halting an ongoing or an impending grievous suffering or loss of human rights."[36] Compared and contrasted, all these definitions revolve around the idea that humanitarian intervention refers to the military or non-military action taken by an external agent (a state, a regional organization or a coalition of states) in order to deal or alleviate the sufferings of innocent civilians or to ensure that human rights are respected. According to T. Modibo Ocran, a humanitarian intervention occurs when the international community witnesses events that "shock the conscience of human kind and trigger the urge to intervene to save defenseless people from carnage, starvation, and other inhuman conditions."[37]

For the purpose of this paper, I will use the definition forwarded above by J.L. Holzgrefe because it seems to me that it is most neutral and most devoid of subjective evaluations. Moreover, the definition underpins the elements that serve the assessment of the intervention in Libya. Thus, at the official level, the humanitarian intervention occurred without the permission of the Libyan state and on behalf of the Libyan population who witnessed and experienced grave violations of human rights. Safeguarding the human rights of civilians and ending the bloody attacks that Qaddafi launched against its population represented the driving rationale behind the intervention launched by France, Great Britain and the United States of America and their allies, and subsequently taken over by the North Atlantic Treaty Organization.

Jennifer M. Welsh stresses that the complexity of any humanitarian intervention is underlined by the tension between the concept of sovereignty and the development of a normative understanding of human rights and the use of

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[35] J.L. Holzgrefe, "The Humanitarian Intervention Debate," in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas,* ed. J.L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003), 18.
[36] James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene* (Oxford: Oxford University Press, 2010), 28.
[37] T. Mandibo Ocran, "The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping," *Boston College International and Comparative Law Review* 25, no.1 (2001):1, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1159&context=iclr>, (accessed June 24, 2012)

force.[38] At the theoretical level, this debate translates into the perspective that International Relations Theory has over humanitarian intervention. Since the following chapters dwell on different discourses that International Relations Theory forwards concerning humanitarian interventions, for the moment it suffices to present a brief outlook on humanitarian intervention through a theoretical lens.

Recalling the principle of state sovereignty that prohibits any outside interference in the internal affairs of the state,[39] the realists argue that humanitarian intervention represents a breach of state sovereignty. Any humanitarian intervention, according to the realist perspective, will be perceived as being driven by national interest and strategic behavior.[40] The realist perspective on humanitarian intervention was very much present in the academia and in the political realm before the break-up of the Soviet Union. India's, Vietnam's and Tanzania's interventions in Pakistan, Cambodia and, respectively Uganda represent oft-quoted examples for humanitarian interventions led by a *realpolitik* rationale.[41]

However, the 1990s observed the mergence of a new discourse on humanitarian intervention that reflected the change of perspective on the functioning of world politics. Constructivism started dominating the academic discourse in the post-Cold War era by arguing that international politics are driven by ideas, beliefs, customs and norms. This translated into a new perspective on humanitarian interventions. Constructivists, especially the English 'School' of International Relations Theory argue that humanitarian intervention is driven by norms, values, moral considerations, and the responsibility of the international community to save those populations that are in danger. This outlook on humanitarian intervention was driven by the emergence of a strong human rights discourse that calls for the protection of those people that suffer gross human

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[38] Welsh, "Introduction," 1-2.
[39] A. O. Enabulele, "Humanitarian intervention and territorial sovereignty: the dilemmas of two strange bedfellows," *The International Journal of Human Rights* 14, no.3 (May 2010): 407-8.
[40] Jennifer M. Welsh, "Taking Consequences Seriously: Objections to Humanitarian intervention," in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh (Oxford: Oxford University Press, 2006), 62-3.
[41] Nicholas Wheeler, *Saving Strangers*: *humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 7-9.

rights violation.[42] Moreover, the International Commission on Intervention and State Sovereignty published a report that forwards the principle of the 'Responsibility to Protect,' according to which states have the duty to protect their citizens. If states fail to uphold their responsibility, the international community has the duty to safeguard human rights. Thus, sovereignty is not an inviolable principle just as the realists assume. Rather, it has a normative aspect that revolves around state responsibility to uphold human rights.[43]

The new theoretical perspective on humanitarian intervention was reflected in the discourse of United Nations high-level officials who underlined that the principle of sovereignty is not an excuse for performing or allowing human rights violations. The former Secretary-Generals of the United Nations, Boutros Boutros-Ghali declared that "the time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality."[44] The Secretary-General underlined that "state frontiers […] should no longer be seen as watertight protection for war criminals and mass murderers."[45] In 2000, Kofi Annan questioned the clash between humanitarian intervention and sovereignty by rhetorically asking the General Assembly of the United Nations the following question: "if humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - gross and systematic violations of human rights that offend every precept of our common humanity? […] Surely, no legal principle – not even sovereignty – can ever shield crimes against humanity."[46]

However, a third debate on humanitarian intervention can be distinguished in the current academic discourse. Poststructuralist scholars like

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[42] Susan Yosihara, *Waging War to Make Peace: US Intervention in Global Conflicts* (Santa Barbara, CA: Praeger, 2010), 1-2.

[43] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," December 2001, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>, (accessed June 24, 2012).

[44] Boutros Boutros-Ghali, "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping," June 17, 1992, <http://www.un.org/Docs/SG/agpeace.html>, (accessed June 24, 2012).

[45] Ibid.

[46] Kofi Annan, "Millennium Report of the Secretary General of the United Nations," Chapter IV: Freedom from Fear, 46, April 3, 2000, <http://www.un.org/millennium/sg/report/ch3.pdf>, (accessed June 24, 2012).

Heriberto Cairo, Mark Duffield or Nicholas Waddell[47] argue that the rationale of humanitarian intervention has deeply changed in the post-9/11 world politics. Poststructuralist scholars argue that humanitarian intervention reflects the existence of an international sovereign power that administers the life of non-Western populations, in an attempt to allow and disallow life.

To sum up the academic debate on humanitarian intervention, one may distinguish three competing discourses. While realists argue that humanitarian intervention represents a breach of sovereignty, constructivists argue that humanitarian intervention is a reflection of a discourse of responsibility to save those populations that are in danger. Poststructuralists argue that humanitarian intervention represents a hypocritical display of self-appointed powers that desire to manage the life of non-Western peoples. However, the debate on humanitarian intervention does not stop at the realm of International Relations Theory. As already hinted at in the introductory part of this paper, humanitarian intervention is placed at the intersection of International Relations and International Law. The following section will forward the legal debate on humanitarian intervention and its inter-linkage with the discourse of International Relations Theory on humanitarian intervention.

1.2. International Law and Humanitarian Intervention

According to International Law, all states are equal. Therefore, all states have the responsibility to protect themselves from any external aggression and to avoid the use of its territory as means to violate the territorial sovereignty of another state.[48] The scholars that argue that humanitarian intervention is illegal forward two arguments. On the one hand, humanitarian intervention represents a breach of the principle of sovereignty and on the other hand, the United Nations Security Council represents the only legitimate body to launch interventions in cases in which the international peace and security are threatened.

The scholarly view that claims that humanitarian intervention represents a breach of the principle of sovereignty argue that any action that goes beyond

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[47] Heriberto Cairo, "The Duty of the Benevolent Master: From Sovereignty to Suzerainty and the Biopolitics of Intervention," *Alternatives* 31 (2006): 285-311; Mark Duffield and Nicholas Waddell, "Securing Humans in a Dangerous World," *International Politics* 43 (2006): 1-23.
[48] Enabulele, "Humanitarian intervention and territorial sovereignty," 408-9.

articles 2(4) and 2(7) of the United Nations Charter is unlawful. Article 2(4) states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."[49] Article 2(7) underlines that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.[50] The narrow reading of the United Nations Charter presented above echoes the realist argument that any intervention into the internal affairs of a state represents a breach of sovereignty.

Moreover, Jan Hurd observes that humanitarian intervention is illegal if undertaken without the consent of the United Nations Security Council. According to the author, articles 24, 39 and 42 represent an express acknowledgement of the fact that the Security Council represents the only legitimate body to use force.[51] Article 24 underlines that "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."[52] Article 39 stresses that "the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."[53] Last but not least, article 42 claims that "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international

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[49] Art. 2(4), United Nations Charter, <http://www.un.org/en/documents/charter/chapter1.shtml>, (accessed June 4, 2012).
[50] Art 2(7), United Nations Charter, <http://www.un.org/en/documents/charter/chapter1.shtml> (accessed June 4, 2012)
[51] Ian Hurd, "Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World." *International Affairs,* 25, no.3 (2011): 295.
[52] Art. 24(1), United Nations Charter, <http://www.un.org/en/documents/charter/chapter5.shtml>, (accessed June 24, 2012).
[53] Art. 39, United Nations Charter, <http://www.un.org/en/documents/charter/chapter7.shtml>, (accessed June 24, 2012).

peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."[54] Therefore, by evaluating the written law of the United Nations Charter, the use of force is legal only if states act according to a self-defense aim or if pursued by the Security Council in order to maintain international peace and security. Any other actions that go beyond these two justifications are illegal and should be punished accordingly. The scholars that adopt this position are considered part of the restrictionist movement in reading International Law. Hence, the restrictionists argue that the United Nations Security Council is the sole legitimate actor that has the jurisdiction to authorize military enforcement. Military intervention is authorized only in cases in which it imperils international peace and security.[55] The argument according to which only the Security Council is entitled to use force recalls the poststructuralist assumption according to which there is a global sovereign power that is allowed to act in a decisionist manner and to use force how he deems right in order to administer life.

At the other edge of the argument, the counter-restrictionists argue in favor of humanitarian intervention and its compatibility with the United Nations Charter. Therefore, they advance two supporting arguments. One argument refers specifically to the reading of the United Nations Charter, whereas the second argument refers to customary law as means to justify humanitarian intervention.[56] On the one hand, Simon Chesterman underlines that while reading article 2(4) one observes no contradiction with the principle of humanitarian intervention. More explicitly, article 2(4) prohibits the use of force "against the territorial integrity or political independence of the state" or any action that runs against the "Purposes of the United Nations."[57] Therefore, while reading the United Nations Charter, there is no expressive prohibition of humanitarian intervention, as it seeks neither a territorial change nor a challenge to the political independence of the State involved.

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[54] Art. 42, United Nations Charter, <http://www.un.org/en/documents/charter/chapter7.shtml>, (accessed June 24, 2012).
[55] Nicholas J. Wheeler, *Saving Strangers*, 41.
[56] Ibid.
[57] Simon Chesterman, *Just War or Peace: Humanitarian intervention and international law* (Oxford: Oxford University Press, 2003), 45.

On the other hand, legal scholars argue that the legality of humanitarian intervention emerges from customary law; therefore, state practice represents a necessary and sufficient condition to argue that humanitarian intervention is legal and does not contradict the United Nations Charter. Under this assumption, the scholars argued that humanitarian intervention is legal because International Law is a body that evolves constantly and according to state practice. The power of norms (i.e. humanitarianism) and the power of practice (i.e. humanitarian intervention) oblige towards shedding a new light on the interpretation of article 2(4).[58] By presenting the legality of humanitarian intervention as rooted in the customary practice of International Law, one is able to link it with the constructivist perspective on humanitarian intervention. As already mentioned, constructivists believe that international politics are rooted in customary practices, beliefs and norms that exist in the international realm. Since international law can be considered a norm as well, one may argue that humanitarian intervention is a legal behavior in international affairs while its legality emerges from the post-Cold War humanitarian practice. Interventions in Bosnia, Somalia or Rwanda have changed the practice of International Law and established a precedent regarding the legal use of force in order to stop breaches of human rights.[59]

A caveat. The poststructuralist approach on law moves beyond the previously mentioned assessment that the United Nations Security Council resembles an international sovereign power entitled to use force. On the one hand, the poststructuralist approach on law rejects the skeptical realist position that law does not matter in international politics. On the other hand, the poststructuralist approach on law underlines that a normative understanding of law, according to which law regulates state behavior, is not an appropriate characterization of post-Cold War state action. Rather, the post-1989 era has been characterized by exceptional situations, such as humanitarian interventions or the use of force to uphold International Law. In fact, poststructuralists argue, Rwanda, Iraq, Bosnia or Kosovo proved that the post-1945 legal order is not robust enough to prevent or deal with these situations. In order to manage these extraordinary situations, the

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[58] Hurd, "Is Humanitarian Intervention Legal?," 304.
[59] Wheeler, *Saving Strangers,* 8.

international community called for extraordinary powers to intervene.[60] Michael W. Reisman qualifies exceptional situations as "very small group of events that warrant or even require unilateral action when the legally designated institution or procedures prove unable to operate."[61] Through humanitarian interventions, the international community called for extraordinary powers to act. This led to the suspension of International Law and of the United Nations Charter. According to poststructuralists, the international community/ United Nations Security Council is entitled to extra-judicial powers to take necessary means in order to safeguard humanitarian values.[62]

Looking at the arguments exposed above one concludes that the legality of humanitarian intervention cannot be determined. Therefore, law should be regarded as practice through which rules are created in order for states to interact in the international arena.[63] Thus, there is an inherent impossibility in the academic milieu to achieve a consensus on the legality of the intervention. This debate reappears every time that the international community decides to launch a military intervention. Not surprisingly, the 2011 intervention in Libya recalled this academic dispute.

1.3. Intervention in Libya: Main Features

The final section of the first chapter aims to present a few features that characterize the intervention in Libya. Thus, this section inquires into the selectivity of the mission, the regime change rationale, the recognition of the National Transitional Council and the motives that the members of the international community had in intervening in Libya. Moreover, this section inquires into the legal debate around Libya that takes stakes with the legality of the implementation of the non-fly zone.

Even though it was hard to foresee the 'Arab Spring,' scholars such as Silvia Colombo warned that the resilience of the regimes in the Southern

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[60] Jef Huysmans, "International Politics of Exception: Competing Visions of international Political Order," *Alternatives* 31 (2006): 137.
[61] Michael W. Reisman, "Kosovo's Antinomies," *American Journal of International Law* 93, no.4 (1999): 860.
[62] Miguel de Larrinaga and Marc G. Doucet, "Sovereign Power and the Biopolitics of Human Security," *Security Dialogue* 39, no. 5 (2008): 527.
[63] Hurd, "Is Humanitarian Intervention Legal?," 309.

Mediterranean countries might be challenged in the near future due to the socio-economic hardship in which the population found themselves. Hence, the apparently stability of state power would be very difficult to be maintained in the coming decades, if sustainable reforms would not be performed.[64] The first characteristic that arises while speaking of the intervention in Libya is the issue of selectivity. Libya was not the first country that witnessed human rights violations during the Arab Spring. Yet it was the only country in which an intervention on behalf of the Responsibility to Protect principle occurred. In Bahrain, Yemen or Syria no intervention occurred. According to Pattison, this problematic issue proves the incongruence between moral standards and self-interest.[65] Furthermore, Stewart Patrick underlines that the intervention was pursued under the principles of selectivity because, compared to other possible interventions in the 'Arab' Spring, intervening in Libya was an easy intervention because the country is small and the opposition that could be used by the Allies, instead of sending troops in the region.[66] According to Domestici-Met, an intervention in Syria would have serious geopolitical consequences on the one hand because Assad's regime is reportedly supported by Iran, and on the other hand because of the geographical proximity to Israel.[67] The selectivity of the mission questions not only the moral standards that the international community claims that it defends but also the value of the principle of the Responsibility to Protect in today's world affairs.

A second characteristic that underpins the intervention in Libya is the rationale of different countries to take action in Libya. Not only the international community did not intervene in other Arab countries that observed human rights violations, but also they appear to have had different motives in acting in Libya. According to Stewart Patrick, the United States of America intervened in Libya because it was an easy target and represented a perfect opportunity for President Barack Obama to strengthen the principle of the Responsibility to Protect as an

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[64] Silvia Colombo, "The Southern Mediterranean; Between Changes and Challenges to its Sustainability," *MedPro Technical Report* no. 1 (November 2010), 1-22, <http://www.medpro-foresight.eu/system/files/MEDPRO%20TP%20No%201%20WP2%20Colombo.pdf>, (accessed June 24, 2012).
[65] Pattison, "The Ethics of Humanitarian Intervention," 276.
[66] Stewart Patrick, "Libya and Future of Humanitarian Intervention: How Gadaffi Fall Vindicated Obama and RtoP," *Foreign Affairs* (July-August 2011).
[67] Domestici-Met, "Protecting in Libya," 878.

imperative norm in international relations.[68] Henrik Boesen and Lindbo Larsen argue that the intervention in Libya is the result of a combination of both internal and external factors. Thus, for France, Libya represented the perfect opportunity for Nicolas Sarkozy to gain political support for the Presidential elections and to strengthen the French role in international affairs. Moreover, just like for France, the United Kingdom wanted to enhance the British actorness on the world politics stage and to preserve the American-British historical friendship alive.[69]

A third element that characterizes the intervention in Libya is the changing of the mandate of the mission ☐ from the protection of civilians to the ousting of Qaddafi. Alex J. Bellamy questions the purpose of the intervention and claims that as the intervention developed, its rationale changed: from saving civilians to regime change.[70] Thus, the intervention is ethically problematic and questions the purposes of the Responsibility to Protect principle.

Another peculiarity of the situation in Libya is the recognition of the Transitional National Council as a legitimate representative of Libya. As France rushed to recognize the Council immediately after its formation, in less than half a year, the countries that composed the Libya Contact Group announced in Istanbul that they recognize the Council as "the legitimate authority of Libya."[71] Thus, the North Atlantic Treaty Organization, the Arab League, Italy or the United States of America gave international recognition to the Libyan National Transitional Council. The question how legitimate and reliable is the new body to represent the Libyan population floats both in the academia and in the political *milieu*. Hugh Roberts warns the Western powers to be wary regarding the 'new government in Libya' as Mustafa Abdul Jalil, the chairperson of the National Transitional Council, claimed that the future state legislation would be based on the Sharia law. Moreover, Roberts underlines that the new military commander, Abu

[68] Patrick, "Libya and Future of Humanitarian Intervention."
[69] Henrik Boesen and Lindbo Larsen, "Libya: Beyond Regime Change," *DISS Policy Brief* (October   2011), <http://www.diis.dk/graphics/Publications/Policybriefs%202011/Libya%20beyond%20Regime%20Change.web.pdf>, (accessed June 24, 2012).
[70] Alex J. Bellamy, "The Responsibility to Protect and the Problem of Regime Change," <http://www.e-ir.info/2011/09/27/the-responsibility-to-protect-and-the-problem-of-regime-change/>, (accessed June 24, 2012).
[71] Ian Black, "Libyan rebels win international recognition as country's leader," *The Guardian,* July 15, 2011, <http://www.guardian.co.uk/world/2011/jul/15/libyan-rebels-international-recognition-leaders>, (accessed June 24, 2012).

Abdallah al-Sadiq is the former leader of the Libyan Islamic Fighting Group, which launched terrorist attacks against Libya in the 1990s and recruited al-Qaida members.[72]

The legal debate over the intervention in Libya is characterized by two points of view. On the one hand, Michael N. Schmitt claims that the imposition of the no-fly zone in Libya is legal and respects the United Nations Security Council Resolution 1973. Thus, the no-fly zone was imposed after the declaration of the United Nations Security Council that the situation in Libya represents a threat to international security and peace and after the failure of non-forceful measures to resolve peacefully the conflict in Libya.[73] On the other hand, Michael W. Doyle's assessment concentrates on the argument that the intervention in Libya would hardly qualify as an intervention that respects Chapter VII of the United Nations Charter. According to Doyle, the events in Libya resemble to a civilian conflict that does no qualify as a threat to international peace and security. Thus, Doyle argues that the intervention in Libya is illegal and represents an example of the discretionary policy of intervention that is pursued by the Great Powers in the aftermath of the Cold War.[74]

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[72] Hugh Roberts, "Who Said Gadaffi Had to Go?," *London Review of Books* 33, no.2 (November 2011), <http://www.lrb.co.uk/v33/n22/hugh-roberts/who-said-gaddafi-had-to-go>, (accessed June 24, 2012).
[73] Michael N. Schmitt, "Wings over Libya," 55-8.
[74] Michael W. Doyle, "The Folly of Protection: Is Intervention Against Qaddafi Regime Legal and Legitimate?," *Foreign Affairs* (March 2011).

Chapter 2. The Duty to Intervene in Libya

The second chapter of the paper looks at the intervention in Libya through the lens of the English 'School' of International Relations Theory. Thus, the second part of the paper claims that the intervention in Libya is the result of a discourse of responsibility according to which the members of the international community have the duty to protect individuals that face atrocities and grave violations of human rights.

2.1. A British View on International Relations Theory

Firstly, this section dwells upon the core assumptions of the English 'School' of International Relations Theory, emphasizes the place of the solidarist approach within this theory, and the solidarist view on humanitarian intervention. Secondly, the subchapter brings in an amendment to the solidarist perspective on humanitarian intervention. As Nicholas Wheeler was writing in 2000, he did not touch upon the Responsibility to Protect principle as a core idea that shapes the normative context that enables and legitimizes the launching of humanitarian interventions. For Wheeler and other solidarists, the normative context is composed of the normative discourse of intervention and of a global human rights regime. Hence, this section ends with a presentation of the Responsibility to Protect principle as corollary to the solidarist standpoint on humanitarian intervention and as an important concept that enhances the normative context of world affairs.

After the end of the Cold War, the International Relations scholars found themselves at a crossroads. The realists and the strategic studies theorists were unable to foresee, not to mention to explain, the end of the bipolar system. In the middle of this theoretical limbo, liberal and constructivist scholars took the stage in the International Relations scholarship. While the first argued that international relations are based on progress and that cooperation is possible under the anarchical structure of the international system, the constructivists embraced the oft-quoted sentence coined by Alexander Wendt: "anarchy is what states make of

it."[75] According to constructivism, the international relations are socially constructed through inter-subjective meanings, while norms, ideas and rules are produced through socialization and social interaction.[76]

It was only thanks to the end of the bipolar system, to the emergence of constructivism and to the sociological 'turn' in the study of International Relations that the English 'School' theorists could re-claim a place in International Relations theoretical realm, after being largely overlooked during the Cold War. Their position was reinforced by the fact that the English 'School' shares with constructivism the assumptions that states form an international society, shaped by ideas, values, identities and norms that are common to all states.[77] Just like constructivism, the English 'School' of International Relations Theory rejects the materialist assumptions of world affairs by arguing that even though the structure of the international society is anarchical, the relations between states are governed by rules and norms that reduce conflict and secure a certain degree of order.[78]

At the core of the English 'School' of International Relations Theory is the definition of *international society* as spelled out by one of its theoretical front-runners, Hedley Bull. He defines international society as "a society of states [that] exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions."[79] Even though the English 'School' emphasizes the role of states in world politics, international society theorists are aware that world affairs are too intricate to deny the role of non-state actors in international relations.[80] Hence, Jennifer Sterling-Folker underlines that the *international*

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[75] Alexander Wendt, "Anarchy is what states make of it: the social construction of power politics," *International Organization* 46, no.2 (1992): 391-425.

[76] Ian Hurd, "Constructivism," in *The Oxford Handbook of International Relations*, ed. Christian Reus-Smit and Duncan Snidal (New York: Oxford University Press, 2008), 302-1.

[77] Alex J. Bellamy, "Introduction: International Society and the English School," in *International Society and Its Critics,* ed. Alex J. Bellamy (Oxford: Oxford University Press, 2005), 2-4.

[78] Hidemi Suganami, "The Argument of the English School," in *English School of International Relations: A Contemporary Reassessment*, ed. Andrew Linklater and Hidemi Suganami (West Nyack: Cambridge University Press, 2002), 44.

[79] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Colombia University Press, 2002), 13.

[80] Suganami, "The Argument of the English School," 56.

society is a peculiar type of social order in which states, individuals, international organizations and other actors such as non-state organizations engage in habitual and regularized inter-subjective practices and processes of socialization that account for the emergence of common interests and values.[81]

In an earlier piece of work, Headley Bull identifies two different strands regarding the concept of international society: pluralism and solidarism. While both share the same definition of international society, pluralism and solidarism have different views on its functioning.[82] The pluralist understanding of international society argues that states are willing to cooperate on a minimal basis as long as all of them respect the golden rules of sovereignty and non-intervention.[83] Even though states maintain different understandings of justice or human rights, they are able to agree on the same meaning of order in international society and to recognize each other's right to exist.[84]

In sharp contrast to pluralism, the solidarists argue that states are able to reach consensus on the meaning of moral standards. Thus, Bull claims that the international society is based on a "growing cosmopolitan global awareness,"[85] that forces the Western countries to act according to the principles of humanity and to secure the maintaining of global welfare and common good. Keeping this in mind, the solidarist international society theory advocates humanitarian intervention and argues that the contemporary world of affairs is characterized by the existence of a human rights regime overseen by a mechanism of governmental and nongovernmental mechanisms of surveillance.[86]

Nicholas J. Wheeler takes Henry Bull's assumption even further by arguing that the normative context of world affairs is underpinned not only by the emergence of a human rights regime but also by a right of intervention, that presents itself as a norm of behavior in current world affairs. Therefore, solidarists

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[81] Jennifer Sterling-Folker, "English School Approaches," in *Making Sense of International Relations Theory,* ed. Jennifer Sterling-Folker (Boulder, CO: Lynne Rienner, 2006), 428-39.

[82] Headley Bull, "The Grotian Conception in International Society," in *Diplomatic Investigations: Essays in the Theories of International Politics,* ed. Herbert Butterfield and Martin Wight (Cambridge: Cambridge University Press, 1968), 51-73.

[83] Nicholas J. Wheeler and Timothy Dunne, "Headley Bull's Pluralism of the Intellect and Solidarism of the Will," *International Affairs* 72, no.1 (January 1996): 84.

[84] Bull, *Anarchical Society*, 19-20.

[85] Id., "Justice in International Relations," Hagey Lectures, University of Waterloo, Ontario, 1984, quoted in Wheeler and Dunne, "Hedley Bull's Pluralism," 99.

[86] Bellamy, "International Society," 11.

argue that in the post-Cold War era, state practice gave birth to a growing consensus that humanitarian intervention is the legitimate and appropriate means to deal with human rights violations.

Aware that his assumptions touch upon sensitive issues such as sovereignty and the right to use force, Wheeler believes that states lose their *de facto* sovereignty if they endanger the lives of their people. Thus, the society of states is allowed to intervene for saving the lives of innocent civilians.[87] Alex J. Bellamy observes that, according to the English 'School' of International Relations Theory, "sovereignty is not ontologically prior to humankind."[88] Since there is a universal solidarity between individuals, humanitarian intervention translates into a moral duty that has to be upheld by all members of the international society. As such, Wheeler argues that humanitarian interventions should occur in situations in which there is a supreme humanitarian emergency according to which the only hope to safe those that find themselves in danger is to turn towards outside powers.[89]

However, in the post-Cold War era, both practitioners and theorists of humanitarian intervention witnessed the emergence of another important norm that shaped the rationale of humanitarian intervention and that closely shared the solidarist view on humanitarian intervention. The principle of Responsibility to Protect was fully elaborated by the International Commission on Intervention and State Responsibility in 2001. According to the report of this commission, sovereignty translates into the responsibility of states to prevent abusive behavior.[90] The report underlines that in cases in which the life of individuals is heavily endangered, "the principle of non-intervention yields to the international responsibility to protect."[91] In interpreting the principle of the Responsibility to Protect, Louise Arbour underlines that in cases in which states are unable or unwilling to fulfill their responsibilities, the international community is the default

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[87] Wheeler, Saving Strangers, 12-3.
[88] Alex J. Bellamy, "Humanitarian responsibilities and interventionist claims in international society," *Review of International Studies* 29 (2003): 321.
[89] Wheeler, *Saving Strangers,* 34-41.
[90] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* 14.
[91] Ibid.

actor that takes up the responsibility to help and protect those exposed to atrocities.[92]

Since 2001, the principle of the Responsibility to Protect was continuously strengthened. In 2005 at the World Summit, the international community officially endorsed the concept. United Nations declared that: "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help to protect populations."[93] In 2006, the United Nations Security Council Resolution 1709 on Sudan stated that it is "the responsibility of the Government of Sudan to protect civilians under threat of physical violence."[94] In July 2009, the United Nations Secretary-General presented the General Assembly with a report on the implementation of the Responsibility to Protect that sparked a debate in the Assembly regarding the viability of this principle. In October 2009, the General Assembly passed a resolution regarding the Responsibility to Protect principle, calling the international community to support its implementation. In July 2011, the General Assembly held an informal debate regarding the role of regional organizations in implementing the Responsibility to Protect principle.[95]

The growing awareness regarding the Responsibility to Protect is recognized in both United Nations Security Council resolutions on Libya. The resolutions recalled the "responsibility of the Libyan authorities to protect their population," while Resolution 1973 specifically pointed out that "the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security."[96] It was in the context of the legal framework of these two resolutions that the United Nations Security Council authorized the no-fly zone in

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[92] Louise Arbour, "The responsibility to protect as a duty of care in international law and practice," *Review of International Studies* 38 (2008): 445-58.

[93] United Nations, "2005 World Summit Outcome," 30-1, <http://www.who.int/hiv/universalaccess2010/worldsummit.pdf>, (accessed 24 June, 2012).

[94] United Nations, Security Council Resolution 1709, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/531/66/PDF/N0653166.pdf?OpenElement>, (accessed June 24, 2012).

[95] Office of the Special Adviser on the Prevention of the Genocide, "The Responsibility to Protect," <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>, (accessed June 24, 2012).

[96] United Nations, Security Council Resolution 1970 and Resolution 1973.

order to protect the lives of the Libyan people. However, before turning to the assessment of the humanitarian intervention in Libya through the lens of the solidarist argument, I will present the role of International Law in the English School of International Relations Theory because, as hinted at in the previous chapter, humanitarian intervention is a topic that touches both International Relations Theory and International Law.

2.2. International Law and the English School of International Relations

This section stresses the English School perspective on International Law by pointing at its normative, regulative and changing nature. Regarding the normative aspect of International Law, Balkan Devlen *et al.* argue that shared interests and understandings of what International Law means underpin the existence of the international society. Thus, states recognize that common norms and rules bind them.[97] Put it differently, International Law, along with other norms and ideas, creates the normative environment in which the members of the international society conduct world affairs. Friedrich Kratochwil specifies the role of the normative framework in which states act by arguing that International Law is able to provide normative value to state actions because the legal order "specifies the necessary steps to insure the validity of their official acts and assign priority to different claims."[98] This means that International Law creates duties and rights for all the states and they have to act in conformity with the principle of order. Hedley Bull, who argues that "states so often judge it in their interests to conform to it", underlines the conformity with which states act in world politics.[99] He believes that states would conform to International Law because they are aware of their duties and rights towards one other, therefore they will abide by the rules and norms of the international society. In this manner, states will be able to

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[97] Balkan Devlen, Patrick James, and Özgür Özdamar, "The English School, International Relations and Progress," *International Studies Review* 7 (2005): 185.
[98] Friedrich Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1991), 251.
[99] Bull, "The Anarchical Society," 140.

strengthen the normative aspects of the international society and the role of the institutions, and to manage the anarchical aspect of the international society.[100]

Anthony Clark Arend argues that International Law is a core pillar of the international society because it has the capacity to regulate the behavior of states.[101] Hidemi Suganami believes that International Law is important in maintaining order as it represents a binding system of norms that secures the co-existence of states.[102] Yosuaki Onuma believes that International Law represents the embodiment of shared ideas and understandings regarding the behavior and aspirations of the members of international society. Moreover, International Law prescribes rules of behavior and "induces convergence of behavior of diverse international members by contributing to the smooth management of international relations and to the realization of common ideas and aspirations of international society."[103]

Norms and laws are not permanently fixed. They can be changed through social interaction and inter-subjective practices that take place between states. This means that states participate in the legal system and abide by its rules, but they are able, in the same time, to change those rules through practice.[104] Thus, International Law is a "broad social phenomenon deeply embedded in the practices, beliefs and traditions of societies, and shaped by interaction amongst societies."[105] The possibility to change laws and norms recalls the customary law argument presented in the previous chapter and according to which state practice is important in understanding the evolving norms of International Law, while this may serve as a legitimate and legal justification for humanitarian intervention.

The normative, regulative, and to a lesser extent the changing nature of International Law prove that claim of the English 'School' of International Relations Theory that the international society is entrusted with moral agency in

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[100] Bull quoted in Wheeler and Dunne, "Hedley Bull's Pluralism," 94.

[101] Anthony Clark Arend, "Do Legal Rules Matter? International Law and International Politics," *Virginia Journal of International Law* 38 (1998): 131-2.

[102] Suganami, "The Argument of the English School," 49.

[103] Yosuaki Onuma, "International Law in and with International Politics: The Functions of International Law in International Society," *European Journal of International Law* 14, no.1 (2003): 134.

[104] Arend, "Do Legal Rules Matter?," 133.

[105] Martha Finnamore and Stephen J. Toope, "Alternatives to Legalization: Richer Views of Law and Politics," *International Organization* 55, no.3 (2001): 743.

order to uphold moral standards and International Law.[106] According to Suganami, International Law is the means through which states distinguish between rightful and unlawful reasons to start a war.[107] States may use force based on solidarist arguments according to two situations. On the one hand, states, by drawing on the normative aspect of International Law, may decide to launch punitive actions against a law-breaking state that acts against the rules and the norms of the international society.[108] On the other hand, states may act against the principle of non-intervention because "state leaders are burdened with the guardianship of human rights everywhere."[109] Drawing on the English 'School' perspective on humanitarian intervention and International Law, the following section will use the joint theoretical framework exposed above in order to inquire into the intervention in Libya.

2.3. 'Responsibility to Protect' as an International License to Intervene in Libya

In order to support the claim that the international community was driven by ideatic and responsibility considerations in order to intervene in Libya, I will present the normative context that polarized around a discourse of responsibility and which provided the necessary impetus for launching the intervention in Libya. In line with the English 'School' of International Relations Theory, that argues that international society is made of a multitude of entities (states, international organizations, non-governmental organizations), this section will unfold the discourse of responsibility as an aggregate outcome of various discourses forwarded by different members of the international community. Firstly, the state discourse regarding Responsibility to Protect will be presented by forwarding the American, French and British positions regarding the events from Libya. Secondly, the role of United Nations bodies was pivotal in shaping the duty of the international community to intervene and in legitimizing the intervention in Libya. In addition, the role of the European Union and other regional organizations will be emphasized. Thirdly, this section looks at the role of non-

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[106] Bellamy, "International Society," 10.
[107] Suganami, "The Argument of the English School," 61.
[108] Wheeler and Dunne, "Hedley Bull's Pluralism," 95.
[109] Bull, "Grotian Conception," 63.

governmental organizations in shaping the normative context that allowed for the launching of the intervention in Libya.

The discourse of responsibility, present in President Obama's official declarations regarding Libya, underlines both the duty of the international community to intervene and the need of joint international action in safeguarding human rights. Immediately after the break of the violence in Libya, Obama declared that "it is the responsibility of the Libyan government to refrain from violence, and (…) to respect the rights of its people."[110] Arguing that the acts of Qaddafi "violate international norms and every stance of common decency," President Obama hinted at the imperative need of the "nations and the peoples of the world [to] speak with one voice."[111] In March 2011, President Obama reiterated the responsibility of the international community to take action, by declaring: "we cannot stand idly when a tyrant tells his people that there would be no mercy for them, (…) when innocent men and women face brutality and death at the hand of their own government."[112] In line with the English 'School' of International Relations Theory, President Obama advocated not only the solidarist duty of the international community to safeguard the life of Libyans but also the need of joint international action. The solidarist argument for the intervention in Libya is emphasized even stronger in Obama's following quote: "to brush aside our responsibilities to our fellow human beings under such circumstances would have been a betrayal of who we are."[113] Dana H. Allin and Erik Jones underline that President Obama was driven by a just cause rationale in launching the intervention in Libya since Qaddafi was a dictator that had a history of suppressing his population.[114] Therefore, President Obama could not betray his 2009 Nobel Peace Prize discourse, when he argued □ in the context of human suffering and slaughter of civilians – that "force can be justified on humanitarian

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[110] Barack Obama, "Address on Libya: The violence must stop," February 23, 2011, <http://www.americanrhetoric.com/speeches/barackobama/barackobamalibya.htm>, (accessed June 24, 2012).
[111] Ibid.
[112] Barack Obama, "On authorization of Odyssey Dawn Limited Military Action in Libya," March 19, 2011, <http://www.americanrhetoric.com/speeches/barackobama/barackobamalibyaltdmilitaryaction.htm >, (accessed June 24, 2012).
[113] Ibid.
[114] Allin and Jones, "As Good as It Gets?," 207.

grounds. Inaction tears our conscience and can lead to more costly intervention later."[115]

Simon Chesterman observes that the view of the President of United States of America on Libya is indebted to the advocacy of Hillary Clinton, Susan Rice and Samantha Power, all of them advocating the Responsibility to Protect principle.[116] According to press reports, Clinton, Rice and Power persuaded President Obama to intervene in Libya. As the American Secretary of State became aware that inaction would lead to further death of civilians and as she secured the support of the Arab countries, Clinton started advocating a military intervention in Libya. Both Samantha Power and Susan Rice were trying to persuade Obama to intervene in Libya. While Power is a senior aide in the National Security Council and former journalist and human rights activist, Susan Rice used to be Africa Adviser for President Clinton when United States of America failed to intervene in Rwanda.[117]

Just like Barack Obama, key players persuaded Nicolas Sarkozy in intervening in Libya. The French President was influenced by philosopher Bernard-Henry Lévy's discourse and ideas. The media reports that Lévy warned Sarkozy: "there will be a massacre in Benghazi, a bloodbath and the blood of the people will stain the flag of France."[118] Not only Nicolas Sarkozy argued that the intervention is a reflection of the fact that "universal conscience cannot tolerate such crimes,"[119] but he claimed as well that since "in Libya a peaceful civilian population demands nothing more than a right to choose its own destiny, it is our

[115] Barack Obama, "Nobel Prize for Peace Acceptance Speech and Lecture," December 10, 2009, <http://www.americanrhetoric.com/speeches/barackobama/barackobamanobelprizespeech.htm>, (accessed June 24, 2012).

[116] Chesterman, "'Leading from Behind'," 282.

[117] Helene Cooper and Steven Lee Meyers, "Obama Takes Hard Line with Libya After Shift by Clinton," *New York Times,* March 18, 2011, <http://www.nytimes.com/2011/03/19/world/africa/19policy.html?pagewanted=all>, (accessed June 24, 2012).

[118] Bernard-Henry Lévy quoted in Steven Erlanger, "By His Reckoning, One Man Made Libya a French Cause," *New York Times,* April 1, 2011, <http://www.nytimes.com/2011/04/02/world/africa/02levy.html?_r=1&pagewanted=all>, (accessed June 24, 2012).

[119] Nicolas Sarkozy quoted in Michael Elliot, "Viewpoint: How Libya became a French and a British War?," *Time,* March 19, 2011,<http://www.time.com/time/world/article/0,8599,2060412,00.html>, (accessed June 24, 2012).

duty to respond to their anguished appeal."[120] David Cameron supported Nicolas Sarkozy's approach and believed that the intervention was "necessary, legal and right." Cameron continued arguing the following: "I don't believe that we should stand aside while this dictator murders his own people."[121] Speaking immediately after the emergency summit held in Paris where Cameron met Sarkozy in order to discuss the implementation of United Nations Security Council Resolution 1973 and after the failure of Qaddafi to implement the promised ceasefire, the British Prime Minister declared that "Qaddafi continues to brutalize his own people and so the time for action has come. It needs to be urgent, we have to enforce the will of the United Nations and we cannot allow the slaughter of civilians to continue."[122] Jim Murphy, the shadow Minister of Defense supported the British intervention in Libya and claimed that the "United Kingdom has a responsibility beyond borders" to safeguard the lives of innocent people. He continued saying that "it was a just cause, with a feasible mission and had an international support."[123] Even though Ed Miliband expressed his fears regarding the possibility of committing ground troops in Libya, he argued that "It would be quite wrong for us to stand by, given what is going on in Libya, and do nothing."[124] By looking at the discourse forwarded by Sarkozy and British officials, one is able to recognize that there is an implicit solidarist discourse regarding the duty of the international community to intervene in Libya and to safeguard the lives of the Libyan people. Moreover Cameron's discourse evokes the solidarist argument that humanitarian interventions should be taken in cases when humanity witnesses an emergency humanitarian situation.

Not only statespersons but also international organizations contributed to the emergence of a normative environment that provided impetus for the

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[120] Nicholas Sarkozy quoted in Vivienne Walt, "Libya: How a No-Fly Zone Can Become a Red Hot Mess," *Time,* March 19, 2011, <http://www.time.com/time/world/article/0,8599,2060402,00.html>, (accessed June 24, 2012).
[121] David Cameron quoted in Michael Elliot , "How Libya became a French and a British War?."
[122] Id. quoted in "French planes enter Libya to enforce no-fly zone," *The Guardian,* March 19, 2011, <http://www.guardian.co.uk/world/2011/mar/19/french-planes-enter-libya?INTCMP=SRCH>, (accessed June 24, 2012).
[123] Jim Murphy, "The UK's Responsibilities beyond our border," in *Crossing Lines*, Institute for Public Policy Research, London, United Kingdom, (March-May 2011): 10-2.
[124] Ed Miliband, quoted in Alex Stevenson, "Britain braces for Libya intervention," March 18, 2011, <http://www.politics.co.uk/news/2011/3/18/britain-braces-for-libya-intervention>, (accessed June 24, 2012).

launching of the intervention in Libya. As presented above, the Security Council had an important role in legitimizing the intervention in Libya, since it forwarded two resolutions that created the legal framework within which the intervention occurred.[125] Beyond the pivotal role that the Security Council played in legitimizing the intervention, other United Nations bodies contributed to the emergence of the normative framework that allowed for the launching of the intervention in Libya. According to Domestici-Met, two other bodies played a key role in forwarding a discourse of responsibility: The Joint Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect, and the Human Rights Council.[126] On February 22, 2011, the Joint Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect uttered their concern regarding the humanitarian emergency in which the Libyan population finds itself and claimed that the situation amounts to a violation of international human rights and International Law. Recalling the Responsibility to Protect principle, the Special Advisers reminded to the Libyan government the following: "in 2005 at the World Summit, the heads of Government and States pledged to protect populations by preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement."[127] The same day, the United Nations Human Rights chief, Navi Pillay, reiterated the Responsibility to Protect principle. On the one hand, Pillay recalled the responsibility of Libya to protect its citizens and, on the other hand, she argued that "international community must act together to ensure that human rights aspirations of the people of Libya are realized."[128]

On February 25, 2011, the Human Rights Council held an extraordinary meeting and issued a resolution that called the Libyan government to stop attacks, persecution and illegal detention of civilians. Recalling the Responsibility to

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[125] Bellamy, "Libya and RtoP," 263-4.
[126] Domestici-Met, "Protecting in Libya," 869.
[127] United Nations Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect, *Press Release on the Situation of Libya,* February 22, 2011, <http://www.un.org/en/preventgenocide/adviser/pdf/OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf>, (accessed June 24, 2012).
[128] Navi Pillay, "Calls for International Inquiry into Libyan violence and justice for victims," February 22, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10743&LangID=E>, (accessed June 24, 2012).

Protect principle, the Human Rights Council reminded the Libyan government of its obligations "to uphold the highest standards of human rights and to guarantee the access of human rights and humanitarian organizations to the country."[129] On March 1, 2011, The United Nations General Assembly suspended Libya's membership from the Human Rights Council.[130]

The United Nations bodies were not the sole international organizations that took action when the world was faced with human rights violations in Libya. Domestici-Met notes that the European Union, the African Union, the Organization of Islamic States, the Gulf Cooperation Council and the Arab League took a stance against Libya.[131] The toughest position was taken by the Arab League, which on March 3, 2011, suspended the Libyan membership and called upon the United Nations Security Council to implement a no-fly zone, in order to protect the Libyan civilians and to prevent mass atrocities.[132] The European Union was the first organization that acted in the aftermath of the Security Council Resolution 1970. Therefore, in order to punish the Libyan government for acting against its population, Brussels imposed travel ban on governmental officials and froze theirs financial assets.[133] Even though the European Union never recalled the Responsibility to Protect in its official declarations, one may deduce that it acted under the principle of solidarity with the other members of the international community in order to safeguard the rights of Libyan populations.

According to Domestici-Met, the civil society and the non-governmental organizations contributed in a pivotal way to the development of the normative

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[129] Human Rights Council, "Human Rights Council Passes Resolution on Libya in Special Session," February 25, 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10768&LangID=E>, (accessed June 24, 2012).
[130] United Nations General Assembly, "General Assembly Suspends Libya from Human Rights Council," March 1, 2011, <http://www.un.org/News/Press/docs//2011/ga11050.doc.htm> (accessed June 24, 2012).
[131] Domestici-Met, "Protecting in Libya," 871.
[132] Richard Leiby and Muhammad Mansour, "Arab League asks U.N. for no-fly zone over Libya," *Washington Post,* March 12, 2011, <http://www.washingtonpost.com/world/arab-league-asks-un-for-no-fly-zone-over-libya/2011/03/12/ABoie0R_story.html>, (accessed June 24, 2012).
[133] Council of the European Union, "Libya: EU imposes arms embargo and targeted sanctions," February 28, 2011, <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119524.pdf>, (accessed June 24, 2012).

context that allowed the international community to intervene in Libya. Starting with February 2011, non-governmental organizations began lobbying the United Nations to take action against Libya.[134] Human Rights Watch, Amnesty International and the International Crisis Group issued a series of reports that underlined the principle of the Responsibility to Protect. By issuing the "Libya: Government Should Demand End to Unlawful Killings" report, Human Rights Watch called upon the international community to halt the Libyan massacre.[135] The International Crisis Group claimed in the "Immediate International Steps Needed to Stop Atrocities in Libya" report that the international community should put a united front and step up its efforts to safeguard the lives of Libyans.[136] According to Hugh Roberts, the role of the International Crisis Group was very important in influencing the normative context in which the intervention in Libya occurred. In the eve of the adoption of the Security Council Resolution 1973, the International Crisis Group sent an open letter to the Security Council calling upon a peaceful resolution of the conflict. The call was incorporated in the preamble of the resolution, which stressed the need to secure cooperation between all parties involved under the auspices of the international community.[137] Amnesty International expressed its concerns regarding the situation in Libya by issuing the "Libya: Detainees, Disappeared and Missing" report, in which Amnesty was expressing its concern regarding the repressive actions taken by Qaddafi against rioters.[138] By looking at the proactive engagement of the civil society regarding the situation in Libya, one may infer that a world public opinion emerged as the international community faced the repressive actions of the Qaddafi regime. Looking at the role of international non-governmental organizations in calling the international community to intervene in Libya, one

[134] Domestici-Met, "Protecting in Libya," 867.

[135] Human Rights Watch, "Libya: Government Should Demand End to Unlawful Killings," February 20, 2011, <http://www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful-killings>, (accessed June 24, 2012).

[136] International Crisis Group, "Immediate International Steps Needed to Stop Atrocities in Libya," February 22, 2011, <http://www.crisisgroup.org/en/publication-type/media-releases/2011/immediate-international-steps-needed-to-stop-atrocities-in-libya.aspx>, (accessed June 24, 2012).

[137] Roberts, "Who Said that Gadaffi Had to Go?."

[138] Amnesty International, "Libya: Detainees, Disappeared and Missing," March 29, 2011, <http://amnesty.org/en/library/asset/MDE19/011/2011/en/5a97c7df-aee8-4830-9f2b - d54f805d2dc1/mde190112011en.html>, (accessed June 24, 2012).

may bring forward the solidarist argument according to which international society is characterized by a growing cosmopolitan awareness regarding human rights.

After inquiring into the different actors' role in constructing the normative context that allowed the launching of the intervention in Libya, one may draw several conclusions. In line with the solidarist argument of the English 'School' of International Relations Theory one is able to observe that the international society was bound by values of human rights, international law and by the Responsibility to Protect principle in acting in Libya. States, non-state actors and international organizations are engaged in constructing a global regime of human rights and share the desire to safeguard the lives of innocent civilians. The two United Nations resolutions that the Security Council forwarded represent a proof of the English 'School' argument that international society is bound by International Law and respects it whenever a certain action is at stake. Moreover, the intervention in Libya proves the significant role of the Responsibility to Protect in current international politics and its usage as a normative umbrella for legitimizing humanitarian intervention.

However, world politics are more complex than the solidarists argue. Even though this chapter showed the dominant discourse that legitimized the humanitarian intervention in Libya, it would be a naïveté to argue that the international community stands solely upon moral and ethical considerations. Therefore, it would be wishful thinking not to take into consideration that states foster different interests and these were displayed in the intervention in Libya. Another problem that could be raised concerning the explanation of the English 'School' of International Relations Theory for the intervention in Libya is its failure to explain the politicization of humanitarian intervention as a reflection of a self-appointed role of global sovereign power that administers the lives of non-Western populations. Thus, the state interest problematic will be addressed in the subsequent chapter, while the issue of the international sovereign power self-appointed role to manage the lives of non-Western population through the intervention in Libya will be presented in the fourth chapter.

Chapter 3. Euro-American Cooperation for Libya: Power Politics and Humanitarian Intervention

The third chapter of the paper presents a Realist theory-inspired assessment of the intervention in Libya. It focuses on the motives that drove the United States of America, France and Great Britain to intervene in the Mediterranean region. Therefore, this chapter argues that geostrategic reasoning mixed with desire for prestige motivated the launching of the intervention in Libya. In order to support this claim, the chapter starts by presenting the main tenets of classical Realism, followed by a realist critique of humanitarian intervention. Secondly, the chapter forwards a realist standpoint on International Law. Finally yet importantly, the chapter dwells on the assessment of the intervention in Libya through the lens of the theoretical framework presented in the first part of this chapter.

3.1. Realpolitik and International Relations Theory

This section forwards the main tenets of Realism and its approach on humanitarian intervention. Firstly, a brief perspective on classical realist understanding of 'power,' 'national interest' and 'strategic behavior' will be forwarded. Secondly, the section presents a realist critique of humanitarian intervention in order to prepare the ground for the empirical assessment of the intervention in Libya through the realist prism of International Relations Theory.

Defined by Henry Kissinger, *realpolitik* refers to the pursuit of foreign policy relying on power calculations and national interest.[139] Catherine Gegout observes that realpolitik is very much part of the realist paradigm of International Relations, which takes into account not only the concept of national interest but also foreign policy actions driven by prestige and honor.[140] Scott Burchill believes that Realism is the most prominent research program in International Relations Theory. Its importance stems from its rich philosophical legacy, its grounded critique of idealism and liberalism, and its influence on the *praxis* of diplomacy

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[139] Henry Kissinger, *Diplomacy* (New York: Touchstone, 1994), 134.
[140] Catherine Gegout, "The West, Realism and Intervention in the Democratic Republic of Congo (1996-2004)," *International Peacekeeping* 16, no.2 (2009): 231.

and international politics.[141] Even though Realism is an approach that encompasses a broad view on how the international system is constructed and how international politics develop, realists agree that power and interest dominate international relations.[142]

Hans J. Morgenthau is considered the founding father of the Realist school of thought and one of the most influential advocates of 'power politics.' The author roots his approach in the 1950s and 1960s behavioralist revolution, and claims that human psyche plays an important role in explaining word politics. According to Morgenthau, men and women are born with an intrinsic 'will to power,' that is reflected into international politics.[143] The author believes that "politics is a struggle for power over men, and whatever its ultimate aim may be, power is its immediate goal, and the modes of acquiring, maintaining, and demonstrating it determine the technique of political action."[144] Power translates into national interest, or as Morgenthau puts it, "statesmen think and act in terms of interest defined as power."[145] Jack Donnelly observes that realists perceive power as an end towards safeguarding national interest. Even though the primordial interest for which states fight is survival, Donnelly acknowledges there is a broad area of motives that drive state behavior, such as "maintaining the relative position in the system, increase strength, preserve autonomy, coexist peacefully, or increase wealth."[146] Therefore, national interest is context-dependent and is linked with the cultural and the political environment in which foreign policy is formulated.[147]

While rooting power-seeking behavior in human nature, Morgenthau believes that a political policy seeks either "to keep power, or to increase power, or to demonstrate power (…) A nation whose foreign policy seeks to demonstrate

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[141] Scott Burchill, *National Interest in International Relations Theory* (Gordonsville, VA: Palgrave Macmillan, 2005), 31.
[142] Robert Jackson and Georg Sorenson, *Introduction to International Relations: Theories and Approaches* (Oxford: Oxford University Press, 2010), 59.
[143] Ibid., 66.
[144] Hans J. Morgenthau, *Crossroad Papers: A Look Into the American Future* (New York: Norton, 1965), 195.
[145] Id., *Politics Among Nations: The Struggle For Power and Peace* (New York: Alfred A. Knopf, 1954), 5.
[146] Jack Donnelly, *Realism and International Relations* (Port Chester, NY: Cambridge University Press, 2000), 56.
[147] Morgenthau, *Politics Among Nations,* 10-11.

the power it has, either for the purpose of maintaining or increasing it, pursues a policy of prestige."[148] In fact, politics and political activity revolve around the acquisition and the possession of power whereas the main aim of foreign policy is "to project and defend the interest of the state in world politics."[149] Since all states strive to pursue and defend their national interests, those interests will conflict with each other while international politics will be characterized by political struggle. Echoing Machiavelli and Hobbes, Morgenthau acknowledges the desire of men to maintain power and to defend their interests leads inevitably to conflict, use of force and war.[150]

Furthermore, realists believe that in pursuing national interests, states' action should be rational and devoid of any moral considerations. The only thing that matters is whether the power of the state is enhanced or not through foreign policy actions.[151] Regarding morality, classical realists argue there is a clear difference between political and moral ethics in a sense that political ethics may allow for actions that private ethics do not permit. This means that in order to preserve state interest, political leaders need to pursue foreign policy paths that do not take into account morality or the appropriateness of behavior. Morgenthau believed that there is no universal morality: "The appeal to moral principles in the international sphere has no concrete universal meaning."[152] Martti Koskiennemi observes that Morgenthau's approach on morality is underpinned by the author's creed into policy-makers' ability to manipulate it, this consequently leading to the strengthening of the political conflict.[153]

Since policy-makers have to act rationally, they have to display strategic behavior, characterized by an instrumental use of moral values and ethics. Thus, values and norms may serve the purpose of policy-makers in pursuing their goals

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[148] Morgenthau, *Politics Among Nations,* 52-3.
[149] Jackson and Sorenson, *Introduction to International Relations*, 59.
[150] Ibid., 67.
[151] John Jazeković, *Use of Force in Humanitarian Intervention: Morality and Practicalities* (Abingdon: Ashgate, 2008), 150.
[152] Hans J. Morgenthau, *In Defense of National Interest. A Critical Examination of American Foreign Policy* (New York, Knopf, 1951), 35.
[153] Martti Koskiennemi, *Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (Hersch Lauterpacht Memorial Lectures),* (Port Chester, NY: Cambridge University Press, 2002), 437.

and fulfilling their interests.[154] Hans Morgenthau claims that "ideologies, like all ideas, are weapons that may rise the national morale and with it the power of one nations."[155] Politics subordinate morality and represent means to attain and justify power.[156] Therefore, issues related to economy, security or prestige determine foreign policy. Morality has a second order importance in foreign policy and decision-making.[157]

Even though classical Realism hardly touches upon the issue of humanitarian intervention, one is able to draw on Realism and spell out a realist-inspired critique of military humanitarian intervention. For example, Morgenthau believed that there is no difference between just and unjust war since humanitarian war represents a means in the hands of the political leaders.[158]

Driven by national interest, humanitarian intervention represents a strategic tool in the hands of political leaders that can be manipulated in order to attain foreign policy aims or to impose the will of strong on weak countries.[159] Looking at humanitarian intervention through the prism of realism, Frank and Rodley believe that in "very few, if any instances, has the right [of humanitarian intervention] been asserted under circumstances that appear more humanitarian than self-interested and power-seeking."[160] Since humanitarian intervention depends on state interest, one may argue that the same thing applies to the principle of the Responsibility to Protect that it depends as well on the will of states.[161]

Furthermore, realists argue that humanitarian interventions depend on cost-benefit analysis and on geopolitical and strategic calculations. If crucial

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[154] Jackson and Sorenson, *Introduction to International Relations,* 69.

[155] Morgenthau, *Politics Among Nations,* 99-100.

[156] Martin Griffiths, *Fifty Key Thinkers in International Relations* (Florence, KY: Routledge, 1999), 37.

[157] Gegout, "The West, Realism and Intervention," 232.

[158] Koskiennemi, *Gentle Civilizer of Nations*, 451.

[159] Wheeler, *Saving Strangers,* 30.

[160] Thomas M. Frank and Nigel S. Rodley, "After Bangladesh: The Law of Humanitarian Intervention by Military Force," *American Journal of International Relations* 67, no. 2 (1973): 290.

[161] Patricia Weber, "Too political or not political enough? A Foucauldian reading of the Responsibility to Protect," *The International Journal of Human Rights* 13, no. 4 (2009): 582.

interests of state are not threatened, realists regard humanitarian intervention as a possible useless political decision.[162]

The strategic characteristic of humanitarian intervention leads to the critique that humanitarian intervention is selective since states engage only in interventions that benefit them and that are likely to result into the best outcome.[163] Not only the policy of humanitarian intervention is selective, but also it cannot be neutral, independent or impartial. Humanitarian interventions are always backed by a foreign policy agenda that, sometimes, is liable for advancing national interests that trump moral considerations.[164]

Realists argue that humanitarian intervention is a highly unpredictable foreign policy move and that there are too many variables that states might not be able to control. Humanitarian intervention may lead to unwanted consequences such as death of coivilians, growing opposition on the ground, or prolonged foreign intervention and protracted conflicts. Thus, the onus of humanitarian intervention is too big since there is no *apriori* knowledge regarding the outcome of the intervention.[165]

If vital interests are not affected, realists claim that states should refrain from intervening into the internal affairs of a state because non-intervention is corollary to the principle of sovereignty.[166] This realist critique of humanitarian intervention recalls not only the pluralist international society critique of humanitarian intervention, but also the restrictionist reading of the legality of humanitarian intervention. Thus, realists favor a strict reading of the United Nations Charter according to which military intervention is authorized either on a self-defense basis or as a means to preserve international peace and security. The following section extends the realist assessment of International Law in order to prepare the ground for the appraisal of the intervention in Libya through the lens of Realism.

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[162] Wheeler, *Saving Strangers,* 30.
[163] Jennifer M. Welsh, "Taking Consequences Seriously," 62.
[164] Jazeković, *Use of Force in Humanitarian Intervention*, 130.
[165] Welsh, "Taking Consequences Seriously," 62-3.
[166] Jazeković, *Use of Force in Humanitarian Intervention*, 149.

3.2. The Instrumental Value of International Law

Having been previously trained as a lawyer in Germany, Hans Morgenthau is no stranger of the complex linkage between law and politics. Oliver Jütersonke observes that Morgenthau does not dismiss the existence of International Law. Claiming that the political and the legal are two different concepts, Morgenthau believed that International Law is determined by the balance of power. If conflict emerges, the balance of power is not sustainable anymore as International Law lacks the needed tools to secure a peaceful transformation of power distribution.[167] Or, in the words of Hans Morgenthau: "where there is neither a community of interests nor balance of power, there is no International Law."[168]

Realists believe that International Law is epiphenomenal and reflects a manifestation of state interest. The applicability of International Law depends entirely on the will of states, which are interested in maintaining, pursuing or demonstrating power.[169] According to Wheeler, political leaders are ready to instrumentalise rules and norms as long as they are able to prevent censure, sanctions, and to advance their own interests.[170] Furthermore, realists reject the existence and the significance of customary law and *opinio juris* because states are bound only by rules that benefit their interests, while the functioning and the compliance with those rules depend on the will of states.[171] Stephen D. Krasner argues that International Law reflects the preference of most powerful states in the system, whereas any legal transgression will be punished if and only if these states deem right.[172] In fact, E.H. Carr argues, law is "the reflection of the policy and the interests of the dominant group in a given state at a given period."[173]

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[167] Oliver Jütersonke, "Hans J. Morgenthau on the Limits of Justiciability in international Law," *Journal of the History of international Law* 8 (2006): 200.
[168] Morgenthau, *Politics Among Nations,* 296.
[169] Jütersonke, "Hans J. Morgenthau on the Limits of Justiciability," 196-200.
[170] Wheeler, *Saving Strangers,* 32.
[171] Christian Reus-Smit, "The Politics of International Law," in *Politics of international Law*, ed. Christian Reus-Smit, Steve Smith and Thomas Biersteker (West Nyack, NY: Cambridge University Press, 2004), 17.
[172] Stephen D. Krasner, "Realist View of International Law," *Proceedings of the Annual Meeting (American Society of International Law)* 96 (March 13-16, 2002), 266.
[173] E.H.Carr, *The Twenty-Year Crisis 1919-1939: An Introduction to the Study of International Relations* (London: Macmillan, 1946), 176.

Realists doubt that International Law may secure international order and prevent conflict.[174] The non-binding characteristic of International Law results from the dependence of International Law on the will of states and from the inexistence of an overarching authority that could enforce it: "international society [is] composed of sovereign states, which by definition, are the supreme legal authorities in their respective territories [while] no central law-giving and law-enforcing authority can exist there."[175]

To conclude this section, one observes that realism offers a parsimonious perspective on International Law. Playing around the concept of 'national interest,' realism both discards the importance of International Law and is obliged to recognize existence. Read through this prism, the 2011 intervention in Libya represented a favorable context for the United States of America, France and Great Britain to pursue their national interests.

3.3. Libya: Searching for Oil and… Prestige

The last section of this chapter presents a realist outlook on the intervention in Libya while underlining that state interest drove the intervention in Libya. Geostrategic interests and desire to demonstrate power stood behind the Western intervention in Libya. Thus, the intervention represented a window of opportunity for France, the United States of America and Great Britain to demonstrate their leadership potential and to take advantage of the Libyan oil resources. Furthermore, this section forwards a discussion on the selectivity of the intervention in Libya and its portrayal as a strategic action in international politics.

Intervening in Libya was a question of prestige in the American foreign policy, which enabled President Obama to demonstrate that he favors intervention on humanitarian grounds. Moreover, the intervention in Libya offered the American administration the possibility to demonstrate its penchant towards enhancing American leadership into a "multi-partner world."[176] During his campaign for the Presidential elections, President Obama created a controversy

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[174] Reus-Smit, "The Politics of international Law," 16.
[175] Hans Morgenthau, *Politics Among Nations*, 296.
[176] Hillary Rodham Clinton, "Foreign Policy Address at the Council on Foreign Relations," July 15, 2009, <http://www.state.gov/secretary/rm/2009a/july/126071.htm>, (accessed June 24, 2012).

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when he remarked that military force should not be used for humanitarian purposes if the international community confronts similar situations to Iraq.[177] Openly criticized as being against humanitarian interventions, Barack Obama had to defend his position in a later Presidential debate, when he declared that it is in the American interest to engage in humanitarian interventions.[178] Thus President Obama made sure to stress that "force is sometimes necessary" to attain humanitarian purposes.[179] Therefore, one may argue that the intervention in Libya was a reflection of President Obama's desire to demonstrate to his critics that he is both willing to launch a humanitarian intervention and to prove the American willingness to act in coalition with others.

Obama was keen to demonstrate the American renunciation to unilateral actions without failing to maintain a sense of world leadership. Speaking in order to justify the intervention in Libya, the American President revealed that "American leadership is not a simply matter of going it alone and bearing all of the burden ourselves. Real leadership creates the conditions and the coalitions for others to step up as well; to work with allies and partners so that they bear their share of the burden and pay their share of the costs."[180] Therefore, President Obama wanted to convince the American audiences that it is in the interest of the United States of America to support its European allies.[181]

Moreover, former Secretary of Defense, Robert Gates supported the American leadership perspective by claiming that he himself is "the quintessential believer in American exceptionalism. I believe that we are different from anybody else. I do believe that we are the indispensable nation."[182] Erik Jones claimed that Obama's intervention was facilitated by the fact that both opposing and

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[177] USA Today, "Obama says don't stay in Iraq over genocide," July 20, 2007, <http://www.usatoday.com/news/politics/election2008/2007-07-20-obama-interview_N.htm>, (accessed June 24, 2012).
[178] MSNBC, "Presidential Debate Transcript," October 7, 2008, <http://www.msnbc.msn.com/id/27073997/page/11/#.T9ZVk7Bo29E>, (accessed June 24, 2012).
[179] Obama, "Nobel Prize for Peace."
[180] Barack Obama, "Address to the Nation on Libya," March 28, 2011, <http://www.whitehouse.gov/photos-and-video/video/2011/03/28/president-obama-s-speech-libya>, (accessed June 24, 2012).
[181] Erik Jones, "Power, Leadership and US Foreign Policy," *International Spectator* 46, no.3 (2011): 14.
[182] Robert Gates quoted in Peter Spiegel, "Defence: NATO's Troubled Terrain," *Financial Times,* June 27, 2011, <http://www.ft.com/cms/s/0/c9291eb8-a0ea-11e0-adae-00144feabdc0.html#axzz1xZADbQOo>, (accessed June 24, 2012).

supporting constituencies believe that the United States of America should display a leading role in world politics.[183] In fact, Allin and Jones argue that Libya represented the perfect test case for Washington to demonstrate their view on military interventions abroad. Accounts of atrocities that Qaddafi was performing against its own population convinced Obama that he needed to act. Furthermore, the intervention in Libya was an opportunity for Washington to demonstrate his support of a multi-partner world. Thus, in intervening in Libya, the United States of American did not proceed unilaterally, but acted in conformity with the United Nations legal framework, it had the support of the Arab League and there was no veto expressed by any of the Security Council members.[184]

However, American leadership and exceptionalism are not enough to explain the American participation into the military action in Libya. According to Weakileaks, the United States of America was interested in boosting its energy relations with Libya in the aftermath of 9/11 attacks. In 2009, the head of the National Oil Company in Libya disclosed to the American ambassador in Tripoli that "five major sedimentary basins with oil and gas resources had been discovered in Libya and seismic data suggested that much more remains to be discovered across the country. Most areas in Libya, he stated, were still underexplored."[185] In this context, the American leadership was concerned since Libya started signing and implementing new 'Exploration and Productions Agreements' with the European partners. Those agreements would place Libya on a favorable position since the share of the Europeans would be reduced and they had to offer more than $ 4 billion in bonus payment to Libyan companies.[186] In June 2008, it was revealed that the American government was worried that the American companies may be forced to sign up to agreements similar to those that European countries signed. The cable further disclosed that even though the new agreements would not be a total blow to the Western oil interests in the region,

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[183] Jones, "Power, Leadership and US Foreign Policy," 14.
[184] Allin and Jones, "As Good as It Gets?," 207-8.
[185] "National Oil Corporation Business Continues Amid Chairman's Resignation," *Wikileaks* Document, <http://wikileaks.org/cable/2009/09/09TRIPOLI765.html#>, (accessed June 24, 2012).
[186] "European Oil Company Extend Contracts in Libya," *Wikileaks* Document published on <www.telegraph.co.uk>, <http://www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294850/EUROPEAN-OIL-COMPANIES-EXTEND-CONTRACTS-IN-LIBYA-1.SBU.html>, (accessed June 24, 2012).

there was a sheer uneasiness regarding the trustworthiness of the Qaddafi regime in terms of energy cooperation.[187]

Furthermore, in 2008, the United States of America and Libya signed a compensation deal for the victims of bombings in both countries. Thus, on the American side, the victims of 1988 Lockerbie bombings and the victims of the Berlin bombings would be compensated, while the victims of 1986 American attacks on Tripoli and Benghazi will be offered financial compensation as well. According to the deal, American and other foreign companies working in Libya will voluntarily contribute to the fund.[188] A Wikileaks cable disclosed that at a meeting between the America ambassador in Tripoli and the National Oil Corporation chairperson Shukri Ganem, the ambassador expressed his fear regarding the Libyan threat of nationalizing Western the oil company if they do not respect their commitment. Ganem was warned that the companies would decide freely their financial contribution while any pressure from the Libyan government would damage the frail Libyan-American relation.[189] Looking at the strained relation between Libya and the United States of America and the American interest in securing a share of energy resources for its companies, one may argue that not only a leadership rationale drove the United States of America to intervene in Libya but that economic interests played an important role as well.

A mixture of prestige and energy interests drove France to intervene in Libya. On the one hand, the intervention in Libya represented Nicolas Sarkozy's window of opportunity to gain domestic and international recognition for its participation in the Arab Spring process of democratization. On the other hand, France could benefit from energy resources if Qaddafi would not be in power anymore. Nicolas Sarkozy's last Presidential campaign revolved around the need of breaking with the past. Promising a 'return to Europe,' Sarkozy decided to reintegrate France in the North Atlantic Treaty Organization military command, to re-launch the Franco-American relation and to renew the relations between

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[187] "Oxy's 30-Year Extension in Libya And What Lies Ahead For Other ICOs," *Wikileaks* Document <http://wikileaks.org/cable/2008/07/08TRIPOLI563.html>, (accessed June 24, 2012).
[188] BBC World, "US-Libya compensation deal sealed," August 14, 2008, <http://news.bbc.co.uk/2/hi/americas/7561271.stm>, (accessed June 24, 2012).
[189] "Ghanem 'Under The Gun' To Collect Contributions For Claims," *Wikileaks* Document, <http://wikileaks.org/cable/2009/02/09TRIPOLI139.html#>, (accessed June 24, 2012).

France, Africa and the Middle East.[190] Beyond his foreign policy calculations, Sarkozy is seen as a political leader that is assertive and that is driven by international recognition. Rowdybush and Chamorel picture Sarkozy as a leader that takes full advantage of summits, conferences and meetings with world leaders in order to enhance his status in international politics.[191]

Recalling Morgenthau's argument on the fact that human nature drives power politics, one may recognize that Sarkozy was largely driven by his lust of power in order to leave a personal touch on the French foreign policy. According to *Time* magazine, a source close to the French President disclosed that Sarkozy aimed at changing the regime in Libya, even without the help of the international community. In this context, Christopher Dickey claims that President Sarkozy had a personal interest in intervening in Libya: on the one hand domestic politics and, on the other hand asserting French presence in world affairs.[192] Sarkozy had a history of assertive foreign policy abroad aimed at boosting his popularity domestically. Rowdybush and Chamorel argue that just as Sarkozy's succeeded to broker a ceasefire between Russia and Georgia in 2008, the French president expected to enhance his domestic status in the eve of Presidential elections by taking action against Libya.[193] Finally yet importantly, the participation into the intervention in Libya could efface the initial French failure to position itself regarding the Arab Spring. In the early days of the Tunisian revolution, the French Ministry of Foreign Affairs, Michele Alliot Marie, offered troops to the Tunisian president in order to control the riots.[194]

More than a question of prestige in domestic and international politics, France hosts strong geostrategic interests in the region. Michael Eliot notes that Libya's geographic position is very important since is situated across the

[190] Brinton Rowdybush and Patrick Chamorel, "Aspirations and Reality: French Foreign Policy and the 2012 French Elections," *Washington Quarterly* 35, no.1 (2012): 164-5.
[191] Ibid., 175.
[192] Christopher Dickey, "Why Sarkozy Went to War?," *Time*, April 3, 2011, <http://www.thedailybeast.com/newsweek/2011/04/03/nicolas-sarkozy-s-war-on-gaddafi-influenced-by-philosopher-bernard-henri-levy.html>, (accessed June 24, 2012).
[193] Rowdybush and Chamorel, "Aspirations and Reality," 165.
[194] Ian Traynor and Kim Willsher, "Tunisian Protests have caught Nicolas Sarkozy off guard, says opposition," *The Guardian,* January 17, 2011, <http://www.guardian.co.uk/world/2011/jan/17/tunisian-protests-sarkozy-off-guard>, (accessed June 24, 2012).

Mediterranean and is a source of irregular migration to Europe.[195] Moreover, France is eager to extend its energy resources. Even though Total SA is present in Libya, the Italian and German companies have a higher share in Libya's gas and oil resources. Therefore, a favorable regime in Libya would boost French access to energy resources since Sarkozy largely failed to impress Qaddafi and to secure a favorable energy cooperation policy.[196] This point of view is strengthened even more by the decision of the Transitional National Council to grant privileged access to oil resources to France and Great Britain in exchange for their support for the support the rebellion and for freeing Libya of Qaddafi. In the aftermath of the intervention, Alan Juppé stated that "it would be fair and logical for France to benefit," however denying the existence of a formal agreement between France and the National Transitional Council.[197]

Looking at the intervention in Libya and at the overall French policy towards the Arab 'Spring,' Steven Erlanger claims that Sarkozy's actions in Libya and Ivory Coast remind of the policy of *Françafrique* and the paternalist relation between Paris and its colonies. Even though Libya used to be an Italian colony, one may recognize the French appetite for having a say in the North-African/Mediterranean region.[198] Stephen W. Smith, former editor at *Le Monde* summarizes Sarkozy's policy in Africa by saying: "Africa is important for energy and France's self-image."[199]

Elements related to image and oil interest drove United Kingdom to intervene in Libya as well. Two elements support the prestige rationale of the British government to intervene in Libya. On the one hand, United Kingdom and Libya have never succeeded to move over the Lockerbie attack legacy and, on the other hand, London was eager to assert its role in world politics after the intervention in Iraq. Moreover, London eyed for strengthening of its energy

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[195] Elliot, "Viewpoint: How Libya became a French and a British War?."
[196] "France, U.K Have Differing Motives For Intervening in Libya."
[197] Alan Juppé quoted in Julian Borger and Terry Macalister, "The race is on for Libya's oil, with Britain and France both stalking claim," *The Guardian,* September 1, 2011, <http://www.guardian.co.uk/world/2011/sep/01/libya-oil>, (accessed June 24, 2012).
[198] Steven Erlanger, "French Colonial Past Casts Long Shadow Over Policy in Africa," *The New York Times,* <http://www.nytimes.com/2011/04/18/world/africa/18francafrique.html?_r=1&pagewanted=all>, (accessed June 24, 2012).
[199] Stephen W. Smith quoted in "French Colonial Past."

policy. Even though United Kingdom and Libya enjoyed 'normal' political relations, London never trusted Libya or Qaddafi's rule.[200] From a historical point of view, the legacy was enormous since supposedly Libyan agents planned and conducted the downing of 103 Pan Am Flight over Scotland.[201] Hugh Roberts remarks that United Kingdom's pride is hurt since Libya has never admitted being guilty for the Lockerbie attacks. In a deal with both United States of America and United Kingdom, Libya accepted to compensate the victims' family, while stating that "Libya accepts responsibility for the actions of its officials."[202] Beyond the Lockerbie attack, United Kingdom was eager to demonstrate its support for multilateralism and to start a new phase in its international actorness. Libya seemed to be a good opportunity for this. In 2010, France and United Kingdom signed a new bilateral military cooperation agreement that aimed at enhancing their military cooperation power and at counterbalancing the German influence in international politics. The intervention in Libya would be a perfect opportunity to demonstrate the British break with Blair's policy and to enhance cooperation with France.[203]

The United Kingdom's oil interest in Libya dates back to 2007 but no final decision had ever struck between the two parties. After the release of the Lockerbie bomber Abdel Baset al-Megrahi, media speculated that the British agreement with the release aimed securing the positive development of British Petroleum production in Libya. After Megrahi's release, British Petroleum announced that it has a 20-year plan to invest in Libya while ex-Prime Minister Blair visited Libya.[204]

Beyond the national interests that drove the Western-led intervention in Libya and which were rooted in geostrategic considerations or prestige, there are other arguments that strengthen the realist perspective on the intervention in Libya. Rowdybush and Chamorel argue that the intervention in Libya was a calculated risk since Libya is a scarcely populated country that has a desert

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[200] Colin Warbrick, "British Policy and the Transitional National Council," *International and Comparative Law Quarterly* 61 (2012): 249.
[201] Elliot, "Viewpoint: How Libya became a French and a British War?."
[202] Roberts, "Who Said that Gaddafi Had To Go?."
[203] "France, U.K Have Differing Motives For Intervening in Libya."
[204] Bakare Najimdeen, "Libyan War: A Just or a Sinful Intervention," *Mediterranean Journal of Social Sciences* 3, no. 1 (January 2012): 543.

landscape and that facilitates military interventions.[205] In this context, the intervention in Libya was a selective action since no intervention occurred in Syria or Yemen. As already underlining previously, intervening in Syria would have serious geopolitical implications because of the geographical proximity to Israel and because of the supposedly Iranian support for Assad's regime. In Bahrain and Yemen, the international community did not intervene because these countries are Western allies and because they host American fleet. The same reasoning applies to the failure of the international community to condemn Saudi Arabia's decision to send troops in Bahrain. Saudi Arabia is one of the allies of the United States of America in the Middle East.[206]

Hugh Roberts argues that the intervention in Libya did not respect the Responsibility to Protect principle and was driven by Western states that aimed to topple down Qaddafi. In fact, the intervention was no a last resort intervention, as the Responsibility to Protect principle underscores that a humanitarian intervention should be. Non-violent alternatives were proposed such as the call of the International Crisis Group to form a contact group made of North African neighbors of Libya that could broker a ceasefire and that would be supervised by United Nations peacekeeping forces. This plan was forwarded to the United Nations in the eve of the adoption of Resolution 1973 but was hardly taken into consideration. Moreover, Roberts notes that the Western countries were not willing to cooperate with Qaddafi when the dictator offered four ceasefires, one after the adoption of Security Council Resolution 1973 and another one on March 20, 2011. The last two ceasefires were offered in April and in June 2011.[207]

Ray Bush et *al.* summarize the intervention in Libya as a reflection of the Western interest to secure access to the oil reserves of Libya and to establish a regime that is respondent to the West's grievances. According to the authors, the decision of the West to align with the rebels is a reflection of oil interests because Libya is the seventh largest oil producer in the world and the third largest exporter to Europe. Allegedly, Libya possesses the largest undiscovered oil reserves in the

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[205] Rowdybush and Chamorel, "Aspirations and Reality," 167.
[206] Domestici-Met, "Protecting in Libya," 877-8; "Libya: The Perils of Intervention," *The Guardian,* March 19, 2011, <http://www.guardian.co.uk/world/2011/mar/19/libya-perils-of-intervention-editorial>, (accessed June 24, 2012).
[207] Roberts, "Who Said that Qadaffi Had to Go?."

world. Moreover, the authors observe that the rebellion started in Eastern Libya, area that has the largest reserve of oil. Thus, it is easy to understand, according to the authors, the decision of the international community to take the rebels' side.[208]

Furthermore, the intervention in Libya could be read as a breach of sovereignty and a Western meddling into the internal affairs of Libya. As already hinted in the first chapter of the paper, some authors like Michael Doyle claim that the events of Libya could hardly be tagged as an international threat to peace and security because they resemble more to civil conflict. Moreover, in line with the realist rejection on humanitarian intervention, one may recognize that the intervention in Libya has unwanted consequences, or at least consequences that prevent Libya from having a peaceful transition. Libya is a country that finds itself in chaos. The country is largely divided, with most of the cities not recognizing the authority of the Transitional National Council based in Tripoli. The oil-rich Barqa region declared itself independent. Classes between different militias and armed brigades tear Libya apart. The National Transitional Council has been unable to disarm militias and to impose its 'pro-government' security forces. Moreover, since there are no border controls, Libya is a transit country for irregular migration. While the international community is busy with Syria, it appears that the "Friends of Libya" Contact Group has pushed Libya's post-conflict reconstruction down the agenda.[209]

To conclude, national interests appear to have driven the intervention in Libya. Be it reputation or geostrategic interests, United States of America, France and Great Britain acted on a *realpolitik* basis. Libya was an intervention driven by cost-benefit analysis, and it was an 'easy' intervention compared to what could happen in Syria. Had the international community been driven by moral considerations and a solidarist behavior, similar interventions to Libya might have occurred in Syria, Yemen or Bahrain. Thus, the selectivity of the intervention demonstrates that realists are right in claiming that interests and rational choice trump morality. Comparing Libya with the situation in Syria, one observes that

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[208] Ray Bush et *al.*, "Humanitarian Imperialism," 359.
[209] Abdel Bari Atwan, "Libya's best hope for unity is democratic elections," June 11, 2012, <http://www.guardian.co.uk/commentisfree/2012/jun/11/libya-unity-democratic-elections>, (accessed June 24, 2012).

Responsibility to Protect is largely a rational foreign choice and depends on political agendas of states. Thus, International Law and the concept of the Responsibility to Protect are tools in the hands of most powerful states that serve their interests. The adoption of the two United Nations Security Council resolutions recalls the fact that law resists in the hands of the most powerful states. Moreover, though Libya was expected to be a successful mission, the law of unwanted consequences largely characterizes Libya in the aftermath of the intervention: Libya is a state on the verge of failure. Therefore, the evaluation of the intervention in Libya through the realist perspective brings to light the interests that different countries had intervening in Libya and confirms the hypothesis according to which humanitarian intervention is a strategic action and a reflection of national interest.

Chapter 4: The Western Prerogative to 'Administer Life' in Libya

The final chapter of the thesis deals with a poststructuralist approach on humanitarian intervention and the principle of the Responsibility to Protect. The chapter claims that the intervention in Libya is a reflection of the desire of an international sovereign power to administer the life of non-Western populations by distinguishing between life that is worth of living and life that is not worth of living. Before supporting this argument with empirical evidence, this chapter embarks on a poststructuralist theoretical standpoint on humanitarian intervention and International Law.

4.1. Biopower and Humanitarian Intervention

In order to unveil the poststructuralist view on humanitarian intervention, this section draws on the works of Michel Foucault and Giorgio Agamben. Thus, the section revolves around the authors' understanding of 'biopower,' and humanitarian intervention and the responsibility to protect is seen through the lens of 'biopower.'

Miguel de Larrinaga and Marc G. Doucet argue that the mid-1990s academic environment was characterized by a growing concern with the writings of Michel Foucault.[210] Foucault's academic work revolves around the concept of 'power' and its societal functioning. Foucault believes that power does not refer to a material asset in hands of the state or of a certain individual. Rather, power is dispersed everywhere, in all corners of society. Power is relational and exists throughout the entire societal body and amongst its individuals. Hence, Foucault 'cuts off the head of the sovereign' and claims that power is not equal to authority.[211]

The French philosopher argues that in the seventeenth century, the regime of power was radically changed due to the development of the Industrial Revolution and of the emergence of new modes of production. If, in the Middle Ages, the sovereign power referred to the capacity of the sovereign to decide on

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[210] De Larrinaga and Doucet, "Sovereign Power and the Biopolitics of Human Security," 520.
[211] Michael Foucault, *Discipline and Punishment* (New York: Vintage Books, 1979), 98.

the life or the death of his subjects, modern power/biopower refers to the administration and management of life.[212] Put it differently, biopower reflects the incorporation of life into politics and refers to "the technology of power and those techniques and inventions through which life can be controlled."[213] While sovereign power is concerned only with making or destroying life, biopower is concerned with maximizing and controlling live.[214] In the own words of Michael Foucault, biopower refers to "subjugation of bodies and (...) control of populations."[215]

Giorgio Agamben reconsiders the Foucauldian relation between sovereign power and biopower by claiming the complementarity between the two of them.[216] Hence, Agamben argues that "biopolitics is at least as old as the sovereign exception."[217] According to Agamben, biopower and the sovereign power represent a double-facet coin because it depends on the sovereign power to control or to make life, therefore to produce biopower. By reverting Foucault's thoughts, Agamben believes that "the production of the biopolitical body is the original activity of the sovereign power."[218]

Drawing inspiration from Carl Schmitt, Giorgio Agamben claims that the right of the sovereign power to make life is rooted in the sovereign's exceptional position both outside and inside the judicial order, whereas law representing the means through which the sovereign power administers life. The sovereign is situated beyond law in a so-called 'state of exception,' and has the power to freely decide on allowing or disallowing life.[219] Moreover, Agamben qualifies life in the state of exception as 'bare life,' or "politicized form of natural life."[220]

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[212] Catherine Mills, *Philosophy of Agamben* (Durham, GBR: Acumen, 2008), 59.

[213] M.G.E. Kelly, "International Biopolitics: Foucault, Globalization and Imperialism," *Theoria* (2010): 3-4.

[214] Kelly, "International Biopolitics," 6.

[215] Foucault, *Discipline and Punishment*, 93.

[216] Leland de la Durantaye, *Giorgio Agamben: A Critical Introduction* (Palo Alto, CA: Stanford University Press, 2009), 210.

[217] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press: 1998), 6.

[218] Ibid.

[219] Mills, *Philosophy of Agamben,* 62.

[220] Agamben argues that Aristotle's distinction between *bios* (political life) and zoē (biological life) excluded natural life and politicized it. Thus, bare life is politicized natural life that finds itself at the limit between *polis* (characterized by bios) and *oikos* (characterized by zoē). [see de la Durantaye, *Giorgio Agamben*, 203-5].

Giorgio Agamben's bare life is rooted in the concept of *homo sacer* (sacred man). *Homo sacer* is a legal figure taken from the Roman Law principles. According to Agamben, homo sacer is "the one whom the people have judged on account of crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned of homicide."[221] Leland de la Durantaye explains homo sacer as a man who committed a grave breach of the Roman Law and who was cast outside the *polis*.[222] Since homo sacer is outside the *polis*, he can be killed outside ritual practices. This leads Catherine Mills to argue that homo sacer suffers a double exclusion. On the one hand, homo sacer is situated outside human law, as his killing would not be prosecuted (since it occurs outside the *polis*). On the other hand, homo sacer is situated outside the divine law, as he cannot be offered as sacrifice to gods since he was accused of a grave breach of law.[223] Thus, homo sacer characterizes life that can be taken away, without this being considered killing *per se*.

The inclusion and the exclusion of homo sacer from Roman Law is a suitable allegory for explaining the inclusion and exclusion of bare life from the political order as subject of sovereign power. Giorgio Agamben characterizes "the sovereign sphere [as] the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life □ that is life that may be killed but not sacrificed □ is the life that has been captured in this sphere."[224] Put it differently, the sovereign will use his power to defend politically qualified life and to destroy the politically unqualified life. When you eliminate naked or bare life, you do not commit homicide as you find yourself in a state of exception where law is suspended.[225] Therefore, David Pan observes that while *homo sacer* is "the primary image of all politics, the sovereign decision becomes a biopolitical one."[226] This means that the sovereign power, in managing bare life, produces biopower in an attempt to allow or disallow life.

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[221] Agamben, *Homo Sacer,* 71.
[222] De la Durantaye, *Giorgio Agamben,* 206.
[223] Mills, *Philosophy of Agamben,* 71-2.
[224] Agamben, *Homo Sacer,* 83.
[225] Mills, *Philosophy of Agamben,* 60-2.
[226] David Pan, "Against Biopolitics: Walter Benjamin, Carl Schmitt, and Giorgio Agamben on Political Sovereignty and Symbolic Order," *The German Quarterly* 82, no.2 (2009): 52.

Translating the concept of 'biopower' to the Responsibility to Protect principle, Patricia Weber observes that the report of the International Commission on Intervention and State Sovereignty constructs a discourse of responsibility that revolves around the notion of biopower and the Agambian power of the sovereign to make life. According to the report, the Western society has the responsibility to defend politically qualified life and to "control and regulate the lives of non-Western humans."[227] Mark Duffield and Nicholas Wadell believe that the Responsibility to Protect principle refers to the process through which "effective states prioritize populations living within ineffective ones."[228] Thus, the Responsibility to Protect principle allows the international community to intervene in order to secure the right of populations to live and in order to protect those that run a risk on their lives.[229]

Miguel de Larrinaga and Marc G. Deucet observe that the Responsibility to Protect principle reflects the bipolitical duty of the sovereign power to control life since the primary responsibility to protect human rights rests within the hands of the host state. However, if the state fails to protect his citizens, the international community enjoys a discretionary (bio)power to intervene and protect those that are suffering human rights abuses.[230] In this context, the authors argue that the post-Cold War re-definition of the Responsibility to Protect, and more generally of human security, leads to a redefinition of what humanitarian intervention means. Recalling the ability of the sovereign power to suspend law, the authors underline that humanitarian intervention represents a 'suspension of international law' in an attempt to identify and deal with those exceptional circumstances in which breaches of human rights and human suffering may be alleviated through military action. Thus, humanitarian intervention is placed both inside and outside International Law since it asks not only for s suspension of law but also for the creation of new norms of intervention for legitimizing it.[231] According to Aron, Ibur humanitarian interventions are a result of a discourse of emergency that calls

[227] Patricia Weber, "Too Political or Not Political Enough?," 586.
[228] Mark Duffield and Nicholas Waddell, "Securing Humans in a Dangerous World," *International Politics* 43 (2006): 7.
[229] Weber, "Too Political or Not Political Enough?," 586.
[230] De Larrinaga and Doucet, "Sovereign Power," 531-2.
[231] Ibid., 527.

for the suspending of the current normative order in the name of the Responsibility to Protect principle. For Aron, the discourse of emergency is a tool through which the international community justifies a self-interested intervention under the veil of the Responsibility to Protect. Therefore, the citizens that suffer human rights abuses may be killed without being sacrificed.[232]

Cairo Heriberto takes the previous arguments one-step further and claims that humanitarian interventions aim to save the body and the conduct of individuals. Thus, military interventions are legitimized through the claim that the West needs to "eliminate dangerous bodies."[233] Hence, the (Western) sovereign power is allowed to eliminate 'bare life' or 'life that is unworthy to life.'[234] Thus, humanitarian intervention is driven by a duty of the Western states to alleviate suffering and to save all those populations that are "brutalized."[235] More and more, Heriberto Cairo claims, humanitarian interventions are characterized by 'clean strikes' and collateral damage. This is a reflection in itself of Foucauldian biopower because humanitarian interventions aim at protecting lives through the usage of highly standardized technological advancement.[236]

Drawing on theses aspects, Mark Duffield argues that in the post - 9/11 world affairs, humanitarian action is characterized by a regime change rationale according to which the West deems "necessary to remove those leaders that undermine and conspire against civilized values."[237] Moreover, Duffield carefully underlines that the regime change represents more than Western subjugation of 'uncivilized populations.' Humanitarian intervention represents a *de facto* attempt to make sure that non-Western populations will embrace the Western values of liberal democracy.[238]

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[232] Ibur Aron, "Humanitarian Intervention, the Responsibility to Protect, and Abuse of Law: The Internationalization of States of Exception," *Paper presented at the annual meeting of the ISA's 50th ANNUAL CONVENTION "EXPLORING THE PAST, ANTICIPATING THE FUTURE," New York Marriott Marquis, NEW YORK CITY, NY, USA*, Feb 15, 2009, 13, <http://www.allacademic.com/meta/p311179_index.html>, (accessed June 24, 2012)..

[233] Cairo, "The Duty of the Benevolent Master," 288.

[234] Agamben, *Homo Sacer,* 174.

[235] Cairo, "The Duty of the Benevolent Master," 290.

[236] Ibid., 289.

[237] Mark Duffield, "Carry on Killing: Global Governance, Humanitarianism and Terror," *DISS Working Paper* 3 (2004): 15.

[238] Ibid.," 17.

Looking through the poststructuralist lens, humanitarian intervention rests largely in the hands of the (Western) international community and is driven according to a decisionist rationale focused on alleviating breaches of human rights. Humanitarian intervention is a reflection of a discretionary power of a global sovereign (international community or Security Council) to distinguish between life that is worth of living and life that is not worth of living.

4.2. Sovereign Power and Law in Giorgio Agamben's Thought

This section dwells on the role of law in Giorgio Agamben's writings. As already hinted above, law plays an important role in Agamben's inquiry into the nature of political life. Thus, the section presents the inter-linkage between law and the sovereign power, extends the discussions on the 'sovereign exception' and law from the previous section, and presents a characterization of the current international legal order.

Giorgio Agamben believes that sovereignty should be understood beyond its politico-legal aspects.[239] Recalling Carl Schmitt's claim that 'the sovereign is he who decides on the exception,'[240] Agamben claims that the sovereign power has the ability to suspend law and impose a 'state of exception,' that breaks the normal judicial order. According to David Pan, Agamben adopts an "absolute decisionist understanding of law,"[241] by letting the sovereign to use power as he deems fit and in any kind of violent action.

Qualifying the meaning of the 'state of exception' in international affairs, one may argue that this represents an emergency, insurrection or war in which the normal law does not apply, whereas the conduct of force is fully in the hands of the sovereign. The sovereign has the ability to decide on the norm and on the exception, on what a normal legal situation is and, on what the establishment of a state of exception requires.[242] According to Agamben, the state of exception is neither inside nor outside the judicial order. Rather it represents a "zone of

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[239] De Larrinaga and Doucet, "Sovereign Power," 522.
[240] Carl Schmitt, *Political Theory: Four Chapters on the Concept of Sovereignty* (Chicago: Chicago University Press, 2005), 5.
[241] Pan, "Against Biopolitics," 51.
[242] Mills, *Philosophy of Agamben,* 60.

indifference, where inside and outside do not exclude each other, but rather blur with one another."[243]

Aron Ibur claims that Agamben's theory of the 'state of exception' can be transferred from the domestic realm to the arena of international affairs and International Law. Ibur argues that the international system is made of an international legal structure that binds all the members of the community and that may punish them if they fail to implement it. Even though there is no real global sovereign, the international community *per se* or the United Nations Security Council may be considered global sovereigns that have the duty to uphold International Law. In fact, the Security Council enjoys full power under the United Nations Charter to uphold International Law. Thus, Ibur believes that humanitarian intervention represents a 'state of exception' in International Law. On the one hand, the Security Council, as a global sovereign power, may impose a state of exception by legitimizing a humanitarian intervention. In this context, the core principles of non-intervention and sovereignty would be breached but the Security Council would not be held responsible due to his exceptional position at the borderline between lawfulness and unlawfulness. On the other hand, Ibur believes that even the failure to intervene in a humanitarian crisis may be characterized as a 'state of exception,' according to which the international community, under diverse reasons, chooses not to intervene.[244]

The borderline understanding of the international sovereign being both inside and outside the law and his ability to declare the state of exception enable the sovereign with the prerogative to distinguish between the form of live that is worth of living and that form of life that is not worth of living.[245] However, the sovereign does not manipulate law *in stricto sensu*. Rather, the sovereign has the necessary authority to create the situation in which law is valid. Therefore, Catherine Mills argues that the state of exception should not be conceived as being outside the law, but as being the outcome of the suspension of law.[246]As already presented above, law is suspended but not suppressed. Put it simply, law

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[243] Agamben, *State of Exception*, 27.
[244] Aron, "Humanitarian Intervention," 9-10.
[245] De Larrinaga and Doucet, "Sovereign Power,"522.
[246] Mills, *Philosophy of Agamben,* 60-1.

still operates but is emptied of significance or meaning. In fact, the state of exception is a confirmation of the existence of law. Thus, "the exception does not substract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule."[247]

Jef Huysmans transfers Agamben's theory of sovereign power to current international politics. According to Huysmans, the international political order is characterized by 'exception,' in which the international rule of law is mixed with the transgression of law.[248] Huysmans talks about the emergence of 'international politics of exception,' which recognize the validity of law and the international rule of law. Drawing on Agmaben's state of exception, Huysmans underlines that the international politics of exception are independent of the constraining feature of law. As their exceptional feature suggests, international politics occur into an extra-judicial environment in which the global sovereign power maintains the prerogative of arbitrary exercise of power and decides when and where to apply his power. Enjoying discretionary decisionist power, the sovereign is both included and excluded from this normative order and is entitled to call for a subjective application of law without suffering any consequences.[249] Therefore, international politics of exception require the existence of a normative order that does not doubt the validity of law and the international rule of law. The normative order is an asset for the sovereign power to characterize a situation as exception and to call for extraordinary powers that support the suspension but not eradication of the 'normal' legal order.

Looking at Agamben's thoughts as mixture of politics and law, one is able to recognize that he detaches both from the skeptical/ realist and from the constructivist/ normativist view on International Law. Agamben and Huysmans do not reject the existence or the significance of International Law. Rather, the decisionist sovereign power situates both inside and outside International Law because it enjoys exceptional arbitrary powers qualifying what counts as an exceptional situation and to what extent law applies. After forwarding a

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[247] Agamben, *Homo Sacer,* 18.
[248] Huysmans, "International Politics of Exception," 136.
[249] Ibid., 139-51.

poststructuralist theoretical perspective on humanitarian intervention and International Law, the following chapter makes use of this approach in evaluating the intervention in Libya as an exceptional event in international politics.

4.3. Protecting Life That Is Worth of Living in Libya

By using the inter-linkage between biopower and humanitarian intervention, this section argues that the intervention in Libya reflects the desire of the international community to administer the lives on non-Western peoples. Firstly, the exceptionality of the situation in Libya will be presented in order to qualify the situation in Libya as a 'state of exception' that required military intervention. Secondly, the regime change rationale of the intervention will be investigated through the lens of 'bare life' concept. Thirdly, the section dwells on controversy of North Atlantic Treaty Organization's operations in Libya and the usage of drones in order to expose how the lives of the Libyans (especially the rebels' lives) were an expression of politicization of life.

The intervention in Libya was constructed around a discourse of emergency that was present in the two resolutions of the United Nations Security Council. In the United Nations Security Council Resolution 1970, the situation in Libya was characterized as amounting to "wide spread and systematic attacks" and leading towards a "plight of refugee" fleeing the country.[250] The United Nations Security Council Resolution 1973 underlined that the Security Council "is expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties." Moreover, the same resolution condemned the "gross violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions."[251] The same discourse of emergency can be traced in the discourse of statespersons. In his *Address on Libya: The Violence Must Stop* speech, President Obama presented Libya as an "urgent situation," in which the "suffering and the bloodshed are outrageous."[252] Presenting the regime of Qaddafi as engaging in "brutal suppression" against civilians Barack Obama claimed that the intervention in Libya would be a singular

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[250] United Nations Security Council Resolution 1970 (2011).
[251] United Nations Security Council Resolution 1973 (2011).
[252] Obama, "Address on Libya: The Violence Must Stop."

and a one-of-a-kind intervention.[253] Here is worth recalling Ibur's argument that an emergency discourse is needed in order to prepare the ground for the establishment of Agamben's 'state of exception.' Both United Nations Security Council Resolutions and Obama's discourses prepared the situation in Libya as an emergency that needs to be dwelled as soon as possible.

It was within this discourse of emergency and exceptionality that the international community uttered its self-appointed duty to intervene in Libya. In a joint op-ed commissioned by Barack Obama, David Cameron, and Nicolas Sarkozy for the *International Herald Tribune,* the three statesperson argued that the intervention in Libya is a reflection of "our duty and our mandate under the United Nations Security Council Resolution 1973 to protect civilians."[254] Recalling the poignant discourse according to which Qaddafi would haunt all the rioters and crush them, the President of the United states of America claimed that "Libya matters to us," because the international community has to prevent instability in the region and Qaddafi from committing further atrocities against his people.[255] Here is worth recalling the fact that the intervention took place within the framework of the Responsibility to Protect principle. According to the Foucauldian reading of the Responsibility to Protect, the intervention in Libya is a reflection of a biopower discourse within which the Western act according to a self-appointed role to administer the lives of Libyans.

The existence discourses of emergency and the responsibility of the international community to intervene in Libya enabled the imposition of a 'state of exception,' according to which the international community became a legitimate actor to intervene in the Mediterranean region. There are two arguments that support this claim and permit the understanding of the intervention in Libya through the lens of Agamben's politicization of life rationale. On the one hand, by choosing to intervene in Libya and not in Syria, Yemen or Bahrain, the international community reduced the lives of Syrians, Yemeni and Bahraini to bare life. Ray Bush et *al.* note that the intervention in Libya was driven by a

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[253] Obama, "Address in Libya."
[254] Barack Obama, David Cameron, Nicolas Sarkozy, "Libya's Pathway to Peace," *International Herald Tribune*, April 14, 2011, <http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>, (accessed June 24, 2012).
[255] Obama, "Address on Libya."

preventive rationale (to avoid greater human rights abuses), whereas the international community stood aside and chose not to intervene while thousands of civilians have actually been slain to death in Syria.[256] Ibur's argument that a state of exception is imposed both by the intervention and by the non-intervention rationale is reflected in the selectivity with which the international community reacted to the Arab 'Spring' events.

Recalling Giorgio Agamben notions of 'bare life,' and 'sovereign power,' the intervention in Libya discloses the hypocritical rationale of the international global sovereign (*i.e.* international community)to distinguish between life worth of living in Libya and life not worth living in Syria, Yemen or Bahrain. While the international community chose to make life in Libya, they also chose to disallow life in the other three countries. The lives of the Syrians, Bahraini and Yemeni were reduced to bare life, situated both inside and outside International Law. Therefore, their lives were *sacred,* being amenable to killing with impunity. Moreover, since the international community or better said, the Security Council cannot be held accountable for the situation of not choosing to intervene in Syria, Bahrain or Yemen, the selectivity of the intervention demonstrates how the highest body of the United Nations is both outside and inside the law, whereas his actions cannot be trialed. This echoes the restrictionist reading of humanitarian intervention from a legal point of view, according to which the Security Council is the only legitimate body to launch military actions.

On the other hand, the intervention in Libya reduced a part of the Libyan population to bare life. By choosing to take sides with the rebels and later to engage into a regime change rationale of action, the international community reduced Qaddafi and his supporters to 'bare life.' Hugh Roberts remarks the flawed Western discourse according to which 'all the Libyans were against Qaddafi.' In fact, Roberts argues, Qaddafi benefitted from significant support from the Libyans. While France, Great Britain and the United States of America took the freedom to determine on whose side were the Libyan people, they produced a discourse according to which the supporters of Qaddafi did not count and they were not part of the population that needed to be protected. Roberts'

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[256] Bush *et al.*, "Humanitarian Imperialism," 358.

argument is in line with the concept of bare life since the author points out that the lives of those that supported Qaddafi was politicized and reduced to sacred life. The loyalists were killed by North Atlantic Treaty Organization airstrikes and by uncontrolled rebel units. Thus, the lives of the pro-Qaddafi civilians were judged in an extra-judicial manner and could be killed with impunity.[257]

As already noted that the intervention in Libya changed its rationale while unfolding ☐ from merely protection of civilians to regime change ☐ one can make the argument that the life of Qaddafi was in itself reduced to bare life. Obama, Cameron and Sarkozy argued that the "it is impossible to imagine a future for Libya with Qaddafi in power." Therefore, Libya's future does not envisage Qaddafi, therefore Qaddafi must "go and go for good."[258] Even though the official discourse did not revolve around *killing* Qaddafi, it is hard to imagine that Qaddafi would have relinquished power peacefully and would have not persecuted the rioters in case that a ceasefire would have been agreed between the international community and Libya. Furthermore, the desire of the international community (Western powers) to eliminate Qaddafi recalls the Heriberto Cairo argument that humanitarian interventions revolve around the need to eliminate dangerous bodies that challenge liberal democratic values of the Western countries and to save brutalized populations.

Moreover, the strategy according to which the intervention in Libya was conducted by North Atlantic Treaty Organization and the usage of drones in the intervention recall the argument that humanitarian intervention represents the sovereign's prerogative to produce biopower, therefore to allow and disallow life. Firstly, there is a common knowledge assumption that waging war is not entirely discriminate and it is likely to produce civilian deaths. According to the official website of the North Atlantic Treaty Organization, the Unified Protector Operation[259] launched more than 26, 000 sorties, out of which forty-two percent were strike sorties, which damaged or destroyed 6,000 military targets.[260] Even though the Secretary General of the North Atlantic Treaty Organization, Anders

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[257] Hugh Roberts, "Who Said Gaddaffi Had to Go?."
[258] Obama, Cameron, Sarkozy, "Libya's Pathway to Peace."
[259] Official name for the North Atlantic Treaty Organization operation in Libya.
[260] North Atlantic Treaty Organization, "NATO and Libya," <http://www.nato.int/cps/en/natolive/topics_71652.htm>, (accessed June 24, 2012).

Fogh Rasmussen, hailed the intervention as a model for further intervention because of its "high-precision strike capabilities," its co-sharing intelligence asset and the careful planning,[261] there is an on-going debate regarding the toll of non-combatant deaths. According to an on-the-ground investigation, the *New York Times* argued that "there are credible accounts of thousands of civilians being killed by the North Atlantic Treaty Organization, and dozen civilians wounded."[262] According to a report published by Amnesty International in March 2012, there was sound evidence that the North Atlantic Treaty Organization strikes produced unintended consequences, as in the midst of the warfare it was difficult to distinguish between combatants and non-combatants.[263] Human Rights Watch issued a similar report on civilian casualties in Libya and called for referring the North Atlantic Treaty Organization to the International Criminal Court for not respecting international humanitarian law standards and the law-of-war.[264] Thus, the North Atlantic Treaty Organization intervention reduced the territory of Libya to bare life and politicized the lives of the Libya population since they failed to distinguish, in spite of their high standard technology, between combatants and civilians.

Moreover, the 'state of exception' in which the intervention occurred is reflected in the fact that the United Nations Security Council Resolution 1970 states that parties not members to the Rome Statute (*i.e.* United States of America, Qatar, Ukraine, Turkey and United Arab Emirates) cannot be prosecuted by the International Criminal Court.[265] All the other allies may be prosecuted if there is clear evidence of intentional civilian targeting.[266] Thus, one may recognize the legal loophole that allows the Allies not to be prosecuted and presents their action

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[261] Rasmussen, "NATO After Libya."
[262] C.J. Chivers and Eric Schmitt, "In Strikes On Libya by NATO, An Unspoken Civilian Toll," December 17, 2011, <http://www.nytimes.com/2011/12/18/world/africa/scores-of-unintended-casualties-in-nato-war-in-libya.html?pagewanted=all>, (accessed June 24, 2012).
[263] Amnesty International, "Libya: The Forgotten Victims of NATO Airstrikes," March 2012, <http://www.amnesty.org/en/library/asset/MDE19/003/2012/en/8982a094-60ff-4783-8aa8-8c80a4fd0b14/mde190032012en.pdf>, (accessed June 2012).
[264] Human Rights Watch, "Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign In Libya," May 2012, <http://www.hrw.org/sites/default/files/reports/libya0512webwcover.pdf>, (accessed June 24, 2012).
[265] United Nations Security Council Resolution 1970 (2011).
[266] Article 8 (2), "Rome Statute of the International Criminal Court," <http://untreaty.un.org/cod/icc/statute/romefra.htm>, (accessed June 24, 2012).

as a result of a global sovereign power that is both inside and outside International Law. It worth recalling here the argument expressed earlier that within Agamben's 'state of exception,' International Law is not suppressed but suspended, hence allowing the sovereign to act in an extra-judicial environment and escaping impunity.

Secondly, the usage of drones during the intervention in Libya represents another reflection of the poststructuralist approach on the intervention in Libya, and recalls the Foucauldian assumption that biopower is a reflection of how technological advancement regulates the individuals' bodies. According to Daniel Brunstetter and Megan Braun, drones are "Unarmed Combat Arial Vehicles (…) that are unbound by needs of human body, capable of precise airpower in almost any environment, and (in theory) minimizing the risk of civilian casualties."[267] Marry Ellen O'Connell, A House Representative of the Congress of the United States of America, claims that the usage of drones is highly controversial and raises numerous ethical questions. According to O'Connell, drone strikes represent extrajudicial means of conducting warfare since they find themselves in a grey zone between being lawful in combat zones and unlawful outside combat zone, as long as there was no official declaration of war.[268] Michael Walzer presents a similar argument and underlines that drones find themselves in an exceptional category between a zone of peace and a zone of war. This represents a 'grey zone' that is experienced by "states that lose parts of their country or are wracked by civil war."[269] In this context, the usage of drones "happens outside the moral and legal conventions of ordinary warfare."[270]

Brunstetter and Braun agree that drones pose a serious ethical challenge due to the 'drone myth,' according to which drones are better (probably the best) means to avoid the risk of sending ground troops in a combat zone and to diminish collateral damage. The authors deconstruct the 'drone myth' and argue

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[267] Daniel Brunstetter and Megan Braun, "The Implications of Drones on the Just War Tradition," *Ethics and International Affairs* 25, no.3 (2011): 337.
[268] Marry O'Connell, United States of America, House of Representatives, Committee on Oversight and Government Reform, "Rise of the Drones II: Examining the Legality of Unmanned Targeting," *Hearing before the subcommittee on National Security and Foreign Affairs,* 111th Congress, 2nd session, April 28, 2010, <http://www.fas.org/irp/congress/2010_hr/drones2.pdf>, (accessed June 24, 2012).
[269] Michael Walzer, "On Fighting Terrorism Justly," *International Relations* 21, no.4 (2007): 484.
[270] Ibid.

that drones have serious flaws such as their dependence on human operators or are based on unsound ground intelligence gathering. In this context, drones are not as discriminatory as they are claimed to be since they are likely to erase the fine line between combatants and non-combatants.[271]

In April 2011, President Barack Obama authorized the usage of missile-armed Predator drones in Libya. They were charged both with surveillance and with targeting missions of Libyan troops. Numerous controversies surround the usage of drones in Libya from a breach of Libyan sovereignty, to failure to discriminate between civilians and combatants to the fact that they represent a transgression of the United Nations Security Council Resolutions 1970 and 1973.[272] Used in the intervention in Libya as means to support the rebels' cause, the extra-judicial characteristics of drones underline the character of humanitarian intervention as a 'state of exception.' On the one hand, the usage of drones in order to support the rebel cause is a reflection of the politicization of the Libyans' lives and of the process through which the international community administers their lives, by discriminately choosing between lives that are worth of living and lives that are not worth of living on the Libyan territory. On the other hand, the extra-judicial aspect of drones places them as tools in the hands of the global sovereign power to suspend International Law and carry on killings that are not punished. Thus, the lives of those people that are targeted and killed by drones are sacred lives that can be killed without punishment since drones are extraordinary weapons that are placed in a 'grey zone' between lawfulness and unlawfulness. Joseph Pugliese qualifies drones as "mobile zones of exception,"[273] since they have the prerogative to suspend International Law whenever and wherever they operate. Therefore, it characterizing the legality of drone strikes, Pugliese recalls the fact that in the state of exception the transgression of law is undistinguished

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[271] Brunstetter and Braun, "The Implications of Drones," 345-51.
[272] Nick Hopkins, "Drones can be used by NATO forces, says Obama," April 21, 2011, <http://www.guardian.co.uk/world/2011/apr/21/nato-wants-drones-target-misrata>, (accessed June 24, 2012).
[273] Joseph Pugliese, "Prostethics of Law and Anomic Violence of Drones," *Griffith Law Review* 20, no.4 (2011): 944.

from the execution of law. Rather an anomic state of action is imposed in which law is *inexecuted* since life can be taken with impunity.[274]

To conclude the chapter on the poststructuralist approach on the intervention in Libya, one is able to distinguish several peculiarities regarding the rationale of interventions in current international affairs. Giorgio Agamben's concepts of 'homo sacer'/ 'bare life,' state of exception or sovereign power, represent refined tools to underline humanitarian intervention as an action that rests at the borderline between lawful and unlawful action, especially in the context in which unintended consequences such as the death of non-combatants are left unprosecuted. Even though one cannot claim that the intervention in Libya is not an exceptional case *per se* since it occurred under the auspices of International Law and the Security Council Resolutions, other features underline the existence of a 'state of exception' and 'bare life' rationale in the Libyan case. Firstly, a discourse of emergency and exceptionality drove the international community to intervene in Libya. Secondly, the intervention demonstrated the role of the Security Council as an international sovereign power that enjoys the prerogative to launch military power and enjoys immunity in international Law. Thirdly, the intervention in Libya unveils a two-level analysis of the concept of 'bare life.' On the one hand, the selectivity rationale according to which the international community acted in Libya reduced the lives of the Syrians, Yemeni and Bahraini to naked life since no intervention occurred in their countries. On the other hand, within the Libyan territory, the international community distinguished between life worth of living and life not worth of living, whereas deciding to take sides with the rebels, targeting the loyalists and deciding to support a regime change. Fourthly, the intervention in Libya discloses not only a new mode of leading humanitarian interventions through the usage of drones and high standard technology, but gives birth to questions such as 'who can be killed?' or 'who has the right to kill?

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[274] Pugliese, "Prostethics of Law," 944.

Conclusion

The paper concentrated on the humanitarian intervention that occurred in Libya in 2011. Starting from the research question *'What are the justifications for the intervention in Libya?'* the paper claimed that the intervention in Libya is justified by a discourse that blends utilitarian rationale with an international normative discourse of responsibility. Hence, the intervention in Libya reflects upon the politicization of humanitarian intervention and its competing discourses in international affairs.

In order to support this claim, the paper embarked on an interdisciplinary and theoretical testing rationale as means to shed light of the motives and the discourses that legitimized the intervention in Libya. Hence, the paper forwarded a theoretical framework that revolved around both traditional and alternative perspectives in an attempt to grasp the complexity of the humanitarian intervention in Libya. The first chapter offered a brief reminder of the place of humanitarian intervention in the study of international politics by underlining its privileged place at the intersection between International Relations Theory and International Law. The following chapters deepened the inter-linkage between International Law and International Relations Theory by presenting sequentially a constructivist, a realist and a poststructuralist approach on humanitarian intervention. Thus, the second chapter used the English 'School' of International Relations Theory in order to underline the normative context that enabled the international community to intervene in Libya in order to protect civilians against the atrocities of the Qaddafi regime. Facing the horrendous events in Libya, international organizations, state and non-state actors constructed a discourse of duty that ultimately convinced the international community and legitimized it to intervene in Libya. As demonstrated with empirical evidence, the intervention in Libya was an intervention driven by a normative discourse of responsibility that occurred within the framework of International Law. Moreover, the second chapter of the paper showed, in line with the English 'School' of International Relations Theory that we assist at the emergence of a human rights regime in

which both states and non-state actors spot human rights abuses and call the international community to intervene.

Even though we assist at the enhancing of a discourse of responsibility through the intervention in Libya, it would be a proof of intellectual blindness to fail recognizing that international community is a social construct and that altruistic international behavior is not enough for explaining intervention in the internal affairs of another country. Classical Realism provided a sound theoretical framework for underlining the French, the American and the British interests in intervening in Libya. Driven by prestige and oil/geostrategic interests, the intervention in Libya may be read as a reflection of *realpolitik* and of rational choice behavior. Through the realist lens, humanitarian intervention and International Law were tools in the hands of statespersons to pursue national interest. Thus, the third chapter of the paper forwarded a skeptical view on the intervention in Libya by underlining that strategic thinking drove military action in the Mediterranean region.

However, poststructuralists challenge the findings of both realists and constructivist in the Libyan case. The poststructuralist approach of humanitarian intervention tries to detach from the normative/skeptical dichotomy and chooses a middle-ground approach. By presenting 'humanitarian intervention' as an outcome of international exceptional politics, the poststructuralists argue that humanitarian intervention is a reflection of an international sovereign power prerogative to allow and disallow life. However, the normative context of International Law is not entirely refutable because it serves as a reference point for the 'sovereign power' to claim the extraordinary feature of a situation and to launch humanitarian interventions. Thus, the humanitarian intervention in Libya occurred in a zone of exceptionality, between lawfulness and unlawfulness since it is placed both under the auspices of International Law (through the United Nations Security Council Resolutions) and outside International Law since it violated the principle of sovereignty and the principles of international humanitarian law.

Looking at the three approaches on humanitarian intervention presented in this paper, one may draw the following conclusion. Even though humanitarian

intervention is a controversial action in international politics, especially in the context of post-9/11 terrorist attacks and 2003 intervention in Iraq, the intervention in Libya is a reflection of the fact that the international community does not refrain from using force if it witnesses grave breaches of human rights. This is especially valid in the context of the emergence of a human rights regime and a discourse of responsibility. Moreover, as constructivists and poststructuralists showed, International Law matters in international politics in one way or another. However, the selectivity and the geostrategic considerations according to which the international community acted in Libya unveil a process of politicization of humanitarianism. Therefore, the intervention in Libya a reflection of the Western's power decisions to manage the lives of non-Western populations and a reflection of the oft-quoted remark: *power is might.*

Beyond the current academic work, the paper leaves untouched a series of issues that could make the object of further research. Firstly, the paper did not inquire into the motives that Italy had in intervening in Libya. Keeping in mind that Silvio Berlusconi (just as Nicolas Sarkozy) had a personal relation with Qaddafi and that the two leaders signed a friendship treaty in 2008, it would be useful to inquire into the motives that pushed Berlusconi to ditch the friendship with Qaddafi and join the Western powers in intervening in Libya. Similar research could be done in inquiring into the decision of Turkey or Qatar to intervene in Libya.

Secondly, this paper did not touch upon the role of the media in constructing a discourse of responsibility regarding the events in Libya. Doubtless, the 24/7 breaking news estate that report live and immediately the developments from international politics coupled with the existence of numerous news agencies, newspapers and magazines have contributed to the emergence of discourse of emergency and duty that might have impacted the decision-making atmosphere regarding the intervention in Libya.

Thirdly, this paper did not touch upon the European Union (in)action regarding the intervention in Libya. Beyond the commonplace argument, that it is difficult for Brussels to reach common agreement, further research should concentrate on inquiring into the motives that prevented the European Union in

using in Libya the instruments offered by Lisbon Treaty such as 'Enhanced Cooperation' and 'Permanent Structured Cooperation. Moreover, further research should be performed in regard with the soundness of European Union's rapid reaction instruments and civilian instruments in dealing with situations similar to Libya.

Fourthly, the role of North Atlantic Treaty Organization in Libya should be further researched in order to uncover the impact that the intervention in Libya had on the identity of the organization. Recalling the adoption of the new 2010 Strategic Concept concerning the role of the North Atlantic Treaty Organization in the current international politics it would be useful to inquire into the (mis)match between the Allies' involvement in Libya and the actual strategic concept adopted in Lisbon. Similarly, questions of identity formation and ontological security may be raised concerning the intervention of the North Atlantic Treaty Organization in Libya.

Fifthly, further research regarding the sociology of humanitarian intervention should be performed by discussing the different cultures of intervention that Western and non-Western countries have and how were these displayed in Libya. Pierre Bourdieu's concepts of *habitus* and *doxa* could serve as a starting point for conceptual research.

Bibliography

- **Books, Academic Journals and Conference Papers**

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life.* Stanford, CA: Stanford University Press: 1998.

Allin, Dana H. and Jones, Erik. "As Good as It Gets?." *Survival: Global Politics and Strategy* 53, no.3 (2011): 205-15.

Arbour, Louise. "The responsibility to protect as a duty of care in international law and practice." *Review of International Studies* 34 (2008): 445-58.

Arend, Anthony Clark. "Do Legal Rules Matter? International Law and International Politics." *Virginia Journal of International Law* 38 (1998): 107-53.

Bellamy, Alex J. "Humanitarian responsibilities and interventionist claims in international society." *Review of International Studies* 29 (2003): 321-40.

Id. "Introduction: International Society and the English School." In *International Society and Its Critics,* edited by Alex J. Bellamy, 1-29. Oxford: Oxford University Press, 2005.

Id. "Libya and the Responsibility to Protect: The Exception and the Norm." *Ethics and International Affairs* 25, no.3 (2011): 263-9.

Id. "The Responsibility to Protect and the Problem of Regime Change." <http://www.e-ir.info/2011/09/27/the-responsibility-to-protect-and-the-problem-of-regime-change/>, (accessed June 24, 2012).

Boesen, Henrik, and Larsen, Lindbo. "Libya: Beyond Regime Change." *DISS Policy Brief* (October 2011), <http://www.diis.dk/graphics/Publications/Policybriefs%202011/Libya%20beyond%20Regime%20Change.web.pdf>, (accessed June 24, 2012).

Brunstetter, Daniel, and Braun, Megan. "The Implications of Drones on the Just War Tradition." *Ethics and International Affairs* 25, no.3 (2011): 337-58.

Bull, Hedley. "The Grotian Conception in International Society." In *Diplomatic Investigations,* edited by Herbert Butterfield and Martin Wight. 51-73. Cambridge: Cambridge University Press, 1968.

Id. *The Anarchical Society: A Study of Order in World Politics*. New York: Colombia University Press, 2002.

Burchill, Scott. *National Interest in International Relations Theory.* Gordonsville, VA: Palgrave Macmillan, 2005.

Bush, Ray, Martiniello, Giuliano, and Mercer, Claire. "Humanitarian Imperialism." *Review of African Political Economy* 38, no. 129 (2011), 357-63.

Cairo, Heriberto. "The Duty of the Benevolent Master: From Sovereignty to Suzeranity and the Biopolitics of Intervention." *Alternatives* 31 (2006): 285-311.

Carr, E.H., *The Twenty-Year Crisis 1919-1939: An Introduction to the Study of International Relations.* London: Macmillan, 1946.

Chesterman, Simon. "'Leading from Behind': The Responsibility to Protect, the Obama Doctrine, and Humanitarian Intervention after Libya." *International Affairs* 25, no.3 (2011): 279-85.

Id. *Just War or Peace: Humanitarian intervention and international law*. Oxford: Oxford University Press, 2003.

Colombo, Silvia. "The Southern Mediterranean; Between Changes and Challenges to its Sustainability." *MedPro Technical Report* no. 1, 1-22 (November 2010), <http://www.medpro-foresight.eu/system/files/MEDPRO%20TP%20No%201%20WP2%20Colombo.pdf>, (accessed June 24, 2012).

Dadlder, Ivo H., and Stavridis, James G. "NATO's Victory in Libya." *Foreign Affairs* 91, no.2 (March/ April 2012).

De la Durantaye, Leland. *Giorgio Agamben: A Critical Introduction*. Palo Alto, CA: Stanford University Press, 2009.

De Larrinaga, Miguel, and Doucet, Marc G. "Sovereign Power and the Biopolitics of Human Security." *Security Dialogue* 39, no. 5 (2008): 517-37.

Delacoura, Katerina. "The 2011 uprisings in the Arab Middle East: political change and geopolitical implications." *International Affairs* 88, no 1 (2012): 63-79.

Devlen, Balkan, James, Patrick, and Özdamar, Özgür. "The English School, International Relations and Progress." *International Studies Review* 7 (2005):171-97.

Domestici-Met, Marie-José. "Protecting in Libya on Behalf of the International Community." *Goettingen Journal of International Law* 3 (2011): 861-99.

Donnelly, Jack. *Realism and International Relations.* Port Chester, NY: Cambridge University Press, 2000.

Doyle, Michael W. "The Folly of Protection: Is Intervention Against Qaddafi Regime Legal and Legitimate?." *Foreign Affairs* (March 2011).

Duffield, Mark "Carry on Killing: Global Governance, Humanitarianism and Terror." *DISS Working Paper* 3 (2004):1-20.

Id. and Waddell, Nicholas. "Securing Humans in a Dangerous World." *International Politics* 43 (2006): 1-23.

Dunne, Tim, and Gifkins, Jeff. "Libya and the State of Intervention.*" Australian Journal of International Affairs* 65, no.5 (2011), 515-29.

Enabulele, A. O. "Humanitarian intervention and territorial sovereignty: the dilemmas of two strange bedfellows." *The International Journal of Human Rights* 14, no.3 (May 2010): 407-24.

Falk, Richard. "Reimagining the Governance of Globalization." In *International Society and Its Critics,* edited by Alex J. Bellamy, 195-209. Oxford: Oxford University Press, 2005.

Finnamore, Martha, and Toope, Stephen J. "Alternatives to Legalization: Richer Views of Law and Politics." *International Organization* 55, no.3 (2001): 743-58.

Foucault, Michael. *Discipline and Punishment*. New York: Vintage Books, 1979.

Frank, Thomas M., and Rodley, Nigel S. "After Bangladesh: The Law of Humanitarian Intervention by Military Force." *American Journal of International Relations* 67, no. 2 (1973): 275-305.

Gegout, Catherine. "The West, Realism and Intervention in the Democratic Republic of Congo (1996-2004)." *International Peacekeeping* 16, no.2 (2009): 231-44.

Griffiths, Martin. *Fifty Key Thinkers in International Relations*. Florence, KY: Routledge, 1999.

Hallams, Ellen, and Schreer, Benjamin. "Towards a post-American alliance? NATO burden-sharing after Libya." *International Affairs* 88, no.2 (2012): 313-27.

Holzgrefe, J.L. "The Humanitarian Intervention Debate." In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas,* edited by J.L. Holzgrefe and Robert O. Keohane, 15-52. Cambridge: Cambridge University Press, 2003.

Hurd, Ian. "Constructivism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 298-26. New York: Oxford University Press, 2008.

Id. "Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World." *International Affairs,* 25, no.3 (2011): 293-313.

Huysmans, Jef. "International Politics of Exception: Competing Visions of international Political Order." *Alternatives* 31 (2006): 135-65.

Ibur, Aron. "Humanitarian Intervention, the Responsibility to Protect, and Abuse of Law: The Internationalization of States of Exception." *Paper presented at the annual meeting of the ISA's 50th ANNUAL CONVENTION "EXPLORING THE PAST,*

ANTICIPATING THE FUTURE." New York Marriott Marquis, NEW YORK CITY, NY, USA, Feb 15, 2009, <http://www.allacademic.com/meta/p311179_index.html>, 9-10, (accessed June 24, 2012).

Jackson, Robert, and Sorenson, Georg. *Introduction to International Relations: Theories and Approaches*. Oxford: Oxford University Press, 2010.

Jazeković, John. *Use of Force in Humanitarian Intervention: Morality and Practicalities.* Abingdon: Ashgate, 2008.

Jones, Erik. "Power, Leadership and US Foreign Policy." *International Spectator* 46, no.3 (2011): 13-26.

Jütersonke, Oliver. "Hans J. Morgenthau on the Limits of Justiciability in international Law." *Journal of the History of international Law* 8 (2006): 181-211.

Kelly, M.G.E. "International Biopolitics: Foucault, Globalization and Imperialism." *Theoria* (2010): 1-26.

Keohane, Robert O. "Political authority after intervention: gradations in sovereignty." In *Humanitarian Intervention: Ethical, Legal and Political Dilemmas,* edited by J.L. Holzgrefe and Robert O. Keohane, 275-98. Cambridge: Cambridge University Press, 2003.

Kissinger, Henry. *Diplomacy*. New York: Touchstone, 1994.

Koskiennemi, Martti. *Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (Hersch Lauterpacht Memorial Lectures).* Port Chester, NY: Cambridge University Press, 2002.

Krasner, Stephen D. "Realist View of International Law." *Proceedings of the Annual Meeting (American Society of International Law)* 96 (March 13-16, 2002): 265-8.

Kratochwil, Friedrich. *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge: Cambridge University Press, 1991.

Mills, Catherine. *Philosophy of Agamben.* Durham, GBR: Acumen, 2008.

Morgenthau, Hans J. *Crossroad Papers: A Look Into the American Future*. New York: Norton, 1965.

Id. *In Defense of National Interest. A Critical Examination of American Foreign Policy.* New York, Knopf, 1951.

Id. *Politics Among Nations: The Struggle For Power and Peace*. New York: Alfred A. Knopf, 1954.

Murphy, Jim. "The UK's Responsibilities beyond our border." *Crossing Lines*, Institute for Public Policy Research, London, United Kingdom (March-May 2011): 10-22.

Najimdeen, Bakare. "Libyan War: A Just or a Sinful Intervention." *Mediterranean Journal of Social Sciences* 3, no. 1 (January 2012): 535-46.

Ocran, T. Mandibo. "The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping." *Boston College International and Comparative Law Review* 25, no.1 (2001): 1-58, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1159&context=iclr>, (accessed June 24, 2012).

Onuma, Yosuaki. "International Law in and with International Politics: The Functions of International Law in International Society." *European Journal of International Law* 14, no.1 (2003): 105-39.

Pan, David. "Against Biopolitics: Walter Benjamin, Carl Schmitt, and Giorgio Agamben on Political Sovereignty and Symbolic Order." *The German Quarterly* 82, no.2 (2009): 42-62.

Patrick, Stewart. "Libya and Future of Humanitarian Intervention: How Gadaffi Fall Vindicated Obama and RtoP." *Foreign Affairs* (July-August 2011).

Pattison, James. "Introduction." *Ethics and International Affairs* 25, no.3 (2011): 251-254.

Pattison, James. "The Ethics of Humanitarian Intervention in Libya." *Ethics and International Affairs* 25, no.3 (2011): 271-77.

Id. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene.* Oxford: Oxford University Press, 2010.

Pugliese, Joseph. "Prostethics of Law and Anomic Violence of Drones." *Griffith Law Review* 20, no.4 (2011): 931-61.

Rasmussen, Anders Fogh. "NATO After Libya: The Atlantic Alliance in Austere Times." *Foreign Affairs* 90, no.4 (July-August 2011).

Reisman, Michael W. "Kosovo's Antinomies." *American Journal of International Law* 93, no.4 (1999): 860-62.

Reus-Smit, Christian. "The Politics of International Law." In *Politics of international Law*, edited by Christian Reus-Smit, Steve Smith and Thomas Biersteker, 14-45. West Nyack, NY: Cambridge University Press, 2004.

Rowdybush, Brinton, and Chamorel, Patrick. "Aspirations and Reality: French Foreign Policy and the 2012 French Elections." *Washington Quarterly* 35, no.1 (2012): 163-77.

Schmitt, Carl. *Political Theory: Four Chapters on the Concept of Sovereignty*. Chicago: Chicago University Press, 2005.

Schmitt, Michael N. "Wings over Libya: The No-Fly Zone in Legal Perspective." *The Yale Journal of International Law Online* 36 (Spring 2011): 45-58.

Sterling-Folker, Jennifer. "English School Approaches." In *Making Sense of International Relations Theory*, edited by Jennifer Sterling-Folker, 428-39. Boulder, CO: Lynne Rienner, 2006.

Suganami, Hidemi. "The Argument of the English School." In *English School of International Relations: A Contemporary Reassessment,* edited by Andrew Linklater and Hidemi Suganami, 43-81. West Nyack: Cambridge University Press, 2002.

Svendsen, Adam D.M. "NATO, Libya Operations and Intelligence Co-Operation – a Step Forward?." *Baltic Security and Defense Review* 13, no.2 (2011): 51-68.

Tréson, Fernando R. *Humanitarian Intervention: An Inquiry into Law and* Morality. Dobbs Ferry, NY: Transnational, 1988.

Walzer, Michael. "Moral Standing of State: A Response to Four Critics." *Philosophy and Public Affairs* 9 (1980): 209-29.

Walzer, Michael. "On Fighting Terrorism Justly." *International Relations* 21, no.4 (2007): 480-84.

Warbrick, Colin. "British Policy and the Transitional National Council." *International and Comparative Law Quarterly* 61 (2012): 247-64.

Weber, Patricia. "Too political or not political enough? A Foucauldian reading of the Responsibility to Protect." *The International Journal of Human Rights* 13, no. 4 (2009): 581-90.

Weiss, Thomas G. "RtoP is Well and Alive after Libya." *Ethics and International Affairs* 25, no.3 (2011): 287-92.

Welsh, Jennifer M. "Civilian Protection in Libya: Putting Coercion and Controversy Back into RtoP." *Ethics and International Affairs* 25, no.3 (2011): 255-62.

Id. "Taking Consequences Seriously: Objections to Humanitarian Intervention." In *Humanitarian Intervention and International Relations,* edited by Jennifer M. Welsh, 52-70. Oxford: Oxford University Press, 2006.

Id. "Introduction." In *Humanitarian Intervention and International Relations.* Edited by Jennifer M. Welsh, 1-11. Oxford: Oxford University Press, 2006.

Wendt, Alexander. "Anarchy is what states make of it: the social construction of power politics." *International Organization* 46, no.2 (1992): 391-425.

Wheeler, Nicholas J. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press, 2000.

Wheeler, Nicholas J., and Dunne, Timothy. "Headley Bull's Pluralism of the Intellect and Solidarism of the Will." *International Affairs* 72, no.1 (January 1996): 91-107.

Yosihara, Susan. *Waging War to Make Peace: US Intervention in Global Conflicts.* Santa Barbara, CA: Praeger, 2010.

- **Official Documents and Reports**

Amnesty International. "Libya: Detainees, Disappeared and Missing." March 29, 2011. <http://amnesty.org/en/library/asset/MDE19/011/2011/en/5a97c7df-aee8-4830-9f2b-d54f805d2dc1/mde190112011en.html>, (accessed June 24, 2012).

Amnesty International. "Libya: The Forgotten Victims of NATO Airstrikes." March 2012. <http://www.amnesty.org/en/library/asset/MDE19/003/2012/en/8982a094-60ff-4783-8aa8-8c80a4fd0b14/mde190032012en.pdf>, (accessed June 2012).

Council of the European Union. "Libya: EU imposes arms embargo and targeted sanctions." February 28, 2011. <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/1195 24.pdf >, (accessed June 24, 2012).

Human Rights Council. "Human Rights Council Passes Resolution on Libya in Special Session." February 25, 2011. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10768 &LangID=E>, (accessed June 24, 2012)

Human Rights Watch. "Libya: Government Should Demand End to Unlawful Killings." February 20, 2011. <http://www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful-killings >, (accessed June 24, 2012).

Human Rights Watch. "Unacknowledged Deaths: Civilian Casualties in NATO's Air Campaign In Libya." May 2012. <http://www.hrw.org/sites/default/files/reports/libya0512webwcover.pdf>, (accessed June 24, 2012).

Human Rights Watch. "World Report 2012: Syria." January 2012. <http://www.hrw.org/world-report-2012/world-report-2012-syria >, (accessed June 24, 2012).

Human Rights Watch. "World Report: Morocco and Western Sahara." January 2012. <http://www.hrw.org/world-report-2012/morocco-and-western-sahara>, (accessed June 24, 2012).

International Coalition for the Responsibility to Protect. "Crisis Update on Syria: Conditions for Ceasefire Appear Unstable Amid Expanding Violence." April 11, 2012. <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/4103-crisis-update-on-syria-conditions-for-ceasefire-appear-unstable-amid-expanding-violence- >, (accessed June 24, 2012).

International Commission on Intervention and State Sovereignty. "The Responsibility to Protect." December 2001. <http://responsibilitytoprotect.org/ICISS%20Report.pdf>, (accessed June 24, 2012).

International Crisis Group. "Immediate International Steps Needed to Stop Atrocities in Libya." February 22, 2011. <http://www.crisisgroup.org/en/publication-type/media-releases/2011/immediate-international-steps-needed-to-stop-atrocities-in-libya.aspx>, (accessed June 24, 2012).

International Crisis Group. "Middle Eastern/North Africa Report: Holding Libya Together: Security Challenges After Qaddafi." *Middle East/North Africa Report* N° 115. December 15, 2011. <http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/115%20Holding%20Libya%20Together%20--%20Security%20Challenges%20after%20Qadhafi.pdf >, (accessed June 24, 2012).

International Crisis Group. "Popular Protest in North Africa and the Middle East (VIII): Bahrain's Rocky Road to Reform." *Middle East/North Africa Report* N° 111. July 28, 2011. <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/bahrain/111-popular-protest-in-north-africa-and-the-middle-east-viii-bahrains-rocky-road-to-reform.aspx>, (accessed June 24, 2012).

North Atlantic Treaty Organization. "NATO and Libya." <http://www.nato.int/cps/en/natolive/topics_71652.htm>, (accessed June 24, 2012).

North Atlantic Treaty Organization. "Operation Unified Protector: Protection of Civilians and Civilian Populated Areas & Enforcement of the No Fly-Zone." October 2011. <http://www.nato.int/nato_static/assets/pdf/pdf_2011_10/20111005_111005-factsheet_protection_civilians.pdf >, (accessed June 24, 2012).

O'Connell, Mary. United States of America, House of Representatives, Committee on Oversight and Government Reform, "Rise of the Drones II: Examining the Legality of Unmanned Targeting," *Hearing before the subcommittee on National Security and Foreign Affairs,* 111th Congress, 2nd session, April 28, 2010, <http://www.fas.org/irp/congress/2010_hr/drones2.pdf>, (accessed June 24, 2012).

Office of the Special Adviser on the Prevention of the Genocide. "The Responsibility to Protect." <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>, (accessed June 24, 2012).

Rome Statute of the International Criminal Court." <http://untreaty.un.org/cod/icc/statute/romefra.htm>, (accessed June 24, 2012).

United Nations Charter. <http://www.un.org/en/documents/charter/>, (accessed June 24, 2012).

United Nations General Assembly. "General Assembly Suspends Libya from Human Rights Council." March 1, 2011. <http://www.un.org/News/Press/docs//2011/ga11050.doc.htm> (accessed June 24, 2012).

United Nations General Assembly. "General Assembly Suspends Libya from Human Rights Council." March 1, 2011. <http://www.un.org/News/Press/docs/2011/ga11050.doc.htm>, (accessed June 24, 2012).

United Nations Security Council Resolution 1970 (2011). February 26, 2011. <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement>, (accessed June 24, 2012).

United Nations Security Council Resolution 1973 (2011). March 17, 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement> (accessed June 24, 2012). Booth, Geoff. "No fly-zone explained." <http://www.nato.int/cps/en/natolive/news_71959.htm > (accessed June 24, 2012).

United Nations Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect. *Press Release on the Situation of Libya.* February 22, 2011. <http://www.un.org/en/preventgenocide/adviser/pdf/OSAPG,%20Special%20Advisers%20Statement%20on%20Libya,%2022%20February%202011.pdf>, (accessed June 24, 2012).

United Nations Security Council. *Press Statement.* February 22, 2011. <http://www.un.org/News/Press/docs/2011/sc10180.doc.htm > (accessed June 24, 2012).

United Nations. "2005 World Summit Outcome." <http://www.who.int/hiv/universalaccess2010/worldsummit.pdf>, (accessed 24 June, 2012).

United Nations Security Council Resolution 1709 (2006). <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/531/66/PDF/N0653166.pdf?OpenElement>, (accessed June 24, 2012).

- **Speeches**

Annan, Kofi. "Millennium Report of the Secretary General of the United Nations." Chapter IV: Freedom from Fear. April 3, 2000. <http://www.un.org/millennium/sg/report/ch3.pdf>, (accessed June 24, 2012).

Boutros-Ghali, Boutros. "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping." June 17, 1992. <http://www.un.org/Docs/SG/agpeace.html>, (accessed June 24, 2012)

Obama, Barack. "Address to the Nation on Libya." March 28, 2011. <http://www.whitehouse.gov/photos-and-video/video/2011/03/28/president-obama-s-speech-libya>, (accessed June 24, 2012).

Obama, Barack. "Address on Libya: The violence must stop." February 23, 2011. <http://www.americanrhetoric.com/speeches/barackobama/barackobamalibya.htm >, (accessed June 24, 2012).

Obama, Barack. "Nobel Prize for Peace Acceptance Speech and Lecture." December 10, 2009. <http://www.americanrhetoric.com/speeches/barackobama/barackobamanobelprizespeech.htm>, (accessed June 24, 2012).

Obama, Barack. "On authorization of Odyssey Dawn Limited Military Action in Libya." March 19, 2011. <http://www.americanrhetoric.com/speeches/barackobama/barackobamalibyaltdmilitaryaction.htm >, (accessed June 24, 2012).

Pillay, Navi. "Calls for International Inquiry into Libyan violence and justice for victims." February 22, 2011. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10743&LangID=E >, (accessed June 24, 2012).

Rodham, Clinton Hillary. "Foreign Policy Address at the Council on Foreign Relations." July 15, 2009. <http://www.state.gov/secretary/rm/2009a/july/126071.htm>, (accessed June 24, 2012).

- **Newspapers**

"Arab League suspends Libya until demands of the people are met." *BBC World.* February 23, 2011. <http://www.bbc.co.uk/worldservice/africa/2011/02/110223_libya_arableague_focus.shtml>, (accessed June 24, 2012).

"European Oil Company Extend Contracts in Libya." *Wikileaks* Document published on <www.telegraph.co.uk>. <http://www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294850/EUROPEAN-OIL-COMPANIES-EXTEND-CONTRACTS-IN-LIBYA-1.SBU.html>, (accessed June 24, 2012).

"France, U.K Have Differing Motives For Intervening in Libya." *Forbes.* March 29, 2011. <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>, (accessed June 24, 2012).

"French planes enter Libya to enforce no-fly zone." *The Guardian.* March 19, 2011. <http://www.guardian.co.uk/world/2011/mar/19/french-planes-enter-libya?INTCMP=SRCH>, (accessed June 24, 2012).

"Ghanem 'Under The Gun' To Collect Contributions For Claims." *Wikileaks* Document. <http://wikileaks.org/cable/2009/02/09TRIPOLI139.html#>, (accessed June 24, 2012).

"Libya: The Perils of Intervention." *The Guardian.* March 19, 2011. <http://www.guardian.co.uk/world/2011/mar/19/libya-perils-of-intervention-editorial>, (accessed June 24, 2012).

"Obama says don't stay in Iraq over genocide." *USA Today.* July 20, 2007. <http://www.usatoday.com/news/politics/election2008/2007-07-20-obama-interview_N.htm>, (accessed June 24, 2012).

"Oxy's 30-Year Extension in Libya And What Lies Ahead For Other ICOs." *Wikileaks* Document. <http://wikileaks.org/cable/2008/07/08TRIPOLI563.html>, (accessed June 24, 2012).

"US-Libya compensation deal sealed." *BBC World.* August 14, 2008. <http://news.bbc.co.uk/2/hi/americas/7561271.stm>, (accessed June 24, 2012).

Atwan, Abdel Bari. "Libya's best hope for unity is democratic elections." June 11, 2012. <http://www.guardian.co.uk/commentisfree/2012/jun/11/libya-unity-democratic-elections>, (accessed June 24, 2012).

Black, Ian. "Libyan rebels win international recognition as country's leader." *The Guardian.* July 15, 2011. <http://www.guardian.co.uk/world/2011/jul/15/libyan-rebels-international-recognition-leaders>, (accessed June 24, 2012).

Borger, Julian, and Macalister, Terry. "The race is on for Libya's oil, with Britain and France both stalking claim." *The Guardian.* September 1, 2011. <http://www.guardian.co.uk/world/2011/sep/01/libya-oil>, (accessed June 24, 2012).

Chivers, C.J., and Schmitt, Eric. "In Strikes On Libya by NATO, An Unspoken Civilian Toll," *New York Times.* December 17, 2011. <http://www.nytimes.com/2011/12/18/world/africa/scores-of-unintended-casualties-in-nato-war-in-libya.html?pagewanted=all>, (accessed June 24,

Cooper, Helene, and Meyers, Steven Lee. "Obama Takes Hard Line with Libya After Shift by Clinton." *New York Times,* March 18, 2011. <http://www.nytimes.com/2011/03/19/world/africa/19policy.html?pagewanted=all >, (accessed June 24, 2012).

Dickey, Christopher. "Why Sarkozy Went to War?." *Time.* April 3, 2011. <http://www.thedailybeast.com/newsweek/2011/04/03/nicolas-sarkozy-s-war-on-gaddafi-influenced-by-philosopher-bernard-henri-levy.html>, (accessed June 24, 2012).

Elliot, Michael. "View: How Libya became a French and a British War?." *Time.* March 19, 2011. <http://www.time.com/time/world/article/0,8599,2060412,00.html>, (accessed June 24, 2012).

Erlanger, Steven. "French Colonial Past Casts Long Shadow Over Policy in Africa." *The New York Times,* <http://www.nytimes.com/2011/04/18/world/africa/18francafrique.html?_r=1&pagewanted=all>, (accessed June 24, 2012).

Id. "By His Reckoning, One Man Made Libya a French Cause." *New York Times.* April 1, 2011. <http://www.nytimes.com/2011/04/02/world/africa/02levy.html?_r=1&pagewanted=a>, (accessed June 24, 2012).

Hopkins, Nick. "Drones can be used by NATO forces, says Obama." April 21, 2011. <http://www.guardian.co.uk/world/2011/apr/21/nato-wants-drones-target-misrata>, (accessed June 24, 2012).

Leiby, Richard, and Mansour, Muhammad. "Arab League asks U.N. for no-fly zone over Libya." *Washington Post.* March 12, 2011.

<http://www.washingtonpost.com/world/arab-league-asks-un-for-no-fly-zone-over-libya/2011/03/12/ABoie0R_story.html>, (accessed June 24, 2012)

"Libya – Revolution and Aftermath." *New York Times.* <http://topics.nytimes.com/top/news/international/countriesandterritories/libya/index.html>, (accessed June 24, 2012).

"National Oil Corporation Business Continues Amid Chairman's Resignation." *Wikileaks* Document. <http://wikileaks.org/cable/2009/09/09TRIPOLI765.html#>, (accessed June 24, 2012).

Obama, Barack, Cameron, David, Sarkozy, Nicolas. "Libya's Pathway to Peace." *International Herald Tribune*. April 14, 2011, <http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>, (accessed June 24, 2012).

Roberts, Hugh. "Who Said Gadaffi Had to Go?." London Review of Books 33, no.2 (November 2011). <http://www.lrb.co.uk/v33/n22/hugh-roberts/who-said-gaddafi-had-to-go >, (accessed June 24, 2012).

Spiegel, Peter. "Defence: NATO's Troubled Terrain." *Financial Times.* June 27, 2011. <http://www.ft.com/cms/s/0/c9291eb8-a0ea-11e0-adae-00144feabdc0.html#axzz1xZADbQOo>, (accessed June 24, 2012).

Stevenson, Alex. "Britain braces for Libya intervention." March 18, 2011, <http://www.politics.co.uk/news/2011/3/18/britain-braces-for-libya-intervention>, (accessed June 24, 2012).

Traynor, Ian, and Willsher, Kim. "Tunisian Protests have caught Nicolas Sarkozy off guard, says opposition." *The Guardian*. January 17, 2011. <http://www.guardian.co.uk/world/2011/jan/17/tunisian-protests-sarkozy-off-guard>, (accessed June 24, 2012).

Walt, Vivienne. "Libya: How a No-Fly Zone Can Become a Red Hot Mess." *Time*. March 19, 2011. <http://www.time.com/time/world/article/0,8599,2060402,00.html>, (accessed June 24, 2012).