



R2P – The Responsibility to Rebuild

The Case of Libya

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List of Abbreviations

- AU – African Union
CBL – Central Bank of Libya
CDA – Constitutional Drafting Assembly
DDR – Disarmament, Demobilization and Reintegration
EU – European Union
GNA – Government of National Accord
GNC- General National Council
ICISS – International Commission on Intervention and State Sovereignty
IOM – International Organization for Migrants
ISIS – Islamic State of Iraq and Syria
LNA – Libyan National Army
LPA – Libyan Political Agreement
NATO – North Atlantic Treaty Organization
NTC – National Transitional Council
R2P – Responsibility to Protect
UAE – United Arab Emirates
UK – United Kingdom
UN – United Nations
UNSC – United Nations Security Council
US – United States

Number of Characters

The body of this dissertation (including spaces and references) contains 148.737 characters between the Introduction and the Conclusion.

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Executive Summary

The topic addressed in the present thesis is the responsibility to rebuild, within the R2P doctrine, and the necessity to employ it after an armed intervention. The purpose of this thesis is to demonstrate the seriousness of the consequences of overlooking the responsibility to rebuild, after employing the responsibility to protect. Not employing the R2P doctrine in a complete manner, by disregarding one of its dimensions, will probably spoil the possible good results of a military intervention. The Libyan case is analyzed in order to further prove this argument, as it is the best example to demonstrate how an armed intervention, carried out with the purpose of putting an end to an internal conflict, can actually do more harm than good. Thus, the main argument of the thesis is that a legitimate armed intervention, carried out with the goal of saving endangered lives, needs to be followed by a proper rebuilding operation. Otherwise, the intervention should not be considered legitimate.

This subject is significantly relevant considering that the international community should not act as bystanders when major world powers decide to interfere in other countries, according to their own self-interest, causing instability at the various levels, such as the political, economic, and social, amongst others, precluding the restoration of peace and normalcy for the concerned populations.

Sumário Executivo

Esta dissertação versa sobre a responsabilidade de reconstruir, parte da doutrina da responsabilidade de proteger, e a necessidade de aplicá-la após uma intervenção armada. O objetivo da dissertação será demonstrar a seriedade das consequências de negligenciar a responsabilidade de reconstruir, após empregar a responsabilidade de proteger. Não empregar a doutrina da responsabilidade de proteger de uma forma completa, ao negligenciar uma das suas dimensões, prejudicará os possíveis bons resultados de uma intervenção militar. O caso da Líbia será analisado, para provar este argumento, uma vez que consiste no melhor exemplo para demonstrar como uma intervenção armada, levada a cabo com o objetivo de pôr termo a um conflito interno, pode de facto prejudicar o país em questão, ao invés de trazer benefícios. Deste modo, o principal argumento da dissertação é o de que uma intervenção armada legítima, levada a cabo com o propósito de salvar vidas em perigo, deve ser seguida por uma operação de reconstrução adequada. Caso contrário, a intervenção não deve ser considerada legítima.

Este tema é consideravelmente relevante tendo em conta a que a comunidade internacional não deve agir como espectadora enquanto as grandes potências mundiais decidem interferir noutros países, de acordo com o seu interesse próprio, causando instabilidade nos vários níveis, tais como o político, económico, social, entre outros, inviabilizando a restauração de paz e normalidade para as populações em questão.

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1. Introduction

The doctrine of the Responsibility to Protect emerged as a response to the occurrence of mass atrocity crimes by creating a legal mechanism that allows the international community to take action when civilian lives are at risk. The primary responsibility to protect endangered lives rests on the state itself; however, if it is verified that the state concerned is unwilling or unable to provide protection for its own population, the international community has a responsibility to react, pursuant to a resolution adopted by the UN Security Council, by protecting the people at risk from genocide, crimes against humanity, ethnic cleansing or war crimes. Nonetheless, an often overlooked specific responsibility of the R2P doctrine is the responsibility to rebuild, which should be considered as important as the responsibility to react.

The argument behind this thesis is that once a UNSC Resolution is approved, allowing an armed intervention to take place, the responsibility to rebuild has to be taken as seriously as the military operation. Overthrowing the person, or group of people, presumably responsible for the suffering caused to the population in question will not bring back peace or stability on its own. A further commitment should be made, with a rebuilding operation, in order to assist the state concerned in its primary needs during the post-conflict environment.

The first chapter will provide an overview of the R2P doctrine by explaining, particularly, its origins, the specific responsibilities entailed and the relation between the R2P and the United Nations. It will provide a contextual basis to proceed to the second chapter and better understand it, considering that it will be the one that addresses the importance of the responsibility to rebuild.

Thus, the second chapter will expose the priorities of a rebuilding operation. Although each case should be addressed with consideration for its particular features, some stages might be common to several cases, such as the establishment of a peacekeeping force, a DDR programme, the promotion of reconciliation between the conflicting parties and the reconstruction of the state's most important institutions. It can be either a long or a short process but it should never be rushed, otherwise the whole process might be spoiled.

The third chapter will present the case study that I found more relevant for this topic. Libya was the first case where the UN Security Council authorized a military intervention, under the scope of the R2P, against the will of the acting government of a functioning state, and has been since much debated due to the power vacuum it created. Hence, the chapter will provide the context of the 2011 uprising and the subsequent intervention, it will examine its aftermath and the various processes that Libya has been through since, such as the political transition, the economic process, the migration crisis, the emergence of extremist groups, amongst others.

The Libyan case is particularly relevant considering that the power vacuum that was created left the country with no legitimate governing authority capable of controlling the territory. Hence, Libya became a gateway for every migrant and asylum seeker wanting to make their way towards Europe, which created a problem for the European countries that consider this migrants undesirable. The interference of foreign actors will also be addressed, not only in what concerns migrations but in other regards as well.

This thesis will also seek to propose a manner to ensure the correct application of the R2P doctrine, considering that the current approach has way too many flaws, ranging from the selectivity of the cases where there is an intervention of some sort, cases that are entirely ignored and cases where the responsibility to rebuild is employed with the ultimate purpose of regime change.

Research

2. Responsibility to Protect

The R2P principle can be seen as a useful tool to attempt to avert mass atrocity crimes from occurring or to react against them when they do, in particular crimes against humanity, war crimes, genocide and ethnic cleansing. This principle is based on the assumption that, according to modern international law, the sovereignty of each state implies the responsibility of assuring the protection of its own population (Brito, 2017, p. 12). If this is achieved, states do not need to be concerned about external humanitarian interventions.

This chapter will address the origins and evolution of the R2P, its pillars, the specific responsibilities the doctrine entails and the criteria established for a military intervention. The relation between the R2P and the United Nations will be analyzed, in order to better comprehend the way in which this organization adopted this doctrine and how it is enforced. The last part of this chapter regards the self-interest of states within international relations and international law, considering the inevitability of its presence when a military intervention is considered.

2.1. Origins

The concept of protecting human lives and preventing the occurrence of mass atrocity crimes came to life after World War II, with the United Nations Resolution 260 of 1948, which adopted the Convention on the Prevention and Punishment of the Crime of Genocide, as a response to the horrors lived during the Holocaust (Homans, 2011).

The pioneers of the modern concept were the members of the African Union. They claimed that the international community does have a responsibility to intervene in situations of crisis, when a state is indeed failing to provide the

adequate protection of its population, as enshrined in Article 4(h) of the Constitutive Act of the AU in May 2001 (Kuwali, 2009, p. 1).

In 2000, Kofi Annan, the Secretary-General of the UN, addressed the General Assembly, regarding the problem of humanitarian interventions and state sovereignty, questioning how the international community could respond to the tragic atrocities witnessed in the previous decade (Evans, 2013). In the same year, the Canadian Government responded by creating the International Commission on Intervention and State Sovereignty.

In December 2001, the ICISS published a report about the R2P arguing that sovereignty entails not only rights but responsibilities as well. The purpose was to attempt to create a consensus amongst the international community, that the occurrence of mass atrocity crimes represents an imperative of engagement, not as a right to intervene but as a responsibility to do so, in order to protect threatened populations (Brito, 2017, p. 15). The principles of this doctrine establish that the states have the primary responsibility of protecting its own population and that the international community can only intervene under circumstances in which the state is unwilling or unable to protect its people from mass atrocity crimes.

The purpose of the R2P doctrine was to change the behavior of the international community and policymakers, in order to ensure that horrific situations in which major atrocities had been perpetrated, such as the Rwandan genocide, the Cambodian and Srebrenica, were never repeated again (Evans, 2015, p. 3). Furthermore, the doctrine intends a change regarding the inability of the international community to provide a coherent response to the mentioned atrocities in the past (Evans, 2013), ensuring that the perpetration of major atrocity crimes does not happen again while the international community simply acts as bystanders.

2.2. R2P Pillars

There are three pillars of responsibility within the R2P doctrine. The first one establishes that each state has the responsibility of ensuring the protection of its

own population from mass atrocity crimes, perpetrated either at the hands of the state itself or at the hands of groups within society (Evans, 2013).

The second pillar is the international responsibility to provide assistance to countries in order to help them achieve such obligations. This assistance takes place under circumstances in which the state, where mass atrocities are occurring, might be willing to protect its population but simply does not have the necessary resources or capacity to properly address the problem (Evans, 2013); or it can take place in situations where a state is unwilling to provide the necessary protection.

The third pillar is the one that involves coercive measures, under circumstances in which a state is noticeably failing to protect its own population. In these situations, it is established that the international community must take adequate action, in accordance with the UN Charter, to avoid further perpetration of mass atrocity crimes. The coercive measures range from economic sanctions, diplomatic pressure, threats of prosecution and, only as a measure of last resort, armed intervention (Ki-moon, 2009, pp. 22-27).

The main foundations of the principle lie in the obligations that states have, which derive from their sovereignty; in the responsibility of the Security Council for the preservation of international peace and security, enshrined in Article 24 of the United Nations Charter; and in the legal obligations under international humanitarian law, present in treaties and conventions (Evans & Sahnoun, 2001, p. 6).

2.3. Specific Responsibilities

Within the R2P there are three specific responsibilities, which are the responsibility to prevent, the responsibility to react and the responsibility to rebuild. The first one has the purpose of addressing and diagnosing the root causes of the conflict, in an early stage (Brito, 2017, p. 50). It can also entail the adoption of specific measures against an imminent crisis in order to relieve tensions, which is an option that should be exhausted before an intervention is considered (Brito, 2017, pp. 51-52). It can be considered to be the most abstract responsibility, since prevention entails knowledge regarding the imminence of a certain event.

Furthermore, the primary responsibility to provide protection to the population is of the state itself, thus the international community can only play a minor role in preventing a conflict. The greater role, of course, rests in the state, so in cases where the perpetrator of mass atrocities is the state itself, it is not possible to prevent much.

The responsibility to react should be enforced when all the preventive measures have failed and does not foresee an immediate military intervention (Brito, 2017, p. 75). There are measures to be taken which do not imply the use of force, such as economic sanctions or international prosecution. Before an intervention is contemplated, it must be verified that the state concerned is unable or refuses to put an end to the perpetration of mass atrocity crimes. Hence, as a matter of last resort, and pursuant to the authorization of the UN Security Council, a military intervention is allowed. These interventions carried out for humanitarian purposes should be decided with as much impartiality and neutrality as possible (Brito, 2017, p. 76), which tends to be extremely difficult due to the self-interest of states that will ultimately be the reason why they intervene or not in a particular situation.

The responsibility to rebuild, which will be the main focus of this thesis, can be accomplished after an intervention takes place. It has the purpose of achieving reconciliation amongst the conflicting parties and rebuild the most important infrastructures of the state (Brito, 2017, p. 110), such as the governmental, judicial and justice institutions. The international community or the intervening parties should take responsibility of the rebuilding operations, in collaboration with the local population, considering that, in most cases, the post-conflict state does not have the capacity or the means to participate in the reconstruction process (Brito, 2017, p. 111). These operations will entail peace keeping and peace building operations, and full assistance with recovery, reconciliation and reconstruction.

The rebuilding process should be carried without an attempt to impose a new political model or a regime change, which sadly happens in most cases. The purpose ought to be, exclusively, to contribute to the reconstruction of public

institutions and infrastructures, restore and relaunch the economy and promote reconciliation (Brito, 2017, pp. 131-135).

2.4. Criteria for Military Intervention

Only in extreme situations and under exceptional circumstances should the responsibility to react entail a military intervention (Evans & Sahnoun, 2001, p. 31). The criteria for military intervention are the following: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.

The “right authority” criteria establishes that the United Nations Security Council should be the only body with the power to authorize military intervention for humanitarian purposes. The ICISS report considers it to be the most adequate body to take on this task. As so, a Security Council authorization must be sought, in all cases, before an intervention actually takes place (Evans & Sahnoun, 2001, p. 32). The permanent members of the UNSC should abstain from using their veto power, particularly when their vital interests are not at stake, in situations where it is verified that the consequences of not intervening will cause further human suffering and the prolongation of human rights violations.

Under the “just cause” threshold, the ICISS report outlined that a military intervention, aiming at protecting human lives, is justified under circumstances in which is verified a “large scale loss of life (...), with genocidal intent or not, which is product either of deliberate state action, or state neglect or inability to act” and/or “large scale ethnic cleansing (...) whether carried out by killing, forced expulsion, acts of terror or rape” (Evans & Sahnoun, 2001, p. 32). If one or both of these criteria are verified then an armed intervention can be justified.

The “right intention” criteria is of great importance since it is the one that establishes that the primary goal of an intervention should be to avert human suffering and protect human lives. The use of military force that aims for a different purpose is not justified. It is acceptable, and even desirable to a certain degree, that the intervening states have their own motives and interests, as long as the main purpose is to fulfill the R2P.

An armed intervention should only take place as a measure of “last resort”. This implies that all other non-military measures should be exhausted, in order to reach a peaceful resolution of a particular crisis, before a decision to intervene is made. The report specifies that this does not mean that every single non-military option must have been tried and failed, but that there must be reasonable arguments to believe that if such measures, if attempted, would not have succeeded.

The “proportional means” criteria establishes that “the scale, duration and intensity of the planned military intervention should be the minimum necessary” in order to provide the adequate protection of civilians at risk (Evans & Sahnoun, *The Responsibility to Protect*, 2001, p. 37). The key point of this criteria is that the impact and effect of the intervention should be limited to the strictly necessary to achieve the goal of the intervention.

A military intervention, in order to be justified, should have “reasonable prospects” of success. This means that the use of military action must have reasonable chances of accomplishing the purpose of the intervention, averting further human suffering. An intervention should not happen if the consequences of engaging in military action actually worsen the precarious circumstances that a country going through an armed conflict faces. For example, an intervention might end up creating a larger conflict, which is unacceptable.

Furthermore, the intervening actors should never lose sight of the purpose of the armed intervention: the priority must be the protection of endangered populations and not the defeat of the state, even if it is the one responsible for the perpetration of mass atrocity crimes.

2.5. R2P and the United Nations

In 2005, at the World Summit, the heads of State and Government members of the UN, unanimously adopted the R2P as a guiding principle to overcome mass atrocity crimes only, instead of human rights violations in general. The Outcome Document addressed the importance of peacekeeping and peacebuilding operations, however it did not went much further in what regards the responsibility to rebuild. Paragraphs 138 and 139 of the Outcome Document, which regard the

responsibility to protect populations from genocide, war crimes ethnic cleansing and crimes against humanity, only establish the primary responsibility of states to protect their own population; the international community's responsibility to provide assistance in order to aid states to fulfill their primary responsibility; the use of diplomatic and peaceful measures to end a conflict, or the use of military force if those measure are insufficient (United Nations General Assembly, 2005, p. 30). Comparing these two paragraphs to the ICISS report, the Outcome Document leaves much out of consideration. It is characteristically a more conservative document and differed from the one of the ICISS in other ways such as the criteria for intervention and it made the Security Council the only body with power to authorize an intervention.

Considering this fact, how can the R2P be enforced every time it is necessary and in an impartial manner? It does not seem possible. A military intervention is only licit and legitimate if the permanent members of the UN Security Council unanimously agree to it and they don't need to justify inaction if a member vetoes an intervention (Ningelgen, 2018).

It is clear that the greatest challenge to the R2P doctrine is the fact that only five countries in the entire world have the power to enforce it. It is not simply the greatest challenge, but the major flaw as well. The rest of the world is expected to rely on the altruistic will of these five countries to protect them if they are at risk. What happens when or if the UN Security Council is unable or unwilling to provide protection for populations that are exposed to the risk of genocide, crimes against humanity, ethnic cleansing or war crimes, being committed against them? Political paralysis. In situations where it is perceived that hundreds, or even thousands, of lives will be lost due to serious human rights violations, paralysis cannot be an option.

The five permanent members of the UNSC would never give up their veto power, even if the absence of this power took place only in the face of the gravest circumstances. Moreover, that would not resolve any of the issues regarding humanitarian armed interventions, considering that without a veto power and the need for authorization, each of the five permanent members could, and probably

would, intervene militarily when and where they pleased. The military intervention in Iraq, carried out by the United States without legitimate purposes, is an irrefutable prove of this statement.

A more coherent and plausible solution would be for the cases, where mass atrocity crimes are being perpetrated, to be discussed, debated and decided in the General Assembly, with every member of the UN having the possibly of expressing its perspective of the situation and its view of a possible solution. Since the UNSC does not have any permanent representation of South America, Africa or the Middle East, the most conflicting regions, it would make sense and even be helpful that, for example, neighboring countries participated in the decision to take or not action and through which means, considering that they have undoubtedly a better understanding of the region context and tensions. Through inclusiveness, this reform would certainly bring more legitimacy and credibility to the R2P and positively increase its prospects for the future

2.6. Self-Interest

Realistically, interests speak louder than international obligations to save other countries' populations and, as so, an armed intervention is rarely motivated exclusively by humanitarian considerations. Evidence of this are the cases in which, even without a mandate, a permanent member of the UNSC that wanted to intervene did it anyway. The cases of Iraq and Syria are the best examples in my opinion. In the first case, the US insisted that an intervention was necessary due to the alleged possession of weapons of mass destruction by Iraq, however no resolution, that allowed an intervention, was approved by the Security Council. In Syria, both Russia and the US meddled in the civil war without a mandate that allowed either to intervene, and their presence and actions had no clear humanitarian purposes.

States do not tend to commit their financial resources and armed forces to situations in which there are not interests at stake, such as gaining political and economic access to developing countries (Ningelgen, 2018). Hence, it is reasonable to assume that most cases of military interventions, if not all, bear a

certain degree of self-interest, usually difficult to assess. The most problematic outcome of states' self-interest is that situations where mass atrocity crimes are occurring might be simply ignored and, consequently, thousands of lives lost. Essentially, it cannot be allowed to ignore the massacre of populations due to lack of interest. It is as cruel as it gets.

The self-interest a State possesses in an armed intervention is not ideal, but it can be desirable to a certain degree. If an intervening State does not have any interest at all in the situation, it may lack political commitment to fulfill the humanitarian tasks it has agreed to (Paris, 2014, p. 573). Nonetheless, it is inevitable that self-interest jeopardizes the credibility and legitimacy of an intervention.

2.7. Conclusion

To conclude, the R2P is essentially a doctrine that aims to respond to the occurrence of mass atrocity crimes, such as genocide, ethnic cleansing, war crimes and crimes against humanity. Within the R2P there is also a responsibility to prevent these crimes from happening but, from a realistic point of view, it is close to impossible foreseeing the occurrence of such events. Thus, the chapter focused mainly on the mechanisms to react.

The R2P is, so far, the best manner to address these horrific situations, since simply disregarding such events is no longer acceptable. Having the UN Security Council as the only body that can authorize an intervention is undoubtedly problematic. The fact that mass atrocity crimes take place without a proper intervention should serve to prove that, sometimes, the permanent members of the Security Council lack the necessary motivation or interest in a certain country in need of assistance and, subsequently, those populations are left to their own luck. Currently this is unacceptable considering that endangered human beings should not be dependent on the motivations or interests of first world countries, which might not understand what these populations are going through and the urgency of rescue they are in. Thus, I continue to argue that a better solution must be sought. In this chapter I propose that the cases of mass atrocity crimes should be debated

in the General Assembly, with every member of the UN having the possibility to participate, particularly countries from the region where such crimes are occurring.

Another plausible solution would be for the regional organizations to be more autonomous in what regards reacting against mass atrocity crimes and having the decision-making power to intervene or not and how to more properly do it. The AU already has a mechanism that enables its members to take action upon the occurrence of mass human rights violations, article 4(h) of the AU's Constitutive Act. However, their autonomy to take action is not clear since in principle they would need authorization from the UNSC, in accordance with article 53 of the UN Charter, to take any action that entailed military force (Amvane, 2015, p. 284). Also, article 2(4) of the UN Charter prohibits the use of force against the territorial integrity or political independence of another state, although this prohibition is likely to disappear upon consent provided by the concerned state (Amvane, 2015, p. 296); thus, the member states of AU ratified the Constitutive Act meaning they agreed to its content, including article 4(h), providing the AU power to intervene with the purpose of putting an end to gross human rights violations.

Hence, in principle the AU can apply article 4(h) of the Constitutive Act without the need of seeking authorization from the UNSC in cases where this organ does not react. Nevertheless, in situations in which the Security Council expressly refuses to grant authorization, the AU will have to comply with the Council's decision (Amvane, 2015, p. 297), posing a limitation problem of implementation of article 4(h). Nonetheless, so far, the AU seems to prefer peaceful and prudent interventions in what regards the use of force as it will be seen in Libya's case, where the AU sought for a peaceful resolution of the conflict.

This doctrine was very much needed and it is, in theory, almost utopian. Hence, as most things that seem utopian, it lacks a realistic application. The theory diverges a lot from the practice witnessed, particularly in what concerns the responsibility to rebuild, as it will be possible to understand after the analysis of the Libyan case, the first where a military intervention was authorized by the UNSC, under the scope of the R2P doctrine.

The responsibility to rebuild should be applied in order to complete an intervention, however, it is sadly overlooked in certain situations, like it was in Libya. An intervention should entail an adequate rebuilding operation, in order to avoid conflict relapse and the need for a second intervention. The analysis of the responsibility to rebuild will be presented in the following chapter.

3. Responsibility to Rebuild

Within the R2P dimensions, the one that can fully legitimize a military intervention is the responsibility to rebuild. If an armed intervention takes place with the purpose of avoiding further human suffering and human rights violations, but in the end a peacekeeping operation is not employed and reconciliation is not promoted, the possibilities of conflict recurrence are high, as are the possibilities of that state becoming a failed one. As the ICISS report claims “if military intervention is to be contemplated, the need for a post-intervention strategy is also of paramount importance” (Evans & Sahnoun, 2001, p. 39).

If a military intervention is purely motivated by humanitarian reasons, which it should be according to the R2P doctrine, simply ending a conflict is not enough. If the intervening actors withdraw right after the conflict stops, another conflict will probably breakout soon. A country is left in pure chaos, with no peace keeping force, no peace agreement and no formal conflict resolution settlement. New security threats emerge, such as the proliferation of extremist groups, which perceive the installed chaos as fertile ground to carry out their terrorist attacks, and sooner or later another intervention will be required.

Interventions motivated solely by humanitarian purposes are a naive perspective of the R2P doctrine. From a realistic point of view, states will always consider their interests before anything else, thus they won't commit their own resources and risk the lives of their own soldiers if important interests aren't at stake. It is not ideal but it can be beneficial if the intervening actors possess such interests, since it will motivate them to resolve the conflict and to commit the

necessary amount of resources. Nonetheless, the huge downside is that a conflict might be ignored and an intervention might not be considered if there are absolutely no interests regarding the conflicting country and no political will to resolve the hostilities. Hence, massive human rights violations might end up being ignored for the simple motive of lack of interest.

If peacekeeping and rebuilding operations are employed, reconciliation can be promoted and achieved, peace and stability become a real possibility and, in the long-term, even prosperity can be reached. There is a huge amount of resources necessary in order to fully commit to a rebuilding operation, however, if the intervening actors do not want to compromise their resources, they should not engage in the situation through a military intervention in the first place. It is not a coherent form of action.

A military intervention must entail, from the start, rebuilding operations. They will make the intervention complete and provide higher chances of success. The international community should not, under any circumstances, claim that human lives are at imminent risk but, after eliminating the perceived threat, simply abandon a country that has been thoroughly damaged, not only by the internal conflict, but also by the armed intervention itself, as it is inevitable.

3.1. Peacemaking, Peacekeeping and Peacebuilding

Peacemaking is the process through which a ceasefire and peace agreement are reached. It is the first step towards ending a conflict and preparing the state concerned to start building a lasting peace. It is a challenging stage of the peacebuilding process, considering it is meant to bring the rival parties together (Reychler, 2010, p. 2), which had been at war against each other, in order to put an end to violence and hostilities and reach a peace settlement. The success of such an agreement is vital, otherwise war will easily resume at the very first stage of the peacebuilding process, spoiling the remaining stages necessary to reach a durable and prosperous peace.

Peacekeeping entails the deployment of military forces, in the post-conflict country, in order to ensure the prevention of war relapse (Reychler, 2010, p. 2). It

is necessary to assure that the terms agreed to in the ceasefire are being respected. Hence, the peacekeeping stage will mostly serve to monitor and verify the compliance with the ceasefire arrangements, while being neutral actors and thereby not using force (Evans & Sahnoun, 2001, p. 57). It is one of the most important stages in the aftermath of a conflict since it is the one that will create a stable environment to officially commence the peacebuilding process and the reconstruction of the state's most vital institutions.

Peacebuilding is fundamental after a conflict. There must be a commitment to help build a lasting peace, promoting good governance and sustainable development (Evans & Sahnoun, 2001, p. 39). Safety and order must be reconstituted, particularly by international actors working alongside with local authorities, in a partnership, with the goal of progressively transferring authority to local actors. Cooperation with the local population is of great importance in order to achieve this transfer of power, and the intervening actors have the specific responsibility to manage this transfer, of the responsibility to rebuild, as smoothly as possible to local leadership (Evans & Sahnoun, 2001, p. 43). It is necessary to prioritize some peacebuilding activities such as the promotion of reconciliation, the reconstruction of the state's most important institutions, the disarmament of former combatants and their reintegration back in society. These activities will contribute to consolidate peace and prevent the relapse to violence (Coning, 2018).

Peacebuilding operations may entail remaining in the country that has been through the conflict for some period of time, after the initial purposes of the intervention have been accomplished, in order to ensure long-term development purposes (Evans & Sahnoun, 2001, pp. 44-45). The end of the conflict does not mean the achievement of peace, thus to assure that a military intervention is not in vain, the intervening actors should commit themselves to restore the peace, before withdrawing from the post-conflict country.

3.2. Rebuilding the State's Institutions

Rebuilding a state that has been through a violent conflict is crucial, otherwise an intervention might be worthless, considering the high possibilities of

conflict recurrence in such cases. The reconstruction of the state's most important institutions, such as the legal and the political system, the judiciary, the military and the economic sector is necessary in order to try to assure that peace won't relapse to war (Call & Cousens, 2007, p. 7).

After a conflict takes place, one of the rebuilding tasks will be to initiate a constitution-making process, either by amending the constitution or by drafting a new one. With the purpose of conflict resolution, it is advantageous to have a process based on broad public participation, which will add indispensable legitimacy to the final document (Dann, Riegner, Vogel, & Wortmann, 2011, p. 4). The exclusion of key actors can undermine the legitimacy and durability of the new constitution, if important groups of society are excluded from the process. However, an agreement of power-sharing between different parties, even the conflicting ones, will guarantee the representation and general will of society, which can only bring benefits, such as credibility, transparency, inclusiveness, respect for the constitution and good prospects regarding its durability (Benomar, 2003, pp. 87-88).

It is during the constitution-making process that the limits and practices of the new regime are defined. If it reflects the general will of society, it can work as a mechanism towards national reconciliation, with negotiations between the main groups, consultations and public participation which are required in order to increase legitimacy (Benomar, 2003, p. 89). Thus, it not only contributes to the resolution of the conflict but also to the strengthening of the state's institutions.

Nonetheless, after a conflict occurs and an international intervention takes place, these mentioned processes often entail the involvement of the intervening actors or of the international community (Saunders, 2012, p. 3). Regarding the constitution-drafting process, I argue that international assistance is undoubtedly helpful however, the final document must not reflect the will of the intervening actors or it will be doomed to fail. The process should be handled either by regional or national actors which fully comprehend the priorities that need to be addressed, the regional and national context and tensions, the cultural and religious differences, and so on.

Rebuilding the political sector is indeed the most challenging reform since it will be fundamental for the population to find an adequate political system that can properly function in the post-conflict environment. The responsibility to rebuild does not entail a change of the current political regime; however, after an intervention, it often occurs. It must be up to the local population to decide if change is in order, and, if they decide accordingly, it should be up to them to choose which political and economic regime is the most suitable.

The intervening actors should never have the intention to make a regime change from the start of an intervention, considering that the purpose of the R2P doctrine is essentially to protect threatened human lives. The imposition of a democratic political regime, in countries that do not desire it and might even despise it due to the occidental values it entails, have very slim chances of succeeding in the long-term. A key point regarding this issue is that the reconstruction approach should never adopt a “one-size-fits-all” model, considering that each case is different from another and that each present different features. Thus, while one country might be open and appropriate for the installation of a democratic regime, for other countries it might be entirely incompatible with their ideas, values and traditions. Lessons should be learned from previous cases, however each particular situation will have different needs and priorities and, as so, different approaches are required.

The economic sector will be in urgent need of reconstruction in order to improve human conditions by reducing poverty, and to collect the necessary resources to govern a post-conflict country (Ottaway, 2002, p. 1007). If the country has valuable natural resources, it can use them to increase exportations and acquire the necessary financial resources to import the goods it lacks, heading towards economic recovery. If the state needs heavier external financial assistance it has to be aware of the implications and conditions it might entail. The countries that provide this assistance must not take advantage of the post-conflict country weaknesses by imposing their desired solutions and course of action (Panic, 2005, p. 16). Cooperation is necessary between donors and the national government and also population, in order to increase the prospects for long-term success.

Encourage economic growth and its sustainable development is crucial to the overall recovery and reconstruction of the state. Nevertheless, as the political assistance, the economic reconstruction must not entail a change to the economic regime, unless that is the national desire. This is one of the reasons cooperation between external and internal actors is so important. The parties might not share the same interests but the goal should be the same: relaunching the economy. The imposition of an external actor's will has very slim chances of succeeding in the long-term and, depending on the way it is received by the national community, it even has the potential of creating a future conflict.

It is also of great importance to rebuild new national armed forces and police, through the integration of elements of the former competing armed factions, with the primary aim of providing security for the still vulnerable population (Brito, 2017, p. 120). After the disarmament and demobilization of former combatants, some of them can be reintegrated in the armed forces or in the police, which will put their skills to better use than if they are forced to reintegrate society as civilians. This is a vital process to national reconciliation and protection of the state, particularly after the intervening forces exit the country (Evans & Sahnoun, 2001, p. 41).

3.3. Disarmament, Demobilization and Reintegration

Disarmament, demobilization and reintegration (DDR) has become an important part of post-conflict peacekeeping operations. The DDR activities are crucial in order to achieve stability, security and long-term peace in war-torn societies.

DDR must constitute part of the peacekeeping process, as soon as a cease-fire is reached. Disarmament is the first stage, but often it is the harder to implement. It entails the removal of the means of combat, such as weapons, ammunition and explosives, from the hands of elements of armed groups and, sometimes, even from the civil population. Such weapons must be collected and, preferably, destroyed considering that the reduction of arms will be a positive feature on the road towards peace and stability (Edloe, 2007, p. 9). In some cases,

like the Libyan, due to the lack of a DDR programme, after the intervention took place, and the lack of international engagement in the post-conflict period, this task was made impossible as the Libyan militias, and other groups, refused to disarm themselves and instead took control of Gaddafi's weapons arsenals.

Once disarmament is achieved, demobilization is the next stage. It consists on the formal discharge of combatants from the armed forces, and other groups such as militias. This stage is of great importance because it constitutes the transition back into civilian life. An orientation programme should be employed in order to assist former combatants in their transition, presenting them with socioeconomic opportunities, as a means to provide confidence and motivate them to return to civilian life (Edloe, 2007, p. 17). It is fundamental that psychological assistance is provided in order to aid the former combatants that are suffering from war caused trauma. Such trauma may get in the way of reintegration within society since those combatants, many of which might have committed atrocity crimes against the civilian population, do not perceive as possible their return to a hostile civil society that has suffered at their own hands (Edloe, 2007, p. 17). Some others may lack education and skills that would make them attractive to employers and, as so, they might turn to criminal activities in which they have experience. Hence, demobilization can still present a great challenge, even when disarmament is achieved.

Reintegration is the process through which former combatants return to their civilian status and fully reintegrate their community. Socioeconomic opportunities are very important in this stage since they will help the former combatants reintegrate civil society and get back some sense of purpose and normalcy. Reintegration programs should be employed and have the goal of building long-term sustainable peace and stability. Such programs may entail providing basic and daily needs, such as clothing, food, shelter and education in order to fully integrate combatants socially and economically back into their community (Edloe, 2007, p. 20).

DDR are fundamental to restore peace, stability and security in a post-conflict society and its activities should be considered in the initial stage of a peace

agreement. Failure to disarm and demobilize combatants has a high probability of spoiling the entire peacebuilding process, considering that it may lead to war recurrence and the return to violence. Furthermore, the failure to reintegrate former combatants into civil society has even worse chances of leading the state towards peace, since they are likely to return to criminal activities, using their combat skills, which are not suitable for a stable social environment. Thus, if sustainable peace is indeed a primary goal in a post-conflict society, DDR must play a substantial role as part of the peacekeeping operations, as a means to achieve viable and durable peace.

3.4. Justice and Reconciliation

Justice and reconciliation are important steps towards national unity and sustainable peace. If achieved, they have the potential of ending old rivalries and tensions that might have led to conflict in the first place. They have the purpose of uniting the society that has been apart and to bring back some normalcy. Failure to achieve both justice and reconciliation can often be the cause of conflict recurrence.

True reconciliation can be achieved when former enemies work alongside each other with the purpose of rebuilding their community and the international support, regarding reconciliation efforts, must be aware of the need to encourage this cooperation (Evans & Sahnoun, 2001, p. 39). If former enemies are not willing to put the past behind, the entire process might be spoiled since the wounds of war will never truly heal and the rivalries will linger on.

Some post-conflict countries, like South Africa, established Truth and Reconciliation Commissions, claiming that the first would lead to the second (Sarkin, 2008, p. 14). However, the truth can pose as a challenge to reconciliation, considering the horrors that are committed during a conflict. The truth might make reconciliation and forgiveness harder to achieve. Perhaps, in certain situations, the easiest way to go might be to simply try to forget the past or, at the very least, try to accept it.

Nonetheless, truth commissions, which have been established in numerous countries, such as Timor-Leste, Rwanda, Sierra Leone, Nigeria, and so on, are perceived to be the most favored reconciliation model (Sarkin, 2008, p. 12) and the transitional justice mechanism with the greatest capacity of promoting reconciliation. Public participation is desirable during this process as it will increase legitimacy and promote justice.

Some of the established truth commissions have the capacity to grant amnesty to “low level” perpetrators, but in other cases the same has been granted through legislation (Idris, 2016, p. 8). While the amnesty granted to perpetrators might have the potential of bringing them forward to confess their crimes and apologize to the victims, such a measure will entail impunity which can prove to be counterproductive in order to accomplish reconciliation. In this view, reconciliation might even get in the way of justice, considering that the amnesty granted to perpetrators will undermine the criminal justice system. A very thoughtful and careful balance has to be drafted in order to carry out this process, since it can be one of the biggest challenges in a post-conflict environment.

In the aftermath of a conflict, the transitional justice measures to be utilized must be decided by the local authorities but, if they don't have decision-making capacity immediately after the conflict, the international administration responsible for assisting in the rebuilding process can employ a “*justice package*”, conceived by non-governmental international entities and based on universal principles (Brito, 2017, pp. 123-124). These packages, when employed, are properly adapted to each different case; however, the downside is that they disregard the local culture, which might have negative repercussions. They contain a standard model penal code in order to promptly protect the still threatened population and to bring to justice those suspected of having perpetrated atrocity crimes.

Nevertheless, between employing a “*justice package*” and establishing truth commissions, the choice must be made by the local population and the governmental authorities. Both mechanisms have the potential of producing justice and reconciliation in the long-term and they can be used separately or in

simultaneous. In each specific case probably one of them will be more adequate to attend the urgent need either of justice or of reconciliation.

Achieving justice and reconciliation is not only in the interests of society but in the interests of the government as well. There are economic motivations entailed which have the aim of presenting to the international community that they are successfully heading back towards normalcy and, as so, demonstrating they are attractive to foreign investment and tourism (Sarkin, 2008, p. 16). There can be also political motivations which have the intention of proving the differences between the new order and the old one, by not allowing impunity for the perpetrators of atrocity crimes and by providing protection for the victims.

During a conflict, many people go through horrible experiences which makes them later suffer from trauma. Reintegrating these people into their communities is a challenge that can better be achieved if reconciliation is a current process. It must be acknowledged that it is a long-term process and that it makes no sense to rush it, otherwise the prosperity of it might be spoiled.

Furthermore, as in any of the other rebuilding dimensions, each case is unique. Each country presents different political, social and cultural issues and each must be dealt with in different and appropriate manners, if the purpose is to achieve a successful outcome. Lessons from previous cases can be shared and learned, but it has to be clear that there is no universal model that could be applicable under such diverse circumstances (Sarkin, 2008, p. 26). There might be temptation to use the same reconciliation model and transitional justice measures in countries that share similar characteristics, but the same mechanisms applied to different contexts will have different impacts and, as so, the chances of spoiling the process are that much higher.

3.5. Inclusiveness

In order to build sustainable peace in a post-conflict situation, it is of great importance to engage in conflict prevention through national owned inclusive processes, with the local population, which has higher probabilities of avoiding continuation or recurrence of conflict (Sherman, 2018). The inclusive national

ownership of peacebuilding has grown, focusing on sustaining peace. However, transforming this principle into practice is an enduring challenge for the entities related to these operations, such as the United Nations, International and Regional Organizations and national governments (Sherman, 2018).

This inclusiveness matters especially in the process of post-conflict peace agreements. If these are decided only amongst small groups of the conflict, that do not represent the will of society, then they are unlikely to provide a sustainable and durable peace. If the process takes place in an inclusive manner, particularly if it includes the people most affected by the conflict, then the results tend to be more positive, sustainable in the long-term and more legitimate (Hochschild, 2018).

The ones responsible for the reconstruction process, be it an international organization, a country or the international community, must sought to engage in such processes alongside the local population and government authorities. The government of the post-conflict state can play a bigger or smaller role according to the level of devastation it is going through. In most cases, these states find themselves in a critical situation that considerably reduces the role it could play, or completely precludes the possibility of their participation in the rebuilding process (Brito, 2017, p. 111). Nevertheless, regardless of how incapacitated the post-conflict country is, the decisions made by the foreign actors engaged in the reconstruction process must always match the will and desires of the national government and the local population, otherwise their length of effectiveness will likely be short.

The rebuilding and peace building operations are the ones that have the capacity to create long-term lasting peace. If an intervention takes place but, in the aftermath, there isn't a coherent peace building operation, then the humanitarian intervention will likely be ineffective, in view of the fact that peace cannot last in a post-conflict situation if it is not promoted. Reconciliation and a peace settlement, between the conflicting parties, must be endorsed in an inclusive manner with the purpose of bringing back stability, otherwise prosperity will be harder to achieve. To endorse reconciliation, a peace keeping force must be

deployed in order to attest compliance with the cessation of hostilities, as the African Union intended for Libya (Paris, 2014, p. 582).

3.6. Exit Strategy

It is of great importance for the external actors to have an exit strategy after a rebuilding operation. This does not mean, however, that the operations should be rushed but instead that the intervening actors should prepare themselves to stay for how long necessary, desirably with local consent (Evans, 2009, p. 149). The exit strategy ought to occur when the post-conflict country is on a prosperous path towards political and economic stability, national reconciliation and sustainable peace.

Between staying too long, such as the Iraqi case, and leaving too soon, like it happened in the Libyan situation, a balance must be achieved. Staying too long, especially without local consent, has a high probability of spoiling the efforts made to rebuild the State, considering the resentment local populations feel due to the occupation of their own country by a foreign power, not allowing effective local ownership of the reconstruction processes. Leaving too soon seems to have even worse results, considering the possibility of the post-conflict country becoming a failed State, due to the chaos that is not averted and the lack of international assistance. Either by damaging or destroying the State or by allowing conflict recurrence, since protection is not provided and peace is not promoted, leaving too soon undermines all the purposes of a humanitarian intervention.

If the intent of any intervention is simply to intervene and exit right after, then an intervention cannot be allowed. There is no coherence in what concerns the humanitarian purposes of the R2P, if a State that has just been through a bloody civil conflict is left to its own devices. For a certain amount of time, which differs from case to case, international assistance is required in coordination with national needs and priorities in order to fulfill the R2P.

The formulation of an exit strategy has to take much into account, primarily the sustainability, in the long-term, of the reconstruction efforts made. Timing, of course, is of the essence. The accomplishment of key goals and, therefore, the

fulfillment of the intervention's mandate apparently sets the ideal time for the withdrawal of the intervening actors from the post-conflict country (Caplan, 2012). It seems quite simple in theory but undoubtedly the practice is more challenging, as the timing to exit is extremely difficult to determine. If the main state-building objectives have been achieved, then a successful disengagement from the situation is a very likely outcome.

3.7. Conclusion

As described in this chapter, the responsibility to rebuild is essential to provide security, justice, reconciliation and development, after an armed intervention is undertaken. If it is not enforced, then there really isn't much usefulness to the responsibility to react. The R2P should be seen as a whole package and not only as the possibility to overthrow undesired heads of states through the use of force.

Hence, when an international armed intervention takes place, the aftermath must focus on making peace, keeping it and building it in a sustainable manner. These operations must be undertaken right after the intervention is complete, otherwise, without peace, chaos will rapidly be installed, as it will be shown in the next chapter. Peace operations entail several activities, the most vital being rebuilding the state's most important institutions. If this is achieved, the state itself might be able to carry out some of the other vital activities, such as disarming, demobilizing and reintegrating former combatants, which is absolutely necessary to end the hostilities. Nonetheless, considering the DDR programmes are of paramount importance to put an end to the conflict, they should probably be considered sooner rather than later and, as so, be given a priority similar to the reconstruction of the state's institutions.

Reconciliation and inclusiveness, though being slightly less important compared to the other activities mentioned, are essential to create and assure a lasting peace. Rebuilding the state's institutions and the DDR programmes are necessary to put the state up and running again but, reconciliation and inclusiveness are crucial in order to maintain the peace, achieve prosperity and

development, and return some sense of normalcy to a country devastated by conflict.

The exit strategy must be planned by those engaged in the rebuilding operations. It is not possible, in the beginning of such an operation, to foresee when it will be possible to exit the state in question, considering that different situations will require different ways to address the problems created by the conflict. Thus, the length of time will also be different from case to case. This is probably the hardest thing to settle: how long should the external actors stay in the country. The actors responsible for the rebuilding activities should be prepared to stay as long as they are needed, but should also be aware to not stay longer than necessary.

To better illustrate the importance of the responsibility to rebuild within the R2P, I will analyze the Libyan case. Considering that Libya was one of the few cases where the R2P was invoked and the responsibility to react applied, it is a tremendous failure for the international community that the responsibility to rebuild was not taken seriously.

4. Case Study: Libya

4.1. Methodology

Libya is the first case where the UN Security Council authorized a military intervention, under the scope of the R2P. Thus, the analysis of this case will address the compliance with the doctrine and with the UNSC Resolution, particularly what concerns the third dimension of the R2P: the responsibility to rebuild.

The sections within this chapter will be relevant to understand how a state that was torn apart due to internal conflict, and after by a military intervention, needs international assistance to get back on its feet. The analysis of this case will serve to prove the significance of the subjects discussed in the previous chapters and the consequences of overlooking rebuilding responsibilities. I believe the

Libyan case is the best example to demonstrate how international powers are selfish and do not possess humanitarian motivations in the interventions they undertake. Libya is a great example because, even standing at the doors of Europe and being a corridor to every migrant and asylum seeker from north Africa and the Middle East, the European powers involved in the intervention did not took the time to rebuild a collapsed state and simply left it to its own devices.

As the Libyan case was a complete failure regarding the responsibility to rebuild, I will analyze the progress made since the uprising until the current days, notably as a presentation of the consequences of the lack of engagement in rebuilding the country after the intervention took place. The present chapter will describe the political process, the economic development, the migrations' situation, the interference of external actors in internal matters and, just briefly, the attacks perpetrated by ISIS in Libya, which saw a lawless state as a perfect opportunity to carry out its attacks. Once again, disregarding the reconstruction of a war torn state, leaving it to chaos, paves the way for the proliferation of terrorist organizations that contribute to the ongoing turmoil.

This has been a long debated intervention due to the lack of credibility of its humanitarian motivations.

4.2. Context

In the beginning of 2011, a huge wave of popular, anti-government and pro-democracy protests, throughout the Middle East and North Africa, known as the Arab Spring, led to the regime change in several countries, such as Egypt, Tunisia and Libya.

In Libya, the protests rapidly led to a civil armed conflict between the revolutionaries and the security forces of the four decade ruler, Muammar al-Gaddafi. The protesters required the stepdown of Gaddafi from power and the release of political prisoners. The Libyan security forces started by using non-lethal force against the rebelling crowds but, as the protests intensified and the revolutionaries started to take control of Benghazi, the security forces began to use

lethal force, such as firing on crowds, tanks and warplanes (Tesch, Sinha, & Cunningham, 2019).

International pressure for Gaddafi's stepdown and condemnation from foreign leaders led to the unanimous adoption of Resolution 1970 by the UNSC, in February 2011, which demanded the end of violence and entailed sanctions against the Libyan regime, such as imposing an arms embargo, a travel ban and freezing Gaddafi's family assets (Tesch, Sinha, & Cunningham, 2019). It also included the referral of the situation to the International Criminal Court, granting the Court jurisdiction over the case, pursuant to the Resolution adopted under Chapter VII of the UN Charter.

4.3. Intervention

The increasing violence coupled with the imminent threat of a massacre in Benghazi, led to an international intervention in March of 2011, under the UNSC Resolution 1973 that established a no-fly zone over Libya and called for the protection of civilians, by all means necessary. The possibility of a massacre in Benghazi definitely motivated the permanent members of the UNSC to approve Resolution 1973; however, Gaddafi's threat was directed at the rebels, not the innocent civilians. Furthermore, considering that his forces had not conducted large-scale massacres in any of the cities recaptured (Bosco, 2011), the threat of a massacre and the risk of large-scale loss of life might have been slightly exaggerated.

A couple of days after the adoption of the Resolution, the US, UK and France began to carry out air strikes, with the aim of destroying heavy weapons, disabling Libya's air force and air defense systems, in order to impose the UN authorized no-fly zone (Tesch, Sinha, & Cunningham, 2019). The air strikes restrained the advance of Libyan troops towards Benghazi, which was taken by the rebels, and allowed the rebels to counter-attack.

In the end of March 2011, NATO officially took over command of the military operation in Libya, named Operation Unified Protector. NATO and the coalition forces both supported and provided weapons and ammunition to the

Libyan rebels, which did not comply with the UNSC Resolutions 1973 and 1970 that established an arms embargo to the entire country (Paris, 2014, pp. 581-582). The external assistance definitely granted a decisive advantage to the rebels in the civil war.

Between March and October of 2011 the fighting continued between NATO forces, Gaddafi's security forces and the rebels. During this period attempts were made, especially by the African Union, to achieve a peaceful ceasefire in Libya. Gaddafi agreed to the ceasefire proposed, however, it was refused by the National Transitional Council, established by the rebels as the single legitimate governing body representing Libya and its people, since it did not entail Gaddafi's step down from power.

In the end of April, a NATO air strike targeted a house in Gaddafi's compound in Tripoli, killing one of the dictator's son, Sayf al-Arab, and three of Gaddafi's grandchildren (Tesch, Sinha, & Cunningham, 2019). This attack clearly demonstrated the goal of killing Gaddafi, instead of simply sticking to the UNSC Resolution and assure the protection of civilians. However, NATO denied such claims. As the aim of the intervention started to be questionable, NATO and the coalition forces faced increasing international political pressure to end the intervention as fast as possible (Paris, 2014, p. 581). This pressure was particularly made by countries such as China and Russia, which had abstained from voting on the Resolution that authorized the intervention. South Africa too turned against the intervention, in spite of the fact that it had voted in favor of it, considering that it wanted a peaceful ceasefire with the end of hostilities between Gaddafi's forces and the rebels and it understood that NATO was exceeding the mandate's purpose of protecting civilians.

In May 2011, the International Criminal Court announced that it would seek arrest warrants against Gaddafi, his son Sayf al-Islam and the Libyan intelligence chief, Abdullah Senussi, due to the orders to attack civilians during the uprising. These warrants were issued in the end of June (Tesch, Sinha, & Cunningham, 2019).

The National Transitional Council, formed in the end of February of 2011, by the rebel forces, led by the former Justice Minister Mustafa Abdul Jalil, declared itself the only legitimate body representing Libya and the Libyan people. It was recognized formally, in July, by the US as the legitimate governing authority in the country (Tesch, Sinha, & Cunningham, 2019). In mid-September, the UN General Assembly voted and recognized the NTC as the legitimate representative of the Libyan people. Here is possible to identify a problem, which is similar in the Iraqi case. In countries with huge cultural and ethnic differences, a self-proclaimed government, recognized by a country that understands nothing regarding the regional context, will hardly represent the entire Libyan population, or even most of it.

Approaching the end of the conflict, in August, the rebel forces began to take control of some areas in Tripoli, through heavy fighting, which was until then held by Gaddafi's forces. They were even able to capture the dictator's compound in Tripoli, so at this point Gaddafi's defeat was already expected. The rebels offered a reward of \$1.7 billion to whomever captured or killed Gaddafi. Plus, the NTC vowed to provide full amnesty to Gaddafi's loyalists who captured or killed him (Tesch, Sinha, & Cunningham, 2019).

After several months of NATO airstrikes and the support provided to the rebels, which allowed their advance, on October 20, the rebel forces captured Gaddafi, humiliated him through the streets and killed him in Sirte, the dictator's hometown. Gaddafi's death was brutal and it even alarmed some human rights groups due to the release of amateur videos of the dictator being beaten and killed. On 31 of October NATO announced the end of the operation.

4.4. Compliance with R2P

The 2001 ICISS report on the R2P doctrine established six principles, enumerated in the first chapter, under which an armed intervention is justifiable. These are the following: right authority, just cause, right intention, last resort, proportional means, and reasonable prospects.

In the Libyan case, “the right authority” criteria is verified due to the approval by the UNSC of Resolution 1973, which allowed for the use of military force, imposition of a no-fly zone and the protection of endangered civilians.

Regarding the “just cause” threshold, a “large scale ethnic cleansing” was not verified and neither was a “large scale loss of life”, at least at the time the intervention was approved. The Human Rights Watch documented around 200 deaths during the beginning of the uprising (Kuperman, 2013, pp. 1-2), which lasted for about a month before the intervention took place.

The “right intention” criteria can be much debated in this case. Though the UNSC mandate called for the protection of civilians by all means necessary, at a certain point it was clear that the main purpose of the intervention was to depose Gaddafi’s regime. Hence, the intention of the intervening actors is very questionable since apparently the purpose sought was not to provide protection for the endangered civilians, but instead to provide support for the revolutionaries, which ultimately resulted in their victory against the government forces.

The military intervention definitely was not a measure of “last resort”, so this criteria is not verified as well. In fact, other organizations, such as the African Union, tried to reach a peaceful cease-fire in order to end violence as soon as possible, but the intervening actors did not engage in those negotiations.

The “proportional means” threshold might be verified, regarding the duration, considering that the intervention ended as soon as Gaddafi was executed. However the scale and intensity might have been too much, since on the one hand, the intervention basically crippled Gaddafi’s security forces capacity to defend themselves and, on the other, supported and provided a substantial advantage to the rebel forces.

Regarding the existence of “reasonable prospects” of success, an assessment is difficult to make. There might have been favorable prospects of success to the intervening actors but the results were not as favorable. NATO’s intervention ended up extending the duration of the conflict, considering that at the time the intervention began, Gaddafi’s forces had almost taken back control of most of the country. Furthermore, as a consequence of the prolongation of the conflict, the

death toll increased as well. In this case, inaction might have been a better option because, although a dictator would have still remained in power, at least chaos would have not been installed in Libya. Considering that the Libyan population are actually living in worse conditions currently comparing to when they lived under Gaddafi's rule, should prove that the intervention caused more damage than benefits and, thus it should not had taken place.

4.5. Critic Regarding the Intervention

This is one of the most critiqued armed interventions. Whenever the R2P is invoked it should never entail a regime change and, even less, constitute the main purpose of the intervention. Civilians perished during the uprising, the civil war and NATO's intervention. As so, whose lives did the intervention aimed to protect? It seems clear that the lives protected were of the rebel forces that turned against a regime that had been able to provide the population with some kind of national unity. That is completely gone and now Libya is a failed state.

A critical feature of this case is that the armed intervention was not a measure of last resort. Diplomatic and peaceful measures used to attempt to end the civil war were not exhausted, as it proves the consistent efforts made by South Africa to achieve a peaceful cease-fire, while the intervention was already ongoing. The cease-fire was even approved by Gaddafi but refused by the NTC, thus violence continued. The imposition of a no-fly zone should have constrained not only Gaddafi's armed forces but the rebel forces as well. The way in which it was imposed simply restrained the regime forces from protecting themselves while being attacked by the revolutionaries.

Considering everything, how can this intervention be viewed in any other way than as the achievement of the elimination of Gaddafi's regime? As soon as it happen, and his regime fell with his death, NATO's operation finished and the country was left to chaos with no attempt to rebuild Libya. The fact that NATO forces continued to aid and support the rebels even after their constant refusal of the cease-fire propositions made by Gaddafi's government, which had the

possibility of ending violence much sooner, should serve to prove that the intervening actors had the primary goal of overthrowing Gaddafi's regime.

The United Nations and Amnesty International have documented that when the civil war began, violence was in fact initiated by the revolutionaries (Kuperman, 2013). As so, the government's retaliation was much exaggerated by Western media which started by estimating the death toll around 2000 in the beginning of the uprising, whereas the Human Rights Watch documented around 200 deaths in the same period of time (Kuperman, 2013, pp. 1-2). So it seems that one of the factors that definitely contributed to the enforcement of Resolution 1973 was actually not quite accurate.

It is possible to affirm that the intervention in Libya in fact prolonged the duration of the conflict. When the intervention began, Gaddafi had already taken back control of most of the country, and the rebels were starting to retreat (Kuperman, 2013, p. 2). NATO's intervention allowed the revolutionaries to resume fighting against the government forces and prolong the conflict period for more seven months, increasing the death toll as well, around seven times more.

The instability and violence that has remained ongoing in Libya, should serve to prove even further how the intervention had no purpose of protecting civilians but, instead, aimed to carry out a regime change operation. If the point was to save endangered lives, a reconstruction operation would have been implemented. If the intervening actors do not mind committing their resources in order to intervene militarily in another State, in which they have the purpose of saving lives, then they should not oppose to commit such resources with the primary aim of bringing back some kind of normalcy to the Libyan population.

4.6. Aftermath

The aftermath of the intervention is undoubtedly characterized by chaos. After the intervention, the rebels and the militias took control of the weapons, such as missiles, that were in Gaddafi's massive abandoned arsenals. The armed militias refused to disarm themselves and no international organization had the capacity to disarm them, since there was no disarmament programme to be employed, let alone

a DDR programme. The lack of international engagement in the post-conflict period contributed to the instability, insecurity and continuous violence after the military intervention. Plus, the mentioned lack of security, which derives mainly from the failure to disarm and demobilize fighters, ended up undermining all efforts to build strong and effective institutions (Lopez, 2015).

Post-Gaddafi Libya has no national unity or a coherent vision. As a result, there are two different bodies that claim to be the legitimate governing authority of Libya, each backed by rival armed militias and by different foreign powers. One of them is the Tripoli administration, which is the internationally recognized and UN-backed, known as the Government of National Accord, led by Prime Minister Fayez al-Sarraj. The other, in the east, is the Tobruk administration, which includes the House of Representatives elected in 2014, it is aligned with General Khalifa Haftar, the leader of the Libyan National Army and supports the Interim Government, led by Abdullah al-Thani. The south, a little neglected comparing to the northern centers of power, is ruled by tribes that also fight among themselves. Under such circumstances, there is a political vacuum of power which only creates instability and probably has left the Libyan population in worse conditions than under Gaddafi's rule.

In a state so volatile and so prone to instability and conflict, a dictatorial regime might have been a perfect match for Libya. It was the necessary regime in order to have a properly functioning State, which no longer exists. Before the civil war and the intervention, Libya produced around 1.6 million barrels of oil per day however, after Gaddafi's rule, the oil production went down to 300 thousand barrels per day, decreasing the GDP by a lot as well, considering how reliant it is on Libya's oil industry.

The intervening actors, in particular the ones who led the intervention, UK and France, had a clear responsibility to aid in reconstructing the Libyan State. Of course the failure to disarm and demobilize fighters, after Gaddafi's overthrow, created challenging conditions in which rebuilding the political and economic institutions was a nearly unfeasible task (Keranen, 2016). Nonetheless, a rebuilding programme for Libya, after the military intervention, would have been

the coherent way to take action once the armed conflict ended. For Libya to achieve stability and sustainable peace, it would have been crucial to provide security, to a country now characterized by insecurity, to promote reconciliation between all the conflicting militias and militant factions, and to promote economic development, which is fundamental in order to rise prosperously after such a dark period.

A prove of the mayhem installed in Libya was the attack on the US consulate in Benghazi. On the evening of September 11 of 2012, Ansar Al-Sharia, a group of Islamists, attacked the temporary compound where Ambassador Chris Stevens was on, during a temporary mission in Benghazi. The attack resulted in the deaths of the Ambassador, a computer expert and two former Navy Seals. This attack, as many others that have taken place all over Libya since Gaddafi's fall, demonstrates the dangerous and unstable environment that lingers on in Libya.

4.7. Political and Constitutional Transition 2011-2015

The political transition in Libya was initially guided by the Interim Constitutional Declaration (ICD), and its amendments, and after by the UN-brokered Libyan Political Agreement. The ICD was adopted in August 2011, by the National Transitional Council and had the purpose of guiding Libya's political transition. The transition faced major challenges, such as the absence of the promotion of a transitional justice and reconciliation process, which has increased divisions inside the country and has contributed to a lawless environment (Badi, El-Jarh, & Farid, 2019, pp. 18-19).

The first elections after Gaddafi's overthrown were held in July of 2012, organized by the National Transitional Council in order to establish a 200-seat General National Congress. The composition and the rival interests of the parties composing the GNC, such as the National Forces Alliance, the Muslim Brotherhood's political branch, the Justice and Reconstruction party and the National Front party, made it extremely challenging to reach compromises and establish an inclusive reconciliation and transitional justice process (Badi, El-Jarh, & Farid, 2019, pp. 22-23). On the 8 of August, the NTC transferred its power to the elected assembly.

The main task of the GNC was to draft a new constitution within the following 18 months. However, the failure to respect the deadline resulted in the holding of new elections in 2014 (Bolling, 2015). This failure was accompanied by a growing frustration and disappointment felt by the population towards the GNC and nationwide protests over various weeks, until the new body agreed to hold new parliamentary elections (Badi, El-Jarh, & Farid, 2019, pp. 25-26).

On April 11 of 2013, the GNC passed an amendment to the Interim Constitutional Declaration, approving the Political Isolation Law. This new legislation banned all high-ranking officials from Gaddafi's former regime from the public life (Badi, El-Jarh, & Farid, 2019, p. 24). This situation is similar to what happen in Iraq when the Coalition Provisional Authority issued its first order, which was to exclude Ba'ath Party members from the new government, the ruling party under the leadership of Saddam Hussein until the US-led invasion. As in the Iraqi case, many officials, that could be useful in the political transition due to their experience and specialist skills, were dismissed from their government positions, censured for their association with the former regime (Badi, El-Jarh, & Farid, 2019, p. 24). In both cases, the public institutions were deprived from most of their existing capacity, considering that the dismissed officials could have played important roles in nation-building efforts, but instead were alienated.

In the beginning of 2014, 56 members were elected to the Constitution Drafting Assembly and were trusted to write Libya's permanent constitution. The CDA was scheduled to draft a new constitution within 120 days, however, it took 3 years before it approved a final draft. This delay might be, at least partially, related to the security crisis that started in May of 2014 in Benghazi, only a few weeks before the holding of new elections, when the Libyan National Army, headed by Khalifa Haftar, announced the beginning of its military campaign, which had the aim of purging Islamist extremist groups, such as Ansar al-Sharia and the Islamic State, from Benghazi (Badi, El-Jarh, & Farid, 2019, p. 26).

The elections for the House of Representatives held on June 25 of 2014, had an extremely low turnout of around 18% of voters, comparing to the 62% in the previous elections, which reflected the general public disappointment with a

flawed political process and with the lack of effectiveness of the GNC (Bolling, 2015). These elections resulted in the defeat of political Islamist factions and caused an increasing struggle between the political Islamists and their opponents inside the GNC, which in turn weakened this body.

The handover of power from the GNC to the elected House of Representatives was supposed to happen peacefully and it constituted a vital test to Libya's capacity to embrace democracy. However, the GNC claimed that its term had not expired, in accordance with the Interim Constitutional Declaration, and, thus, it refused to transfer its power to the elected House of Representatives (Badi, El-Jarh, & Farid, 2019, p. 28). At this point it was clear that Libya needed international assistance, considering its government officials weren't even able to commit to a basic democratic process, started by themselves.

The newly elected House of Representatives, allied with General Khalifa Haftar, moved to Tobruk and the end result was a permanent political division, with two governments, one in the west, based in Tripoli, and the other in the east, which is the government composed of the elected House of Representatives based in Tobruk. In August 2014, after the elected House of Representatives moved to Tobruk, the Libyan Supreme Court declared this new government illegal and unconstitutional. However, The Tobruk-based administration rejected the Court's ruling which increased the confusion regarding the legitimacy of the conflicting parties (Badi, El-Jarh, & Farid, 2019, p. 29).

In March 2015, the GNC fired Prime-Minister Omar al-Hassi, which had been in office for 6 months, replacing him with Khalifa Ghwell. The newly appointed Prime-Minister was seen as a more assertive leader that could help in reaching a political agreement with the rival government, which was later proved to be a wrong assumption, considering that Ghwell and the GNC refused to recognize the UN-brokered Libyan Political Agreement.

4.8. Libyan Political Agreement (LPA)

The initial dialogues regarding an agreement between the competing factions started in September 2014, brokered by the United Nations Support Mission in

Libya. It was necessary to bring the opposing parties together by encouraging dialogue and trust, in order to end the country's political and security crisis (Badi, El-Jarh, & Farid, 2019, pp. 29-30).

The UN-brokered LPA, signed in December 2015, sought to resolve the dispute between the two mentioned rival factions, competing for influence in Libya, based in different cities. It established three governing bodies: the House of Representatives in Tobruk, which was to continue as the only parliament, acting as the legislative authority; the High Council of State, an advisory body, established in Tripoli; and the Presidential Council, also based in Tripoli, which has authority over the Government of National Accord and the task of forming a unity government (Badi, El-Jarh, & Farid, 2019, pp. 32-33).

This Agreement established an inclusive Government of National Accord, but it did not lead to the stabilization desired. It legitimized the two parallel bodies through a power-sharing agreement, however it failed to bring unity to Libya. The absence of trust and the rising tensions during the negotiating process, inhibited the Presidential Council from functioning effectively which created serious questions regarding its legitimacy as the single governing authority to represent Libya. Hence, the LPA was a new beginning of struggle and disputes between Libya's competing governments and its divided institutions.

There were some uncertainties regarding the neutrality of the UN, brokering the peace agreement for Libya, and still a lot of disagreement between the rival factions concerning the LPA. Hence, the GNC and its National Salvation government, led by Prime-Minister Khalifa Ghwell, refused to recognize the LPA and the subsequent Government of National Accord (Badi, El-Jarh, & Farid, 2019, p. 32). Some of the reasons behind the rejection of the LPA were that the GNC refuses to share an equal status or a power sharing agreement with the House of Representatives and rejects the terms that regard the police and the military under the GNA (Maghur, 2015).

The House of Representatives recognized the LPA but dropped Article 8, which enshrines a contested clause that established that the Presidential Council would assume the functions of the Supreme Commander of the Libyan Army and

would have the power to appoint and remove senior officials (LPA, Article 8, 2015), amongst others. General Khalifa Haftar, allied with the House of Representatives, understood that this clause would inhibit his ambitions of remaining the general commander of the Libyan armed forces. The House of Representatives also voted and rejected the GNA cabinet's 32 ministries, calling for a smaller number in replacement (Badi, El-Jarh, & Farid, 2019, p. 33). Hence, the House of Representatives signed but did not ratify the LPA.

This agreement seemed like a viable solution for Libya's political divisions, with a fair and equitable power-sharing arrangement. However, unintentionally, it created at first, for a short period of time, a political division between the GNC, the GNA and the House of Representatives. In the long-term, the political rivalries endured between the two last, as the GNC integrated the High Council of State.

4.9. Political and Constitutional Transition 2016-2020

In March 2016, the Presidential Council of the Government of National Accord arrived to Tripoli, headed by Fayez al-Sarraj, in order to take control of ministries and government facilities that had been under the control of the self-proclaimed National Salvation Government (Human Rights Watch, 2017). Prime-Minister Ghwell and its National Salvation government had refused to sign the LPA and to recognize the GNA, so they wanted to arrest the members of the PC and of the GNA. The months following the arrival of the PC were marked by increasing tensions inside Tripoli, with both governments fighting each other and making alliances with local armed groups. The GNA was later able to take control of the capital, mainly due to the referred alliances, nonetheless the challenges this new body faced, regarding legitimacy and authority, lingered on (Badi, El-Jarh, & Farid, 2019, p. 33).

The Interim Government and the House of Representatives, which continued to refuse to recognize the cabinet proposed by the Presidential Council, operated as a rival authority in eastern Libya. Although the GNA enjoyed international backing, it struggled to gain domestic support, legitimacy, authority and control over the territory and institutions (Human Rights Watch, 2017). Meanwhile, the

Libyan National Army, under the leadership of Khalifa Haftar, acquired control of a substantial amount of territory during 2016 and 2017, including key oil terminals, known as the Oil Crescent (Human Rights Watch, 2017). Nonetheless, General Haftar allowed oil exports from these terminals to proceed, managed under the authority of the GNA (Watanabe, 2016).

During 2016, the self-declared National Salvation Government agreed to cede power to the GNA; however, the transfer of power did not proceed without resistance by some members of the GNC. Former Prime-Minister Ghwell made clear his intention to recover the executive authority from the GNA and even made a proposal to the former Prime-Minister of the Tobruk government to form their own government, however it was rejected. This demonstrates further the lack of domestic support, the setbacks and the challenges faced by the GNA (Watanabe, 2016).

In the spring of 2017, Ghwell and his forces, failing to acquire broader support, were kicked out from Tripoli and most of the members of the GNC formed the High State Council, a consultative body established by the LPA. Some decisions made by this body were to be agreed upon by both the High Council of State and the House of Representatives, which is supposed to be the legislative body of the unity government (Abdessadok, 2017). However, the House of Representatives still refused to recognize the cabinet proposed by the Presidential Council, so the political divisions endured.

As mentioned before, the Constitutional Drafting Assembly only approved a final draft Constitution in July 2017. However, the president of the House of Representatives, Agilah Saleh, declared that the CDA's mandate had expired, considering that it took far beyond the 120 days required, pursuant to the Interim Constitutional Declaration, to present the final draft (Badi, El-Jarh, & Farid, 2019, p. 34). He also announced that the House of Representatives would consider dissolving the CDA and appoint a new team to carry out the assignment. These challenges motivated 43, out of 56, CDA members to vote in favor of the draft constitution, acquiring the necessary two-thirds majority in order to submit it for referendum (Badi, El-Jarh, & Farid, 2019, p. 34).

In the end of 2017 and beginning of 2018, the CDA's final draft faced more legal challenges when the Bayda's Court of Appeals annulled the CDA vote that had taken place in the previous July. The CDA challenged this decision in the Supreme Court and, in February 2018, the Supreme Court ruled in favor of the CDA, since the Bayda's Court of Appeals had no jurisdiction over such matters (Badi, El-Jarh, & Farid, 2019, p. 35). Nonetheless, the challenges continued when, in November 2018, the House of Representatives adopted an amendment to Article 30 of Interim Constitutional Declaration. This Article established that, after the constitutional draft was adopted by the CDA, it would require a two-thirds vote in a public referendum. The amendment changed the amount of votes required, establishing that, in order for the constitution draft to be approved, it must acquire 50% plus one vote, in each of the three regions of Tripolitania, Cyrenaica and Fezzan (Badi, El-Jarh, & Farid, 2019, p. 35).

The UN envoy to Libya, Ghassan Salamé, frustrated with the inability of the Libyan key political actors to reach a compromise regarding political and constitutional matters, proposed disregarding the rival parties and hold a National Conference in Libya, which would establish a new legal framework to be agreed upon by all citizens. This proposal infuriated members from both the House of Representatives and from the High Council of State, which claimed that the UN envoy was bypassing the democratically elected Libyan institutions and trying to impose international ambitions (Badi, El-Jarh, & Farid, 2019, p. 35). Hence, in the end of 2018, the House of Representatives adopted an amendment to integrate the LPA in the Interim Constitutional Declaration, which would lead to the referendum on the CDA's draft constitution. This initiative had the ulterior motive of not allowing Salamé to hold the National Conference and disregard the rival factions (Badi, El-Jarh, & Farid, 2019, p. 35).

In 2017 and 2018, important events took place, but ended up not going through. Events such as the announcement by the Foreign Minister of Libya that General Khalifa Haftar would be appointed Commander-in-Chief of the Libyan Army, under the condition that he would accept and recognize the GNA as the governing authority (Al Jazeera, 2017), never actually happened since the General

did not fulfilled his condition. Prime-Minister Fayez al-Sarraj and General Haftar, during a meeting in Paris, hosted by President Macron, agreed to a ceasefire and to the holding of elections in 2018 (Mezran, 2018, p. 214). None of it took place and the General later stated his intentions to take over Tripoli. In 2018, all the Libyan main actors, from both governments, agreed to hold parliamentary and presidential elections by December 10 of 2018 and respect the results (Wintour, 2018). However, so far, no elections were held, though they are predicted for 2020. The ceasefire was not respected either, considering the conflict that began in 2019.

On April 4 of 2019, General Haftar launched a large-scale offensive to seize the Libyan capital, Tripoli, from the GNA, the UN-backed and recognized government. At the time, it looked like peace talks were going somewhere and that a peace agreement was on the verge of being reached, thus this attack was rather surprising and unexpected (Gathmann, 2020).

On April 7, the GNA announced that it would counter attack Haftar's forces, claiming that his forces would meet firm resistance from those loyal to the Tripoli-based government (Al Jazeera, 2020). On April 8, Haftar's forces carried out an airstrike against Tripoli's Mitiga Airport, the only functioning airport in the city. This attack was seriously condemned considering that the airport was a civilian infrastructure, thereby constituting a grave violation of international humanitarian law (Al Jazeera, 2020). On August 10, the rival parties agreed to a temporary truce, proposed by the UN, out of respect for the Muslim holiday of Eid al-Adha. Of course, considering the meaning of temporary, these truce did not last for very long. In November, General Haftar declared a no-fly zone over Tripoli to which the GNA, as a response, warned that any action representing a threat to civil aviation and airports, constitutes a crime punishable both under national and international law (Al Jazeera, 2020).

The General has been fighting militias loyal to the GNA and was able to get the support of mercenaries, some from Russia. On December 5, the GNA claimed to have documented between 600 and 800 Russian mercenaries in Libya, fighting alongside the LNA forces (Al Jazeera, 2020). Meanwhile, the GNA has accepted Turkish military support and President Erdogan was prepared to accept Tripoli's

request by sending troops to support the Tripoli-based administration. Haftar's reaction was to appeal the Libyans to take up arms in response to the Turkish military deployment in the country, in support of the GNA (Al Jazeera, 2020).

On January 6 of 2020, only a day after Turkey began the deployment of troops in Libya, forces loyal to General Haftar seized control of the city Sirte, which had been since 2016 under the rule of forces allied with the GNA. The Tripoli-based government claimed that the retreat of their forces from Sirte was the factor that allowed the General's victory and subsequent takeover of the city (Al Jazeera, 2020). Sirte is a very strategic city, considering its proximity to oil fields and oil ports in central Libya and in its coast, but also due to its location in the center of the Mediterranean coast of Libya.

Several international actors are getting involved in Libya's conflict, such as Italy, Turkey, Qatar and the UN, on the GNA's side and Egypt, France, Russia, Saudi Arabia and the United Arab Emirates on the General's side. The support these countries provide to each of the rival factions is not due to the goodness in their hearts but because of oil interests that these countries have in Libya. This conflict has displaced and killed thousands of people, hence the international community has been trying to get the rival factions to reach a ceasefire. Even so, it does not seem possible to reach any sort of peace arrangement presently (Gathmann, 2020).

It is reasonable to affirm that the political situation in Libya has remained substantially unchanged over the past few years. The power-sharing arrangements created by the LPA, and its subsequent proposed amendments, are not completely accepted neither by the House of Representatives nor by the High Council of State. The House of Representatives refuses to ratify the LPA, claiming that some provisions of the Agreement favor the Tripoli administration, while the State Council rejects the amendments proposed for the Agreement, arguing they demonstrate favoritism towards the eastern administration (Mezran, 2018, p. 214). The power and effectiveness of the GNA-led ministries have remained rather limited and the leaders of the LNA still refuse to recognize the authority of the GNA over LNA forces. This constant disagreement regarding the power-sharing

mechanisms between both entities and about the structure of the new government is inhibiting the complete implementation of a permanent and effective agreement.

4.10. Economic Process

Libya has the ninth largest known oil reserves in the world and the biggest oil reserves in Africa (Lederer, 2020). Hence, the Libyan economy highly relies on its oil revenues and gas extraction. Before the 2011 revolution, they represented 99% of the government income (Raghavan, 2016), with around 1.6 million barrels of oil exported per day, mostly to Italy, France, Germany and Spain (Raymond & Haddad, 2015). During the uprising, the oil profits dropped and the GDP fell to USD 34.7 billion, which in comparison to the 2010 GDP of USD 74.76 billion (Badi, El-Jarh, & Farid, 2019, p. 3), is a big plunge.

In the middle of 2013, the head of the Petroleum Facilities Guard, Ibrahim Jadhran, took over Es Sider, Ras Lanuf and Zueitina, three of Libya's most important oil terminals in the Mediterranean (Coker, 2013). In order to end the blockade, he demanded that the GNC conceded power to the Libyan eastern region of Cyrenaica, particularly in what concerned oil sales. The head of the National Oil Corporation estimated that the losses caused by the blockade were of around USD 30 million per day (Ghaddar & Lewis, 2016). This blockade had a substantial negative impact on the Libyan economy, considering that the oil production dropped from 1.45 million barrels per day, in May 2013, to 220,000 barrels per day, in November 2013 (Harchaoui, 2018). The blockade carried out by Jadhran lasted until September 2016, but the control of the facilities was later seized by the LNA, led by General Haftar (Badi, El-Jarh, & Farid, 2019, p. 7).

In September 2014, The House of Representatives fired Sadiq al-Kabir (Badi, El-Jarh, & Farid, 2019, p. 7), the governor of the Central Bank of Libya and the only person in control of Libya's foreign exchange reserves (Harchaoui, 2018). This led to the division of the CBL into two entities, one in the east and the other in the west. The CBL is meant to be a neutral and impartial institution, however, the political divisions ended up having a direct impact in the institution's leadership. Nonetheless, with the signing of the LPA, the role of governor was

again attributed to al-Kabir. The intent of the eastern based governing authorities of forcing him out remains, mainly due to the history of proximity between the governor and the Muslim Brotherhood party (Badi, El-Jarh, & Farid, 2019, p. 8) and the anti-Islam feelings of the eastern administration and their allies.

The reunification of the CBL faces major challenges. To begin with, the political actors have a tendency to support the most powerful militias in Tripoli, since these are the groups that provide everyday security. These militias and armed groups are involved in the fraud and embezzlement of the Letters of Credit, hence they use their security role as assurance that they will not be punished for their illegal activities. Another complication regarding the reunification of the CBL is that the armed groups who exploit and take advantage of the deterioration and malfunction of the institution, also have accomplices in the official banking system (Badi, El-Jarh, & Farid, 2019, p. 9). Hence, they profit from both sides.

In the middle of 2015, Libya's Audit Bureau issued a report that enumerated at least eleven companies, Libyan and foreign, accusing them of smuggling foreign currency overseas through forged import transactions (Badi, El-Jarh, & Farid, 2019, p. 8). The indicted companies used Letters of Credit, approved by the CBL, for the import of vital goods, such as food and medicine, however the companies shipped empty containers to Libya instead. This stratagem was used mainly to leverage the exchange-rate dissimilarity between the Libyan dinar and foreign currencies. The scheme was increasingly profitable due to the rising divergence between the black-market exchange rate and the fixed official rate of the dinar against the US dollar (Badi, El-Jarh, & Farid, 2019, p. 9). To better illustrate the discrepancy, the official rate was of LYD 1.3 to USD 1, while the parallel market rate grew to LYD 10 to USD 1, in 2017. The connivance of government and banking officials and their compliance in enabling access to Letters of Credit, in exchange of security, instigated the armed groups to compete for the rewards of territorial control in Tripoli, in addition to engaging in illegal activities (Badi, El-Jarh, & Farid, 2019, p. 9).

The CBL imposed austerity measures in 2015, which meant deep cuts. Al-Kabir motivations for more austerity were to retain US support, which would allow

him to keep his job, but also to help in creating an environment in Tripoli that would welcome the LPA, or at least provide better chances for it to succeed. The decrease of expenses approved by the government also implied that not all of the armed groups could stay in the government's payroll, which in turn is considered one of the reasons for the rise in Letters of Credit fraud, in 2015 (Badi, El-Jarh, & Farid, 2019, p. 9).

2016 was the fourth consecutive year of oil's production decline in Libya, reducing tremendously the government's revenues (Humanitarian Country Team, 2016, p. 8). During the first half of 2016 the oil production was around 350,000 barrels per day, which is about 20% less than in 2015 (World Bank, 2016, p. 1). Inflation continued to increase, leading to a considerable decrease in the population's real purchasing power, particularly considering the rising food prices, accompanied by a dysfunction banking system that made it extremely difficult for people to have access to cash (Humanitarian Country Team, 2016, p. 8). This rise in food prices was due to the lack of funds to pay importers and distributors of food, since the last trimester of 2015. Hence, there were increasing shortages in the supply of food, while the black markets thrived, leading the prices of food to increase by 31% during 2016 (World Bank, 2016, p. 1).

In 2017, Libya had the second major foreign exchange reserves in Africa, an average of USD 79.4 billion. It is a substantial decrease from the peak in 2012, that was around USD 124 billion, but it was a positive recovery in comparison to the lower levels verified in 2016. This progress can be attributed to an improved oil sector and to Libya's fiscal position (African Development Bank Group, 2019, p. 159). Nonetheless, despite the rise in oil production, Libya still suffered from the financial crisis, caused by the decline of oil exports, which can be explained by the constant armed attacks and blockades in the oil fields and ports.

After an attack on oil fields and in the main oil terminals, in June 2018, the oil production dropped from around 1 million barrels per day to an average of 400,000. In the last trimester of 2018, the oil production increased to 900,000 barrels per day, however new and increasing tensions further disrupted it and some

of the damaged infrastructures that were in need of rebuilding, had not been completely reconstructed yet (African Development Bank Group, 2019, p. 159).

Even though it was declining, inflation remained high, reflecting the lack of supply of goods and services, along with the existence of a parallel exchange market, which is guided by foreign currency accessibility. Inflation dropped to around 13.1% in 2018, which in comparison to the 28.5% of 2017 is an unquestionable improvement. Such development is explained by the rise in value of the dinar on the parallel market, which is due to the increase in supply of hard currency (African Development Bank Group, 2019, p. 159). Nonetheless, prices for basic goods and services remained high, mainly because of the market disruptions. Furthermore, over the four years before 2019, the cumulative inflation of 80% had a strong negative impact on Libyan households, affecting real incomes that lost more than half of their purchasing power, worsening poverty and inequality (World Bank, 2019, p. 1).

During 2018, Libya produced less than 1 million barrels per day on average that generated an economic growth of 7.8%, a huge downfall from the remarkable growth of 26.7% in 2017 (World Bank, 2019, p. 1). It is estimated that the current account had registered a small surplus in 2018, due to a rise in oil prices and exports, which allowed the revenues to double in 2018, in comparison with 2017, to USD 27.6 billion. Meanwhile, imports were suppressed by the high fee of 183% established on hard currency transactions (World Bank, 2019, p. 1).

In April 2019, General Haftar launched a military offensive on Tripoli, breaking out a war between the two main political actors and reversing the relative economic recovery achieved over 2017 and 2018. In April 2019, Libya's oil production had reached 1.17 million barrels per day. However, by the end of June, the oil production declined to 100,000 barrels per day (World Bank, 2019, p. 1). The hydrocarbon sector, representing 91% of current revenues, reached LYD 31.4 billion in 2019, meaning the oil and gas revenues dropped when compared to the revenues attained in 2018, of LYD 33.5 billion (Ismail, 2020). The revenues of the non-oil sector account for about LYD 3.2 billion, which is considered to be low and to reflect the crippled tax administration. Hence, current revenues are just

about enough to cover expenditures, such as wages and subsidies (World Bank, 2019, p. 1).

On January 18 of 2020, the forces loyal to General Haftar blockaded oil exports from Libya's main ports: Brega, Ras Lanuf, Hariga, Zueitina and Sidra (Assad, 2020). The purpose of the closure of the main oil ports and fields is to pressure the Presidential Council to hand over its power to Haftar. According to the National Oil Company, the country's crude oil production has been gradually falling since the blockade began, to around 260,000 barrels per day from 1.2 million barrels per day (Wintour, 2020). As of March of 2020, the financial losses of the oil production shutdown have risen nearly to USD 2.6 billion, according to the National Oil Corporation (Al Jazeera, 2020). Thus, Mustafa Sanalla, head of the National Oil Corporation, claimed that, if the blockade endures, soon the oil production will drop dramatically, constituting a huge downfall in Libya's economy.

In conclusion, the Libyan economic system has not been reformed in any substantial way since the uprising in 2011. Since Gaddafi's fall, the proliferation of non-state armed groups and their subsequent infiltration in governing bodies could be understood by the links between such armed groups and the political elite. They have managed to attain the power to interfere in economic decisions, diverting state funds and engage in illegal activities (Badi, El-Jarh, & Farid, 2019, p. 3). Moreover, the political actors remain highly dependent of these armed groups in order to secure control. Hence, the legitimacy and credibility of the governing political institutions has, of course, been damaged (Badi, El-Jarh, & Farid, 2019, p. 3).

Libya's economy has deteriorated harshly after 2014, in part due to the battle in Tripoli between rival military alliances, which in turn contributed to damaging key infrastructures. The key macroeconomic indicators, determined mainly by oil production, remain volatile due to the lack of security, unstable politics and damaged infrastructures, amongst others (African Development Bank Group, 2019, p. 159). The violent and repeated takeovers and blockades on key oil terminals and infrastructures have been a serious constraint to the development of

the Libyan economy that so highly relies on its oil revenues. Furthermore, the lack of capacity, coordination and technical expertise in the public sector inhibits an efficient and effective governance (African Development Bank Group, 2019, p. 159). There is an urgent need for stable institutions to properly address the growing and pressing challenges.

Considering that the Libyan economy so highly relies on its oil revenues and, thereby, is so vulnerable to oil prices fluctuations, exports and production, it would have been important, as it still is, to diversify the economy by creating opportunities in the non-oil sector. It should have been the first step, in order to relaunch the economy and create conditions for prosperity. Furthermore, there is a high concentration of resources in the oil sector that ends up constraining the development of other sectors, making it more difficult to diversify the economy. Significant efforts should be made to develop the private sector in order to contribute to job creation and the access to broader economic opportunities. Of course the country needs a certain degree of stability to invest in these reforms, which has not been reached since 2011.

4.11. Extremist Groups

The absence of a legitimate central government, functioning state institutions and effective security, all undermined the rule of law and the process of state building in Libya. This environment is particularly propitious to the proliferation of extremist groups, such as Ansar al-Sharia and the Islamic State, which perceive these power vacuum circumstances as an opportunity to profit from the installed chaos (Badi, El-Jarh, & Farid, 2019, p. 28).

On September 11 of 2012, the Islamic group Ansar al-Sharia carried out two attacks. The first was against a US ad hoc consulate in Benghazi, killing Ambassador Chris Stevens and Sean Smith, which was a computer expert; and the second against a CIA annex that killed two former Navy Seals, Glen Doherty and Tyrone Woods. The Ambassador was usually based at the US Embassy in Tripoli but was in Benghazi on a special mission, which is why he was at the temporary

compound that did not possess the security conditions necessary and was considered a vulnerable facility.

This attack has a lot to blame on the US, considering they are responsible for not providing the necessary security to the Ambassador, taking into account that he was in a state characterized by chaos, and for not granting military support to the CIA annex, which was requested several times by the agents present there.

Since 2014, ISIS has carried out several terrorist attacks in Libya, as in other countries of the region. One of the first ones was the attack on a luxury hotel in Tripoli, which killed at least eight people. In the following year, in the middle of February of 2015, Libyan militants, allied with ISIS, released a video beheading twenty-one Egyptian Christians, which caused the airstrikes against Libya, carried out by Egypt in retaliation (Glenn, Rowan, Caves, & Nada, 2019).

A conflict that lasted for more than a year, between Libyan forces and the Islamic State, was over the control of Sirte, a Libyan city that was Gaddafi's hometown. ISIS took full control of Sirte on May 21 of 2015, and the Libyan forces only recovered it completely on December 6, 2016, declaring victory over ISIS, with the support of US airstrikes (Glenn, Rowan, Caves, & Nada, 2019).

After ISIS was defeated in Sirte, it moved to the desert valleys, southeast of Tripoli. However, it continued to carry out several terrorist attacks, such as suicide bombings in many Libyan cities, always claiming responsibility. In September 2017, the US carried out several airstrikes against ISIS in Libya, killing several militants (Glenn, Rowan, Caves, & Nada, 2019). These attacks were very favorable to the Libyans, since it considerably weakened the Islamic State in the country.

During 2018, there was a rise in the Islamic State's activity throughout Libya, which now, in the environment of a civil war, mostly has chances of increasing even more. In September, the National Oil Corporation's offices in Tripoli were attacked, killing at least two people and wounding many more. Although ISIS did not claim the attack, the Libyan Interior Ministry declared that there were indications that the gunmen responsible for the attack were affiliated with the Islamic State (Al Jazeera, 2018). In the end of 2018, another attack that ISIS

claimed responsibility for, was a suicide bombing on the Libyan Foreign Ministry's headquarters in Tripoli, killing at least three people (Sarrar & Al-Atrush, 2018).

The proliferation of terrorist groups in Libya is another great consequence of the failure to rebuild the state and its most important institutions. With the absence of a legitimate governing authority and military forces subjected to it, which would deal with the security threats to the country, ISIS managed to gain a strong foothold in Libya. The attack against the temporary US consulate in Benghazi represented a serious violation of International Law, but was possible due to the enormous lack of security in Libya, which continues to increase ever since Gaddafi was overthrown.

An adequate DDR programme should have been deployed, following the intervention, in order to properly face and respond to these emerging threats. In my opinion, the intervention is to blame for all the mayhem witnessed in Libya since 2011. Although we have observed, in the past few years, several terrorist attacks throughout Europe and the US, which are of course functioning states, no terrorist group managed to gain a foothold in any of these countries, because they have the means to chase away and fight against these extremist groups. The same cannot be said about Libya that has been suffering ever since Gaddafi was killed, with no capable institutions, no national armed forces and no legitimate governing authority.

4.12. Migrations

Following the protests of the Arab Spring, the Middle East and North Africa were in complete destabilization, leading to a huge wave of migrations towards Europe, which continues to increase since 2011. After Gaddafi's overthrow, Libya never had an effective governing authority ruling over the country again, which has allowed illegal activities to prosper; hence, Libya has become the main portal and primary country of transit for migrations from North Africa and the Middle East to Europe, considering that a country that has no effective authority over its territory has no effective control over its borders.

The power vacuum that Gaddafi left behind is being filled by conflicting militias and two rival governments. With no government forces to control the borders, smugglers took advantage of the situation, seeking a profit for themselves. Thus, Libya has been witnessing a boom in transnational human traffic, which was under control until Gaddafi's fall due to an agreement between Libya and Italy, the Libyan-Italian Friendship Treaty, signed in 2008, establishing that Italy would survey Libya's coastline and, in return, Libya would impede migrants from crossing the Mediterranean and detain the ones found crossing it (Aucoin & Yahia, 2019, p. 4). With this Treaty, Italy adopted a policy of pushing back the migrants' boats that were coming from Libya, which was possible since Gaddafi had agreed to receive those migrants who were sent away. This policy was much criticized since it constituted a violation of the principle of non-refoulement, enshrined in the Geneva Convention, establishing that individuals must not be sent away to countries where their freedom is threatened or where they do not have the possibility of applying for refugee status (Toaldo, 2015, pp. 6-7).

Other authoritarian regimes from North Africa had arrangements with other European countries, trading the containment of these migrants flow towards Europe for support of their regime (Aucoin & Yahia, 2019, p. 4). Ever since, the general lack of stability and security has allowed migrants smugglers to work, as they are protected by armed groups, enabling them to carry out their illegal activities without many obstacles and with impunity. Hundreds of thousands of migrants have been sent to Europe, particularly to Italy, in vessels that do not possess the minimum security and health conditions and thereby, thousands have died during the crossing of the Mediterranean.

Between 2003 and 2012, an average of 190,000 migrants and asylum seekers arrived to Italy, coming from Libya (Toaldo, 2015, p. 2). This number increased by a lot in 2014, with the arrival of around 120,000 migrants to Italy, most of them coming from Libya. This growth in migrant numbers is even more astonishing when compared to the year before, 2013, which recorded the arrival of about 37,000 migrants (Toaldo, 2015, p. 4). These rising numbers can be explained by the increasing lack of security in Libya, due to the collapse of the central

government and subsequent outbreak of a civil war in 2014; and, considering that most of the migrants that cross Libya on their way to Europe are from North Africa, Sub-Saharan Africa and the Middle East, the outburst of a bloody civil war in Syria contributed a lot to the rise in migrants flow. Out of the 170,000 people that arrived to Italy during 2014, more than 42,000 were Syrians (Toaldo, 2015, p. 5).

Since the beginning of 2015 until the end of November, more than 143,500 migrants, refugees and asylum seekers arrived to Italy, most of whom departed from Libya. Around 3,100 perished in the crossing of the Mediterranean Sea during the same period. Some 400,000 people were internally displaced due to the ongoing armed conflict throughout Libya, which forced them to leave their homes (Human Rights Watch, 2016).

According to estimates by the International Organization for Migration, there were between 700,000 and 1 million migrants in Libya by the end of 2016 (Ouederni, Bishop, & Sha'ath, 2017, p. 9). During the same year, around 181,436 migrants and asylum seekers arrived to Italy, most of whom departed from Libya and were natural from countries such as Nigeria, Eritrea, Guinea, Ivory Coast and Gambia (Ouederni, Bishop, & Sha'ath, 2017, p. 15). 2016 was amongst the deadliest years for those who crossed the Mediterranean; even though the arrivals to Italy increased by 16% throughout 2015 and 2016, the rate of fatalities witnessed an even bigger growth of 35%, over the same route and same period of time (Ouederni, Bishop, & Sha'ath, 2017, p. 5).

By November 2017, there were 348,372 migrants and asylum seekers in Libya. The International Organization for Migrants recorded, as of November, more than 160,000 arrivals to Europe, most of whom had departed from Libya. Around 2,772 died or went missing in the Mediterranean. The IOM also estimated that around 217,000 people were internally displaced in Libya by September 2017, most of those being from cities such as Benghazi, Sirte and Misrata, cities extremely affected by the conflict that began in 2014 (Human Rights Report, 2018).

In June 2018, the UNSC decreed sanctions on six individuals who were implicated in human trafficking and migrant smuggling in Libya. Amongst these

individuals was Abd Al Rahman Milad that headed the Zawiyah's regional coast-guard unit, financed by Italy and trained and equipped by the EU with the purpose of containing the flow of migrants from Libya to Europe (Badi, El-Jarh, & Farid, 2019, p. 14). One of the other individuals in the sanctions list, Mohammed Koshlaf, was implicated in migrant smuggling through the control of a detention facility in Zawiyah. Hence, both of these individuals worked together in the smuggling business: one by intercepting the migrants on the coast of Sabratha and then transferring them to Koshlaf's detention center (Badi, El-Jarh, & Farid, 2019, p. 14).

By August 2018, more than 60,000 migrants and asylum seekers had entered Europe, through the Mediterranean, consisting on around half the number registered in the previous year (Jawhar, 2018). Since January 2018, around 20,000 arrivals by sea to Italy and Malta were recorded by the IOM, as of August of the same year. Most of these arrivals departed from Libya, where around 669,176 migrants and asylum seekers still remained (Human Rights Watch, 2019).

The war that erupted in Tripoli in April 2019 had a substantial negative impact on the situation of migrants, increasing their vulnerability. On July 2, a migrant detention center was bombed in Tripoli, killing 53 people and injuring about 130 (Al Jazeera, 2020). As of July, an average of 301,407 people were internally displaced. Nonetheless, between the beginning of January and the end of October of 2019, 9,648 migrants arrived to Italy, most of whom departed from Libya (Human Rights Watch, 2020), representing a considerable decrease from the arrivals registered during the same period in 2018. Although the amount of migrants arriving to Italy had decreased, the rate of fatalities continued rather high with more than 600 deaths recorded by September 2019, in efforts to cross the Mediterranean. (Displacement Tracking Matrix , 2019, p. 15). Some 8,282 migrants were intercepted by the Libyan Coast-Guard and forced to return to Libya. According to the IOM, around 655,144 migrants and asylum seekers were in Libya by the end of October 2019 (Human Rights Watch, 2020).

Libya has an illicit economy of migration, to which migrants and asylum seekers have contributed to in many ways. To begin with, they have to pay

smugglers to transport them to Libya, through Libya and to cross the Mediterranean. The amounts they must pay to smugglers are rather high and, for each section of the trip, the cost increases. When they do not possess the means necessary, they pay with illegal or forced labour, not receiving any payment for their work or extremely low wages. Another way smugglers attain profits is by kidnaping or detaining migrants and asylum seekers, in either official or unofficial detention centers, from which they can only be liberated upon payment or ransoms payed by their families. In such cases, the smugglers are not always the only recipients of these payments but also the government officials in charge of the detention facilities (Toaldo, 2015, p. 8). Furthermore, in the detention centers, in the transports used to get to Libya and to cross it, and in the overcrowded vessels used to cross the Mediterranean, the victims of human smuggling are usually deprived of the most basic and essential goods, necessary for them to survive these trips, such as water, food and life-jackets (Toaldo, 2015, p. 9).

The EU has played an important role in preventing the arrival to Europe of migrants and asylum seekers coming from Libya. It has done so by providing funds, equipment and training to the forces of the Libyan Coast-Guard, so they have the means to intercept boats in the coastal waters of Libya and in international waters, in order to return those trying to reach Europe back to Libyan territory (Human Rights Watch, 2019). When these migrants are returned to Libya, they are placed in detention facilities, where many of them suffer from inhumane treatment and conditions, such as beatings, extortion, forced labor, insufficient basic goods such as food and water, amongst others (Human Rights Watch, 2019). The Department for Combating Illegal Migration, under the GNA Interior Ministry, is responsible for managing the official detention centers. However, the smugglers and traffickers manage the illegal ones, where most of the mentioned human rights abuses take place (Human Rights Watch, 2019).

The migrations' situation is one of the major consequences of Gaddafi's overthrow, since the intervention paved the way for the situation described in this section. The door was left wide open for all of those who want to make their way to Europe. The biggest problem about this is that European countries still do not

want to accept that many migrants, some do not want to accept any at all, even if they are refugees or asylum seekers. Hence, they have to make their way illegally and dangerously, with so many that die trying to reach Europe, and many others who are sent back to where they came from and placed in the mentioned detention facilities.

If Libya had been properly reconstructed after the intervention, as it should have been, it could have by now a legitimate and strong governing authority able to control its own borders. Thus, these migrants and asylum seekers could probably apply for refugee status through official and legal channels, instead of having to risk their own lives in search of a better live or, in some cases, of survival. This section should serve to prove how high the cost can be for overlooking and disregarding the responsibility to rebuild, after enforcing the responsibility to react.

4.13. International Actors

During 2012, international actors such as the US, the EU and the UN played significant roles in Libya. The EU pursued agreements regarding cooperation in migration matters with Libya, with the purpose of controlling the flow of migrants towards Europe (Human Rights Watch, 2013). The US developed collaboration between both countries in the economic and security sectors, particularly in the last one due to the attack carried out against the US temporary diplomatic post in Benghazi, where Ambassador Chris Stevens and three other people were killed (Human Rights Watch, 2013). The UN Support Mission in Libya (UNSMIL), established by UNSC Resolution 2009 in 2011 and with a current mandate until September 2020, continued its efforts to provide electoral support, promote human rights, the rule of law and transitional justice, develop public security, and endorse the economic recovery (Ki-moon, 2012, pp. 4-9).

In May 2013, the EU and Libya signed a border assistance agreement, the EUBAM Libya (European Union Border Assistance Mission in Libya), with a mandate until March 2020, in order to support the efforts of the Libyan authorities in the management and security of its borders (European External Action Services, 2019, p. 3). Nonetheless, it is known that the aim of the EU was to prevent and

more efficiently control the entry of migrants and asylum seekers in the EU's territory. The US, UK, France, Italy and Turkey provided assistance in the security sector, announcing they would train thousands of militia's members, so they could join Libya's army and police forces (Human Rights Watch, 2014). The announced training started in 2014 in Italy, Turkey and in the UK (Human Rights Watch, 2015).

In 2015, the EU launched an air and sea military operation, the EUNAVFOR Operation Sophia, with a mandate until March 31, 2020. Its mandate entails dismantling the business model of migrants' smugglers and human traffickers in the Mediterranean; the support and training of the Libyan Coast-Guard and Navy and the monitoring of the training's efficiency; surveillance activities, with the purpose of gathering information regarding the illegal traffic of oil exports in Libya, in accordance with UNSC Resolutions 2146 of 2014 and 2362 of 2017; monitoring the compliance and supporting the implementation of the UN arms embargo, in accordance with UNSC Resolutions 2292 (2016) and 2357 (2017) (Council of the European Union, 2019). In December 2015 the Libyan Political Agreement was signed, an UN-led peace initiative that counted with the support of international powers such as the US, UK and France (Human Rights Watch, 2016). It had the purpose of resolving the hostilities between the two rival factions but so far that has not been achieved.

In 2016, the US, UK and France played important roles by supporting militarily Libyan forces in fighting against militant groups, particularly ISIS, in Sirte and Benghazi. The GNA requested that the US expanded their air campaign in Libya, with the aim of targeting the stronghold of ISIS in Sirte (Human Rights Watch, 2017). By the end of the year ISIS had been defeated in both cities. In July of the same year, NATO pledged to support Operation Sophia, contributing with surveillance, intelligence, reconnaissance and capacity-building for the Libyan Coast-Guard and Navy (Stoltenberg & Gentiloni, 2016). Efforts to reach a political settlement continued to fail and both the rival political factions remained hostile towards each other (Human Rights Watch, 2017); however, the EU took a stand and imposed sanctions, in April 2016, against those believed to be in the way of

the implementation of the LPA. The sanctions were imposed against three people: the president of the Libyan Council of Deputies in the House of Representatives; the prime minister and defense minister of the General National Congress; and against the president of the GNC (Council of the European Union, 2017).

In February of 2017, the heads of state and government of the EU met in Malta to discuss measures to contain the flow of illegal and irregular migrants from Libya to Italy. They adopted the Malta Declaration, which focuses in the mentioned measures and gives priority to the training, equipment and support of the Libyan Coast-Guard; disrupt as possible the smuggling and human trafficking business; support the development of local communities in order to improve their socio-economic situation, especially the communities present in migratory routes, such as borders or coastal areas; improve the reception capacities and conditions for migrants that are returned to Libya, such as the enhancement of detention centers, as it is known how inhumane they can be; surveille alternative routes smugglers might take on their way to Europe; amongst others (Council of the European Union, 2017, pp. 1-2). These migration related projects counted with a €200 million funding provided by the European Commission (Council of the European Union, 2017, p. 2). In July of 2017, a meeting was held between the Libyan leaders, Fayed al-Sarraj and General Haftar, hosted by President Macron in Paris. The purpose of the meeting was to reach a ceasefire between both leaders, which was thought to have been achieved during the reunion (Wintour & Stephen, 2017). Nonetheless, it is clear that the meeting did not improve the situation between the rival parties, as in April of 2019 General Haftar launched its offensive in Tripoli.

In September of 2017, the US carried out precision airstrikes in Libya, targeting a desert camp southeast of Sirte, the hometown of Gaddafi that was under ISIS control until December 2016, killing 17 ISIS militants, according to the US military (Smith, 2017). The US fight against terrorism in Libya continued in 2018, with airstrikes against ISIS and Al-Qaeda in the south and west of Libya (Human Rights Watch, 2019), killing members from both militant groups.

On April 4, 2019, General Khalifa Haftar launched a military offensive with the goal of seizing the Libyan capital from the UN-backed Government of National Accord and “cleansing the western zone from terrorist groups” (Al Jazeera, 2020). According to the Wall Street Journal, Saudi Arabia offered tens of millions of dollars to General Haftar, which he accepted, in order to help pay for the operation (Al Jazeera, 2019). Other countries from the Middle East, such as Egypt and the United Arab Emirates, have supported Haftar against Islamist groups, particularly the Muslim Brotherhood that gained an important role in Libyan politics, under the Tripoli government, after the 2011 uprising (Al Jazeera, 2019). According to the Human Rights Watch, beside the support, Egypt has provided Haftar with military equipment and the UAE provided armed drones (Human Rights Watch, 2020), both violating the UN arms embargo established in 2011.

On November 11, a UN report revealed that other members of the United Nations, like Sudan, Jordan and Turkey had violated the arms embargo imposed to Libya (Al Jazeera, 2020). According to the Human Rights Watch, Sudan provided 1,000 fighters to the LNA, while Jordan provided training to the LNA combatants. Both these countries, plus Turkey, have reportedly and routinely supplied weapons to both Libyan rival factions, thus disregarding completely the arms embargo imposed in the country (Human Rights Watch, 2020).

In June 2019, Haftar banned Turkish commercial flights, since Turkey supports the GNA, and commanded his forces to attack any Turkish ships or boats present in Libyan territorial waters. On July 1, the LNA claimed that its air force had destroyed a Turkish drone located at Mitiga’s Airport and took six Turkish citizens hostage. Ankara responded by threatening Haftar that they would consider him a target in case the Turkish citizens were not released. According to the Turkish Foreign Ministry, the Turkish citizens were released on the very same day (Al Jazeera, 2020).

On November 27, Turkey and the GNA signed a memorandum of understanding regarding military cooperation, which allows for Turkish troops to be sent to Libya, upon request of the GNA. In the end of the year, Turkish President Erdogan announced that Turkey would increase the military support provided to

the GNA, if necessary (Al Jazeera, 2020). On January 2 of 2020, the Turkish Parliament authorized a one year deployment of troops in Libya, in order to support the Tripoli-based government in the battle against the LNA and the rival regime; the deployment of troops began on January 5 (Al Jazeera, 2020). To Turkey, the deployment of its troops in Libya is basically a manner to secure its interests in the country. As everything that goes on in international relations, self-interest is the base of decision making.

In January 2020, the Presidents from Russia and Turkey called for a ceasefire, to start on January 12, and the end of hostilities between the conflicting parties in Libya. At first, General Haftar refused the calls for a ceasefire and continued the offensive on all frontlines. Meanwhile, the GNA accepted the ceasefire on the condition that Haftar pulled out his forces away from Tripoli. As of January 12, General Haftar finally accepted the ceasefire proposal, allegedly due to Russian pressure, and ordered his fighters to cease military operations (Alharathy, 2020). On January 13, both leaders from the rival factions went to Moscow for peace talks and to formalize the ceasefire. Fayez Al-Sarraj signed the peace agreement but Haftar did not, claiming he needed more time to consider the agreement (Al Jazeera, 2020). Currently it is clear that the General completely lacked interest in the peace talks, considering that only a few days later he began his blockade in Libya's major oil ports and fields, blockading the oil exports.

4.14. Berlin Conference

On January 19 of 2020, leaders and officials from Turkey, Russia, France, UK, Egypt, Italy, US and representatives from the UN, EU, African Union, China, Algeria, Republic of Congo and the UAE gathered in Berlin for a peace conference, hosted by German Chancellor Angela Merkel, regarding the Libyan conflict. The rival leaders from Libya, General Haftar and Fayez Al-Sarraj were present but did not participate (Al Jazeera, 2020).

The summit was organized after the truce attempt proposed by Turkey and Russia failed. The purpose was to establish a permanent ceasefire and impose sanctions to those found violating the terms of the peace arrangement. During the

conference, it was asserted the need to stop international interference in the Libyan conflict; the commitment to respect and implement the UN arms embargo that has been frequently violated ever since it was imposed; the termination of hostilities with the achievement of a permanent ceasefire agreement and the need to monitor its implementation; a DDR programme to dismantle armed groups and militias and reintegrate them back in society and, thereby, restoring the state's monopoly of the legitimate use of force; resuming the political process, with the assistance of the UN Support Mission in Libya; the need to respect international law and human rights, with a particular focus on the violations perpetrated in the detention centers for migrants and asylum seekers; restoring the integrity of the Central Bank of Libya and of the National Oil Corporation and securing Libya's oil infrastructures, which have been attacked and blockaded several times over the past years; an impartial and equitable distribution of wealth and resources throughout all the Libyan regions, considering that many, like the south, are often neglected; and, finally, the need to strengthen Libya's transitional justice institutions, through institutional reform in conformity with international law (Al Jazeera, 2020).

Following the Berlin Summit, on February 12 of 2020, the UNSC adopted Resolution 2510, with fourteen votes in favor and one abstention from Russia. The Resolution endorsed the outcomes of the summit, aiming to end the hostilities between the conflicting Libyan parties and condemning the increasing violence witnessed in the country. Nonetheless, the outcomes of the conference do not seem to be being implemented.

Hence, the issues addressed and agreed upon by the participants of the Berlin Conference should have been discussed and established immediately after the end of the civil conflict in 2011. The matters discussed are incredibly relevant but, if imposed, they would have been more effective if implemented after Gaddafi's overthrow. After so many years of declared chaos, it seems to be more difficult to impose such matters, particularly taking in consideration that Libya is once again going through a civil war. It is reasonable to say that the delay in discussing these matters has resulted in Libya becoming a state failed, without functional

institutions and an exacerbated chaos that created a new internal conflict, with an apparent harder resolution compared to the previous one.

4.15. Conclusion

The Libyan case is perfect to demonstrate how humanitarian interventions should not be enforced, notably when all the dimensions of the R2P doctrine are not contemplated. The amount of consequences it produced, ranging from political, economic, migrations related, amongst others, proves how much worse it can be to take action against a sovereign state, rather than just letting it be. The proliferation of extremist groups is also a serious consequence of the installed chaos, but regarding this matter it is important to recognize the assistance provided by the US in the fight against ISIS in Libya. Nonetheless, if no intervention had taken place and Gaddafi remained in power, perhaps no extremist group would have considered Libya a feasible target. The fact that Libya became a failed state after the intervention should be proof enough that the intervention should have not taken place.

Furthermore, a military intervention was hardly a measure of last resort. A peaceful and sustainable solution for the conflict between Gaddafi and the rebels was not sought hard enough, not to say that it wasn't sought at all, except by the African Union. When voting for Resolution 1973, that allowed the intervention, amongst the permanent and non-permanent members of the UNSC, no member voted against but five abstained from voting: China, Russia, Germany, Brazil and India. The fact that no member voted against the UNSC Resolution 1973 can be explained by the pressure made by the US, UK and France, which persistently warned that Benghazi would be a new Srebrenica (Brockmeier, Stuenkel, & Tourinho, 2016, p. 119). Thus, it is understandable why no member voted against, considering that no one wanted to have such an event on their consciences.

Bearing in mind the controversy and disagreement, when voting for the Resolution, about the course of action to take concerning the Libyan situation, the aftermath was undoubtedly characterized by a greater disagreement. In the first days of the intervention, the primary purpose of protecting threatened civilians was

achieved. Thus, after that, the intervening actors decided that Gaddafi was no longer fit to rule Libya and began a regime change operation. This cannot be admissible in any humanitarian intervention, particularly under the scope of the R2P, constituting an abuse of the doctrine. If under the law he was no longer considered a legitimate leader, due to crimes perpetrated against his people, he should have been brought to the International Criminal Court and have been judged accordingly.

The consequences of the intervention presented throughout this chapter demonstrate how undoubtedly the Libyan people are now living in worse conditions and in a more unstable environment, comparing to when they were under Gaddafi's rule. The fact that the responsibility to rebuild was disregarded in this case, is probably the reason for the seriousness of the consequences. If the intervening actors had committed their assistance and resources as willingly as they did in regard to the intervention, Libya would not be in such an unstable environment. The employment of a DDR programme, the reconstruction of the most vital institutions and the relaunch of the economy would have made a huge difference and certainly would have prevented the relapse of conflict.

Libya is now a failed state, with two governing authorities at war against each other since April of 2019. This is undoubtedly the greatest consequence of disregarding the responsibility to rebuild Libya, the outbreak of another civil war. Nevertheless, this time the international community is adopting a diplomatic approach to cease the hostilities and put an end to the conflict.

The Berlin Conference, that took place in January of 2020, seemed like a positive initiative that focused on the important matters to discuss. They should have been addressed much sooner, but still better later than never. The outcomes of the conference do not appear to be implemented yet, but if the international community and the Libyan rival parties take the measures agreed upon seriously the prospects seem rather positive.

5. Conclusion

The armed humanitarian interventions that take place with the purpose of providing protection for endangered populations, notably against the will of their governments, should be well thought and well planned, never disregarding any of the R2P dimensions and specific responsibilities. It is understandable that foreign powers do not want to commit their resources in order to rebuild a country that is not their own. However, if they are not ready to aid in the rebuilding process and in peacebuilding operations, they should not engage in a military intervention in the first place, especially when there are many other ways to fight against the perpetration of mass atrocity crimes that do not foresee the use of force. The use of economic sanctions, diplomatic interventions and referrals to the International Criminal Court, to name a few, must be absolutely exhausted before contemplating an armed intervention, which did not happen in the case study presented in this thesis.

The leaders of the intervention in Libya were three out of five of the permanent member of the United Nations Security Council. Considering this, it is reasonable to affirm that they ended up abusing the mandate's purpose of protecting endangered civilian lives and gave the intervention a different purpose: overthrowing Gaddafi. Although the intervening parties claimed that Gaddafi's removal from power was necessary to end the intervention (Brockmeier, Stuenkel, & Tourinho, 2016, pp. 123-124) and ensure that the Libyan population would not be harmed by government forces, it was not up to them to make such a decision. If the protection of threatened civilians truly were their primary concern, they would have immediately engaged in rebuilding Libya, instead of leaving it to chaos. Furthermore, due to the instability witnessed in Libya ever since the uprising, the intervening actors, even if not immediately, should have engaged in rebuilding and peacebuilding operations in Libya at some point. The end result of disregarding the specific responsibility of rebuilding the state was the break out of another civil war, less than a decade after the military intervention.

Hence, facts undoubtedly contradict the claims of the western powers engaged in the armed intervention in Libya. Considering the huge lack of success

in this case, it must be assured that it does not happen again, anywhere else. Fortunately, the states involved in the intervention became aware and conscious that their actions did not produce the outcome desired. Barack Obama, president of the United States at the time of the Libya intervention, even publicly acknowledged regret for not preparing for the aftermath of Gaddafi's removal, claiming it was the biggest regret of his presidency (O'Toole, 2016).

The failure of achieving a positive outcome in the military intervention led the two permanent members, who had abstained from voting in the Libya intervention, to veto and preclude an armed intervention in Syria (Harris, Chulov, & Pearse, 2012), which suffered a civil war with so many casualties and so many refugees. A humanitarian intervention might have prevented gross human rights abuses from being perpetrated, but Russia and China did not allow it, considering, of course, their self-interest before anything else. Nevertheless, the western powers did play an important role in defeating ISIS, which was until the propagation of Covid-19 one of the biggest security threats throughout many regions of the world.

What goes on in a state between rebels and their government, should be exclusively that state's concern, until the moment it is proved that government forces have indeed violated international and humanitarian law. It should not be the concern of the international community, since it should be considered internal affairs in which no other country, group of countries or an organization should meddle with, respecting the sovereignty of every state.

In order to ensure the correct and desired application of the R2P doctrine, and all the specific responsibilities it entails, a solution that addresses the very root problems, related to the doctrine's application, must be sought.

As stated before, one of the core problems is precisely where the power to authorize or veto an armed intervention, under the scope of the R2P, rests. That authority lies in the five permanent members of the UNSC, which means that only a few countries get to decide what course of action to take in any part of the world where the perpetration of mass atrocity crimes occurs. Thus, they have the power to intervene militarily in a country, even against the will of the concerned government, but they also have the authority to ignore and completely disregard

the occurrence of such atrocities, all it takes is that one of the permanent members of the UNSC uses the veto power. It could not be less coherent, considering that their decision to act or otherwise is based on their self-interest and, in the face of such horrific situations, self-interest should not play a role.

A positive solution would be to give more autonomy to regional organizations, so they have the power to decide to intervene or otherwise in critical situations, either by using peaceful measures or force, if necessary. As discussed before, the AU already has a legal mechanism to respond to the occurrence of mass atrocity crimes but it lacks complete autonomy, since it can be constrained by the UNSC. This autonomy could bring substantial benefits to the humanitarian interventions carried out, considering that regional actors undoubtedly possess better knowledge and understanding regarding the regional context and tensions, cultures, traditions, and so on. This knowledge would make them take a more appropriate course of action in dealing with situations of humanitarian crisis in its neighboring countries.

In example, the African Union intended and sought a peaceful and diplomatic solution for the civil conflict in Libya, which entailed the formation of an inclusive transitional government, a constitutional framework and the organization of elections (Dembinski & Reinold, 2011, p. 11). This proposal was accepted by Gaddafi but rejected by the National Transitional Council, so the revolution continued and the western powers intervened, leaving the country in way worst conditions than those in which they found it. It seems reasonable to assume that the solution sought by the AU would have been much less devastating and could have achieved a more positive and sustainable resolution, without the need to resort to the use of force.

Thus, a regional organization could have better chances of producing successful outcomes because they would provide a more adequate response, besides being more aware of the importance of a particular crisis' resolution and more motivated to address it, since they share the same region of the world and a bad outcome could badly affect the whole region and destabilize it. Furthermore, the increased autonomy would preclude foreign powers from meddling in the

internal affairs of a particular region and exploiting its weaknesses, something surely desired by the regional organizations. Considering the Libyan case, how exactly would western solutions work on an African state? Or, if the situation was reversed, how would African solutions work on a western state? It seems rather simple through this point of view that western solutions meant to solve western problems have better prospects of succeeding in the west; as well as African solutions to African problems (Dembinski & Reinold, 2011, p. 9) have greater chances of thriving in African countries.

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