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RETHINKING THE RESPONSIBILITY TO PROTECT:
LIBYA AS A CASE STUDY

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DOCTORAL DISSERTATION

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Budapest, my home away from home, thank you for all the experiences, all the travel, all the ups and all the lows; this has been such a journey that shaped the person I am proud to be today.

DEDICATION

To those whom the Responsibility to Protect did not protect,

To those whom for the Responsibility to Rebuild failed,

Your stories deserve more than just analysis; they demand action and accountability

For unless human rights have meaning where you are,

They have no meaning where we are.

ABSTRACT

This dissertation critically examines the Responsibility to Protect (R2P) doctrine through the lens of its first explicit implementation in Libya in 2011. It focuses particularly on the neglected third pillar, the Responsibility to Rebuild (R2R), and its inconsistent application following the NATO intervention.

Through a qualitative analysis incorporating desk review research and process tracing, the study evaluates the extent to which international actors fulfilled their post-intervention obligations in Libya. Employing realist, constructivist, and Third World Approaches to International Law (TWAAIL) perspectives, the research reveals three key findings: First, while the international community acted decisively under the first two pillars of R2P, prevention and protection, the Responsibility to Rebuild was largely overlooked, resulting in fragmented and inadequate rebuilding efforts. Second, the R2R framework itself suffers from theoretical weaknesses, with no concrete and dedicated institutional mechanism tasked with clear guidance for implementing R2R. Third, there exists a fundamental tension between humanitarian discourse and strategic interests. The Libyan case illustrates this contradiction: while the international community framed its actions as a moral and humanitarian duty to protect civilians, implementation and aftermath suggest stronger alignment with realist priorities.

The dissertation demonstrates that Libya, more than a decade after intervention, remains fragmented and unstable, with deteriorating conditions across economic, political, and human rights dimensions. These outcomes challenge the credibility of R2P as a comprehensive doctrine and raise questions about the international commitments to post-intervention responsibilities. The study concludes by proposing comprehensive reforms across seven domains: institutional and security reconstruction; economic reconstruction and development; transitional justice and legal accountability; local legitimacy, inclusion, and social reconciliation; international responsibility and strategic commitment; and R2P normative reform with follow-up mechanisms. These reforms aim to ensure that future interventions under R2P fully address post-conflict responsibilities and deliver sustainable peace and stability.

LIST OF ABBREVIATIONS

AfDB: African Development Bank

AFP: Agence France-Presse

AU: African Union

CBL: Central Bank of Libya

CDA: Constitution Drafting Assembly

CPI: Corruption Perceptions Index

DDR: Disarmament, Demobilization, and Reintegration

EIA: U.S. Energy Information Administration

EU: European Union

EUBAM: European Union Border Assistance Mission

EUTF: European Union Trust Fund for Africa

EUTM: European Union Training Missions

FSI: Fragile States Index

GNA: Government of National Accord

GNC: General National Congress

GNU: Government of National Unity

GPI: Global Peace Index

HCS: High Council of State

HDI: Human Development Index

HoR: House of Representatives

ICC: International Criminal Court

ICISS: International Commission on Intervention and State Sovereignty

ICRC: International Committee of the Red Cross

ICTY: International Criminal Tribunal for the former Yugoslavia

ICTR: International Criminal Tribunal for Rwanda

IDP: Internally Displaced Persons

ILO: International Labour Organization

IMF: International Monetary Fund

IOM: International Organization for Migration
ISA: Internal Security Agency
IS: Islamic State
LAAF: Libyan Arab Armed Forces
LAS: League of Arab States
LNA: Libyan National Army
LRCS: Libyan Red Crescent Society
LPA: Libyan Political Agreement
MENA: Middle East and North Africa
MHPSS: Mental Health and Psychosocial Support
MSF: Médecins Sans Frontières (Doctors Without Borders)
NATO: North Atlantic Treaty Organization
NGO: Non-Governmental Organization
NOC: National Oil Corporation
NRC: Norwegian Refugee Council
NTC: National Transitional Council
OECD: Organization for Economic Cooperation and Development
OHCHR: Office of the High Commissioner for Human Rights
OIC: Organization of Islamic Conference
P5: Five Permanent Members of the UN Security Council
PCRD: Post-Conflict Reconstruction and Development
PSC: Peace and Security Council (of the African Union)
R2P: Responsibility to Protect
R2R: Responsibility to Rebuild
RCC: Revolutionary Command Council
RSF: Reporters Sans Frontières (Reporters Without Borders)
SFL: Stabilization Facility for Libya
SSC: Supreme Security Committee
TIP: Trafficking in Persons
TWAIL: Third World Approaches to International Law
UAE: United Arab Emirates

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNDP: United Nations Development Programme

UNHCR: United Nations High Commissioner for Refugees

UNHRC: United Nations Human Rights Council

UNSC: United Nations Security Council

UNSMIL: United Nations Support Mission in Libya

US/USA: United States of America

WSO: World Summit Outcome

LIST OF FIGURES

Figure 1. National map showing Libya's location in North Africa. Source: Shutterstock (2024)

Figure 2: The three main historical subdivisions of Libya. Source: Wikipedia (2024)

INTRODUCTION

*“Forever let this place be
A cry of despair
And a warning to humanity”¹*

In the aftermath of the controversy surrounding NATO’s 1999 intervention into Kosovo, UN Secretary-General Kofi Annan (2000) asked, “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights that affect every precept of our common humanity?” (Annan, 2000).

This question highlights the complex and often controversial nature of addressing mass violence and human rights abuses. The world watched in horror as countless lives were lost to mass atrocities and other crimes. From the Holocaust to the Rwandan genocide, history is replete with examples of the international community standing by and doing nothing as innocent people have been murdered and otherwise persecuted on a massive scale. In fact, the United Nations (UN) and the international community witnessed recurrent failure to respond and intervene to protect vulnerable populations. As a response and in an attempt to fight for our “common humanity”, the Government of Canada established the interdisciplinary International Commission on Intervention and State Sovereignty (ICISS) in September 2000 which created the responsibility to protect doctrine (R2P), recognizing the responsibility of states to protect their populations, in a timely and decisive manner, from genocides, war crimes, ethnic cleansing, and crimes against humanity, as well as the responsibility of the international community to assist states in fulfilling this responsibility (International Commission on Intervention and State Sovereignty, 2001; United Nations General Assembly, 2005). It is based on the “idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophes, from mass murder and rape, from

¹ Auschwitz-Birkenau memorial warning about the atrocities of genocide in particular and crimes against humanity in general

starvation, but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states” (ICISS, 2001, p. viii).

R2P included three equally important pillars: the responsibility to “prevent” atrocities from happening, to “respond/protect” when they happen, and to “rebuild” after the intervention. It is exercised through various means, including diplomatic, humanitarian, and, as a last resort, military intervention (Bellamy & Williams, 2013; International Crisis Group, 2009).

The doctrine has gained significant attention and led to a sense of normative triumphalism in the field of international relations and global governance. It refreshed the understanding to sovereignty reviving the responsibility of states to protect their people, rather than an absolute, inviolable right of non-intervention (International Commission on Intervention and State Sovereignty, 2001, p.13).

The changing nature and discourse of conflict, with most modern wars now being internal conflicts in which civilians are the primary victims, initially challenged traditional notions of absolute sovereignty, contributing to R2P’s emergence. In his Ditchley speech on “New Threats to Peace and Security”, Kofi Annan, the former Secretary-General of the United Nations, emphasized that human populations are more vulnerable than ever in the face of these changing and evolving conflicts, and that the international community must adopt a new approach centered on human security (United Nations, 1998). This shift in the concept of sovereignty reflects a recognition of the interconnectedness of states and the shared interests of the international community in promoting human security and upholding fundamental human rights.

However, the implementation of R2P has not been without controversy and criticism. Nearly two decades after its endorsement in the 2005 World Summit Outcome Document, the debate still prevails around R2P and its efficiency. The 2011 military intervention in Libya was the first-ever test case explicitly invoking the Responsibility to Protect, backed by the United Nations (UN) with UN Security Council (UNSC) Resolution 1970 and 1973 as legal basis for countries participating in NATO’s Operation Unified Protector to take “all necessary measures” to protect civilians from the threat of mass atrocities and solve a humanitarian crisis within a sovereign territory (United Nations Security Council, 2011). While the

intervention may have successfully fulfilled the “protection” dimension of R2P, the rebuilding phase has faced numerous challenges and setbacks. Although the international intervention did succeed in removing the oppressive Gaddafi regime and paving the way for a more democratic and a transitional government, the subsequent years of conflict and instability have left many Libyans vulnerable to abuse and suffering, and the rebuilding process has been slow and often hindered by political divisions and external interference. This impediment directly relates to the third facet of R2P, underscoring the international community’s responsibility to help nations in their recovery and reconstruction following a mass atrocity, including but not limited to developing a post-intervention strategy, disarming fighters, reconciling society and its institutions, establishing restorative justice, and promoting economic development, transitional justice, etc. (Evans, 2008).

As the world continues to grapple with persistent issues of mass violence and human rights abuses, the future of the R2P as a transformative doctrine remains uncertain. The international community remains divided over the methods and scope of its response and effectiveness, casting uncertainty about its future.

Given the significant criticism that R2P has faced, it is imperative to conduct a thorough re-evaluation of the doctrine, especially considering its relatively recent emergence in the fields of international relations and global governance. This re-evaluation is particularly urgent given that the international landscape in which R2P operates has changed significantly since the doctrine’s emergence in the early 2000s. The world has witnessed the proliferation of conflicts, the growing role of non-state actors in international relations, and new transnational challenges including mass migration and climate-induced displacement (Bellamy, 2014a; Welsh, 2019). More significantly, despite the initial shift toward sovereignty-as-responsibility in the mid-2000s, the post-Libya period has been marked by what can be described as a sovereignty-driven backlash. States across the Global South, Russia, and China have increasingly reasserted traditional principles of non-intervention, viewing R2P with suspicion (Cunliffe, 2016; Stahn, 2020). This shift is reflected in declining scholarly attention to R2P, with publications on the doctrine peaking in the 2010s before decreasing in the 2020s (Badescu & Weiss, 2020). Whether this trend is partly caused by the debated success (or more accurately, the failure), R2P’s application in Libya remains an important question for

understanding the doctrine's contemporary relevance and future viability. In light of these considerations, this dissertation will address the following questions:

- *To what extent is the responsibility to rebuild implemented by the international community following an intervention?*
- *To what extent does the post-intervention rebuilding process align with the measurement of R2P in the case of Libya?*
- *Can the intervention in Libya under R2P be deemed successful?*
- *How can R2P be reformed to ensure its effectiveness and sustain its relevance in the context of international relations?*

RESEARCH DESIGN AND METHODOLOGICAL ASPECT

This dissertation examines the implementation of the R2P doctrine, in particular the Responsibility to Rebuild (R2R), and the challenges and controversies that came up during its application in post-intervention Libya. The research is structured around a single case study and engages in a desk-based critical analysis of international legal documents, institutional frameworks, political discourse, primary sources, and secondary academic literature. The objective is to assess the extent to which R2R has been realized following the 2011 intervention in Libya, and to propose constructive recommendations for reform within the R2P framework, specifically focusing on the Responsibility to Rebuild (R2R).

The initial research plan aimed the use of several empirical tools, including interviews and field observations. However, due to access, security, and feasibility constraints, the final methodology drawing on both primary documentary sources and secondary academic literature. These include primary documentary sources such as United Nations resolutions and reports, government statements, official speeches, and NGO documentation, as well as secondary academic literature that interprets and contextualizes these materials. The analytical approach is qualitative and interpretive, employing close reading of official documents, discourse analysis of political and institutional rhetoric, and process tracing to examine how decisions were made and responsibilities assigned, or evaded, during the post-intervention period.

The methodology aims first to identify the conceptual and operational gaps in the implementation of R2R as a framework for addressing mass atrocities and promoting global

justice, and second to evaluate the political and legal structures that shape how the doctrine is put into practice after intervention.

Process tracing is used in a non-linear sense and is used to examine international engagement in Libya during the post-intervention period. Rather than seeking to establish direct causality, it allows for a better understanding of how decisions were made, which actors were involved, and how the absence or fragmentation of follow-up mechanisms contributed to Libya's continued instability.

The research is situated within the broader theoretical framework of realism, constructivism, and the Third World Approaches to International Law (TWAIL), each offering a distinct perspective on the motivations, failures, and limitations of international responsibility.

The analysis draws upon a range of sources to shed light on the challenges of implementing R2R in Libya. These include primary sources such as legal and institutional documents, official reports, and quantitative data from established global indices. Economic indicators include Gross Domestic Product (GDP), oil production levels, Human Development Index (HDI), Gross National Income (GNI) per capita, and unemployment rates. Governance and political stability indicators include the Fragile States Index (FSI), constitutional drafting progress, and the Corruption Perceptions Index (CPI). Human rights and civil liberties indicators include the Political Rights Score, Civil Liberties Score, World Press Freedom Index, Trafficking in Persons (TIP) Tier Placement, and the Global Peace Index (GPI). These indicators serve as empirical tools to critically assess Libya's post-intervention trajectory across multiple dimensions and to evaluate whether the aims of reconstruction as articulated in the R2R framework have been fulfilled, i.e., whether the intervention can be considered "successful" when assessed against the normative goals of the responsibility to Rebuild.

Finally, the study is rooted in qualitative desk research, aiming for depth and reliability through careful source comparison and critical reflection on the existing literature. Throughout the writing process, AI-based proofreading and editing tools were also employed to enhance linguistic clarity, ensure grammatical precision, and improve the overall coherence of the thesis.

The first chapter establishes the theoretical and conceptual framework of the dissertation, reconciling realist, constructivist, and postcolonial legal interdisciplinary approaches, to provide a comprehensive and nuanced understanding of R2P, particularly the Responsibility

to Rebuild, and its implementation in practice. This chapter also outlines a thorough review of the existing literature on the topic in order to situate the current research within the broader context of existing scholarship on R2P and identify the gaps. Importantly, it formulates a definition of “success”, serving as a reference point to measure and evaluate the effectiveness of R2P in later chapters. By establishing this theoretical framework, reviewing the relevant literature, and outlining the key concept of “success”, the first chapter provides a strong foundation for the subsequent analysis and discussion.

The second chapter explores the evolution, development, and adoption of the Responsibility to Protect (R2P) doctrine, with attention to all three of its pillars: the Responsibility to Prevent, the Responsibility to Protect, and the Responsibility to Rebuild. It provides the necessary legal and institutional background to understand how R2P is framed within international discourse. The chapter emphasizes the relative neglect of the third pillar, R2R, in both literature and practice and reflects on the reasons behind this imbalance, setting the ground for the Libya case study.

The third chapter examines Libya’s historical context and the 2011 uprising. It provides an overview of Libya under Gaddafi, analyzing the economic, political, and human rights landscape before the intervention. The chapter then traces the escalation of protests into full-scale civil war, Gaddafi’s response, and the international reactions to the Libyan crisis. This foundation is essential for understanding the conditions that led to international action.

The fourth chapter turns to R2P in practice, examining how the international community invoked and implemented the first two pillars of the doctrine, prevention and protection, in response to Libya’s crisis. It analyzes the political dynamics, justifications, and motives behind the intervention. Drawing on process tracing, the chapter reconstructs how decisions were made, how military intervention was justified and executed, and the circumstances surrounding Gaddafi’s death. This chapter sets the stage for the study of the third pillar in the following chapter.

The fifth chapter turns to the Responsibility to Rebuild and its implementation in post-intervention Libya. It examines the initiatives undertaken under the third pillar of R2P, assessing their scope, coordination, and effectiveness. The chapter then evaluates whether the situation in Libya improved or deteriorated following the intervention through a

comparison between the Gaddafi era and the post-2011 period, using economic development, governance, and human rights indicators. It determines whether the objectives of R2R have been met and whether the intervention can be considered successful based on the criteria established in Chapter One.

Finally, the conclusion of the study brings together the main findings of the study, with particular focus on the gaps in the implementation of the Responsibility to Rebuild in post-intervention Libya. It presents thematically structured recommendations for reform, based on the Libyan case study, on how future rebuilding efforts under R2R can be more effectively designed, implemented, and sustained in future interventions.

METHODOLOGY

In seeking to answer the central research questions, two qualitative approaches are employed in this dissertation: desk review research and process tracing. These methods are selected for providing both a general theoretical understanding of the Responsibility to Protect (R2P) and a detailed, context-specific analysis of its implementation in the Libyan context. The purpose is to develop a broad understanding of the Responsibility to Protect (R2P) doctrine, including its conceptual and historical foundations, principles, provisions, application, and debates. Sources reviewed include academic articles, policy documents, official reports from governments and international organizations, and publications from NGOs and think tanks, drawing on perspectives from international law, political science, and global governance. Perspectives from international law, political science, and global governance are presented. Desk review research is also used for the case study analysis of the Libyan intervention: examining how R2P was invoked, how decisions were justified, and how post-intervention commitments under R2R took shape or failed to. By analyzing these factors, the desk review research contributes to the overall research objectives of the study, which are to understand the complexities of implementing R2P in practice, with a particular focus on the third pillar, the Responsibility to Rebuild, and to identify key issues and challenges for future cases. This focus on the Responsibility to Rebuild is particularly relevant given that this aspect of the doctrine has not been traditionally included in humanitarian intervention and has therefore been the subject of much debate and discussion among scholars and practitioners. By

examining the ways in which the Responsibility to Rebuild has been addressed in the Libyan case, this study aims to contribute to the ongoing discussion around the future of R2P.

The second methodological approach is process tracing, which involves closely examining the decisions and actors' motivations within a specific case in order to evaluate the causal processes at play (George & McKeown, 1985). In political science, the method was first popularized by Alexander George and Timothy McKeown (1985) and defined as a within-case analysis to evaluate causal processes of decision. Process tracing "can contribute decisively both to describing political and social phenomena and to evaluating causal claims" (Collier, 2011). It "investigate[s] and explain[s] the decision process by which various initial conditions are translated into outcomes" (George & McKeown, 1985). Thus defined, the promise of process tracing is that it is suited for analyzing the international response to the Libyan crisis and uncovering how R2P was implemented in real time. Process tracing is not applied in a deterministic way; it is used to interpret how international actors (states, regional organizations, and international institutions) responded to the Libyan uprising, how they justified their actions, and how these responses reflect the strategic calculations of normative commitments at play.

Particular attention is placed on the decision-making after the military phase, where the Responsibility to Rebuild was, arguably, not implemented properly. Data includes publicly available interviews, speeches, policy briefings, official statements, international organizations' reports, resolutions, and media reports, among others.

It is important to highlight that R2P is still a relatively new and evolving norm. Its theory and practice continue to be debated. In this context, process-tracing methodology sets the ground for the freedom of discovery and possibility of originality. The method is therefore well suited to uncover the reason behind the response, or rather the lack thereof, of the international community to the rebuilding process in the wake of an R2P intervention.

Incorporating a rational choice approach into process tracing allows for a more in-depth examination of the decision-making processes of key international actors. "Rational choice theories argue that actors have complete and transitive preferences and that they choose courses of behavior that maximize the expected value of likely outcomes given the information available to them" (Bennett & Checkel, 2014). This being said, the methodology seeks to understand the international approach to Libya through observation and description,

proving empirically that actors, indeed, make their choice rationally in accordance with their strategic preferences rather than humanitarian considerations.

To further clarify the research process, the independent variables will be examined in relation to their influence on the dependent variable (Collier, 2011). In this case, the dependent variable is the inconsistent international response to Libya under the R2P, specifically the implementation of its third pillar, the Responsibility to Rebuild. On the other hand, the independent variables are the normative content of R2P doctrine and the agendas and priorities of the states and actors that participated in the intervention in Libya. These variables are being examined in order to understand their influence on the international response to rebuilding in Libya, and therefore the international community's failure to fulfil post-intervention commitments.

To sum up, desk review and process tracing are used in a complementary way. The former provides a broad overview of R2P and its conceptual debates, while the latter, based on the case study of Libya, examines the norms driving the outcome.

Limitations to the Methodology

As with all research strategies, this methodological design carries limitations. Desk review research, while comprehensive, is limited by its reliance on secondary data, therefore subject to the biases in the literature (Brewerton & Millward, 2001). To ensure the accuracy and comprehensiveness of findings in a desk review, multiple sources will be used and cross-checked to identify any inconsistencies or discrepancies.

Similarly, process tracing also has its challenges, especially in ensuring causality. Since the method is inherently non-deterministic, it is difficult to draw definite conclusions. The unpredictable and opaque nature of political contexts, plurality of actors involved and their declared and hidden motives make this more complicated. To overcome these limitations, multiple sources will be used with cautious interpretive stance, including recorded interviews, speeches, official documents, and independent analyses. Attention is also paid to the rhetoric used by actors over time.

In addition, this research recognizes the risk of overgeneralization from a single case study. Although Libya offers a particular example, the findings are not assumed to apply universally. However, as the first implementation of the Responsibility to Protect to reach

the post-intervention phase, the Libyan case presents an opportunity for learning. It offers valuable insights into the implementation challenges, limitations, and potential of the Responsibility to Rebuild.

CHAPTER 1

*“The tension between sovereignty and intervention
is ultimately a tension between justice and order
in international society”
Nicholas Wheeler*

1.1 THEORETICAL FRAMEWORK

The Responsibility to Protect is undoubtedly a new concept; however, it has its origins in a long theoretical and philosophical tradition related to determining the conditions and circumstances of intervention for the protection of vulnerable populations. With the birth of the concept, international relations theorists tried to examine it and, unsurprisingly, came up with different answers, depending on the theoretical perspective they adopted. This dissertation will primarily focus on realism and constructivism theories, while also incorporating insights from Third World Approaches to International Law (TWAIL).

Classical realists, such as Hans Morgenthau, maintain a deeply skeptical view of humanitarian intervention, seeing it as a potential disguise for power politics. In his seminal work “Politics Among Nations”, Morgenthau (1948) argues that “international politics, like all politics, is a struggle for power” (p. 13). Through this lens, states’ actions in the international arena are driven by national interest defined in terms of power, not by moral imperatives or humanitarian concerns. As Morgenthau further elaborates, “statesmen may seem to seek different ends... but what they actually seek is always power” (Morgenthau, 1948, p. 165). Applying this perspective to humanitarian intervention and R2P, realists assert that states selectively invoke humanitarian principles when intervention aligns with their strategic interests, while ignoring similar humanitarian crises when intervention would not serve those interests.

In his work, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*, Martti Koskenniemi explores the contrasting views of Hans Morgenthau and Hersch Lauterpacht on how law and politics interact in international relations.

Koskenniemi critically examines Morgenthau’s realist approach, which underscores the primacy of power politics and national interests in shaping state behavior. Morgenthau argues that states are the principal actors on the international stage, driven by the pursuit of power.

He contends that international law tends to mirror the existing power balance among states rather than shaping their behavior independently, particularly when “national honor”, “vital interest”, or “power and security” of states are at stake (Koskenniemi, 2009).

This perspective is especially relevant when analyzing humanitarian interventions under R2P, as it suggests that such interventions may be selectively implemented based on geopolitical calculations rather than consistent application of humanitarian principles. Conversely, Lauterpacht championed the role of international law as a governing force. In *The Function of Law in the International Community*, Lauterpacht (1933) argued that international law possesses the capacity to promote global justice and peace. He emphasized the normative influence of law, which not only governs state actions but also actively fosters collaboration and peaceful conflict resolution through international institutions. Lauterpacht viewed international law as the foundation for global stability and cooperation (Lauterpacht, 1933). Koskenniemi (2009) analyzes this legal idealist perspective in depth.

This legal idealist perspective provides a counterargument to realist skepticism and offers theoretical support for institutions like R2P as legitimate normative developments rather than instruments of power. By examining the theories of Morgenthau and Lauterpacht, Koskenniemi presents valuable insights into the complexities of legal norms, political power, and their impact on global order. This analysis is particularly relevant when considering humanitarian intervention and the Responsibility to Protect (R2P). Through Morgenthau’s lens, humanitarian intervention can be viewed as a manifestation of national interest and power dynamics, where states may intervene under the pretext of humanitarian aid but are motivated by strategic interests. In contrast, Lauterpacht’s framework sheds light on the moral and legal roles of R2P, advocating for international law as a tool to prevent mass atrocities and protect vulnerable populations. The divergent theories of Morgenthau and Lauterpacht thus provide a comprehensive framework to explore the complex debates surrounding R2P.

Structural realists like Kenneth Waltz extend this skepticism by emphasizing the anarchic nature of the international system. In “*Theory of International Politics*”, Waltz (1979) argues that “in anarchy, security is the highest end... only if survival is assured can states safely seek such other goals as tranquility, profit, and power” (p. 126). This structural perspective suggests that states are free to pursue their interests without moral or legal restraints within

an anarchic international system (Bull, 2012, pp.13-14) of a “war of all against all” (Hobbes, 1985). Consequently, through a realist lens, interventions under the R2P framework are more likely to be shaped by the strategic interests of intervening states than by a genuine commitment to humanitarian principles.

Constructivism, as an approach, acknowledges the limitations of these theories and provides a more social idea of how actors behave according to certain norms. Henceforth, aspects of international relations are not simply shaped by material factors, but also ideational ones. It is therefore a useful theoretical lens in studying humanitarian intervention, in particular under the Responsibility to Protect, and in understanding the motivations behind the action, or the lack thereof, of state actors.

Constructivist theory suggests that “The World is of our making” (Onuf, 1989); i.e., everything is socially constructed and mutually constitutive, namely agents such as states and individuals, in addition to structures which includes inter alia institutions and society (ibid). Alexander Wendt, a foundational constructivist scholar, challenges the realist conception that interstate relations, specifically “self-help”, originate from the anarchic structure of the international system. In his article “Anarchy is what States Make of it: The Social Construction of Power Politics” (1992), Wendt argues that “anarchy is what states make of it” (p. 395), suggesting that international structures are not given realities but socially constructed through state interactions and practices, creating a specific identities and interest. As he elaborates, “actors acquire identities, relatively stable, role-specific understandings and expectations about self, by participating in collective meanings” (Wendt, 1992, p. 397). That is, interest presupposes identity, which can be influenced by states’ interactions, influence, threat, and pressure from domestic or international politics, or environment for instance. This understanding is crucial for examining how R2P emerged as a norm and how states’ identities and interests regarding humanitarian intervention are shaped through their interactions and discourse within the international community.

The constructivist school does not claim that material factors are not important in an international system, rather that they are woven with ideational forces to create a normative structure that is produced by states but also binds them.

Using the normative approach, Martha Finnemore’s work provides additional constructivist insights particularly relevant to R2P. Martha Finnemore explains the importance of actors’

identity in legitimizing their action in accordance with norms in an international context that, certainly anarchic, but nevertheless framed by a set of standards of appropriate behavior (Finnemore, 1996). In “The Purpose of Intervention” (2003), Finnemore traces the changing purposes of military intervention over time, demonstrating how what counts as a “legitimate” reason for intervention has evolved through social construction. She argues that “states intervene not simply because they can, but because they should; intervention practices are shaped by shared, socially constructed humanitarian values” (Finnemore, 2003, p. 52). This perspective helps explain how humanitarian intervention, and subsequently R2P, gained normative force in international relations despite tensions with traditional sovereignty principles.

However, the trajectory of R2P as a norm has been far from linear. Finnemore and Sikkink (1998) demonstrate that norm emergence alone does not guarantee sustained influence; norms must progress through stages of cascade and internalization to achieve lasting impact. Critically, as Sandholtz and Stiles (2009) argue, norms require continuous affirmation and application to maintain their strength. When state practices consistently deviate from normative expectations without meaningful consequences, the norm itself begins to weaken and lose its prescriptive power. This theoretical insight proves particularly relevant for understanding R2P’s evolution, considering the international community’s paralysis to invoke R2P in many other cases despite massive civilian casualties. The selective invocation of R2P language in different contexts, and its abandonment of post-intervention responsibilities in Libya have all signaled to states that R2P commitments may be optional rather than binding. In her chapter “R2P’s Status as a Norm”, Labonte (2016) argues that R2P is not a single norm but a composite of norms at different developmental stages. Some components of R2P “are well established and enjoy widespread acceptance and strong compliance, whereas others are ambiguous and selective implementation” (p. 133). This unevenness is particularly relevant in the third pillar, the responsibility to rebuild. Critical legal scholarship reveals that R2P’s structure and design enables this behavior. Barnes and Tzevelekos (2016) observe that R2P is “both an ambitious and an ambiguous concept in international law” where “ambiguity creates space for debate and the potential for legal development, but it may also generate misunderstanding, false expectations and uncertainty”. This ambiguity permits states to invoke R2P selectively while abandoning post-intervention

vague obligations, revealing how realist interests operate through ambiguous legal structures rather than despite them. Welsh (2019) characterizes these developments as “norm robustness” problems, where R2P’s capacity to influence state behavior has declined from its initial promise. This normative weakening reflects a broader shift in the international zeitgeist regarding sovereignty and intervention, with states increasingly reverting to traditional conceptions of non-interference when humanitarian obligations conflict with national interests.

While constructivism helps us understand how norms like R2P emerge and gain or lose legitimacy, it does not fully account for the power dynamics at play in selecting when and where such norms are applied. This is where *Third World Approaches to International Law* (TWAIL) offers critical insights. TWAIL critically examines the biases of international law, highlighting its historical roots in colonialism and imperialism, reflecting the interests of powerful Western nations. As Anghie (2005) argues in his influential work “Imperialism, Sovereignty and the Making of International Law”, international legal doctrines often serve to reproduce colonial relationships of dominance and subordination under new disguises. Applied to R2P, TWAIL scholars question whether the doctrine serves as a means of neo-imperialism under the guise of humanitarian aid. For instance, Nesiiah (2004) critiques R2P, suggesting that the doctrine can be used to advance imperialist agendas, as interventions may prioritize Western interests over humanitarian needs. Orford (2011) similarly argues that R2P represents “a new standard of civilization” that authorizes powerful states to judge and intervene in the affairs of weaker states.

This TWAIL critique finds particular resonance in regional scholarship examining R2P’s application in the Middle East and North Africa. Mahdavi (2012), in his chapter “R2P in the Middle East and North Africa” within the Knight and Egerton handbook, poses two fundamental questions that frame the regional perspective on R2P: first, to what extent has the application of R2P in the MENA region been consistent and fair; and second, to what extent does the concept and its application truly serve people rather than powerful states. These questions, raised at the height of the Arab Spring, anticipate the critiques that would emerge from the Libyan experience. Mahdavi’s analysis suggests that the selective application of R2P in the region, swift action in Libya but inaction elsewhere, reflects the geopolitical calculations of powerful states rather than a principled commitment to civilian

protection. This regional perspective reinforces TWAIL's broader argument that humanitarian norms operate within structures of power that privilege certain interventions while ignoring others.

This theoretical framework will be very useful in analyzing the background of the conceptual and historical evolution and development of the Responsibility to Protect and the intervention in Libya, within the structure of the international system. The apparent contradiction between realist, constructivist, and TWAIL perspectives can be reconciled through an approach that recognizes their complementarity. While realism and constructivism are often viewed as opposing theories, they can be epistemologically merged to provide a more comprehensive analytical framework for understanding humanitarian intervention and R2P. This dissertation proposes a realist version of constructivism that acknowledges both the role of power and interest (realism) and the importance of norms and social construction (constructivism) in shaping international responses to humanitarian crises.

As Barkin (2003) argues in "Realist Constructivism", these approaches are not inherently incompatible: "constructivism is about the social construction of meaning, including the social construction of power and interest; realism is about the exercise of power and the defense of interests by political actors" (p. 337). This merged approach enables a critical examination of the seemingly altruistic justifications states often declare for their humanitarian intervention, while analyzing how norms like R2P are constructed, interpreted, and selectively applied in the international arena.

This theoretical framework is particularly valuable to analyze the Libyan case. It allows us to examine how the language of humanitarian protection and R2P was used to construct legitimacy for the intervention (constructivism), while also investigating how strategic interests such as regional influence and energy security shaped the decision to intervene and the subsequent disengagement (realism).

Additionally, TWAIL perspectives help us critically evaluate whether the selective application of R2P in Libya reflected patterns of neo-colonialism, considering the marginalization of African Union peace initiatives in favor of NATO-led military action.

This integration of the theoretical frameworks analysis opposes state rhetoric versus actual intentions, providing more nuanced understanding of realpolitik in humanitarian intervention contexts. By revealing the complex interplay between idealistic norms and pragmatic

interest, this dissertation seeks to evaluate the effectiveness of the Responsibility to Protect (R2P) and proposes reforms to ensure that interventions truly support populations at-risk without any hidden agendas.

1.1.1 Measuring “success”

Measuring success in the context of interventions under the Responsibility to Protect (R2P) is a multifaceted challenge primarily due to the deliberate ambiguity of the norm chosen to “facilitate building consensus” (Widmaier & Glanville, 2015).

This study defines success in two ways:

Firstly, success aligns with the Cambridge Dictionary’s definition as “the achieving of the results wanted or hoped for”. In the case of R2P, success entails the effective implementation of its three core pillars:

- The Responsibility to Prevent: Preventing mass atrocities through diplomatic efforts, conflict prevention initiatives, early warning systems, and binding agreements.
- The Responsibility to Protect: Shielding and minimizing harm to civilians when the responsible state is unwilling or unable to do so, measured by civilian casualties, military intervention, peacekeeping missions, etc.
- The Responsibility to Rebuild: Assisting post-conflict societies in recovery, reconstruction, and transition through indicators such as political stability, social protection, human rights, and economic development, ensuring “sustained, inclusive, and accountable rebuilding processes”.

Therefore, the success of an intervention under the R2P commitment relies on adherence to its pillars, goals, guidelines, as outlined in the 2001 ICISS Responsibility to Protect and the UN 2005 General Assembly’s World Summit Outcome (WSO) and as discussed in chapter 2.

Secondly, success is measured in accordance with the principles and criteria of international law scholars that “an act of war is held disproportionate if the damage it does is excessive to the measure of peace it can reasonably hope to achieve” (Ralph & Gallagher, 2015). Assessing proportionality and success in R2P interventions underscores the importance of balancing the harm caused against achievable peace.

Achieving success in this context follows the principle of proportionality. Justification for a military intervention is valid only when there are “reasonable prospects” for success, indicating a practical probability of accomplishing the intervention’s objectives and preventing further human rights violations. The decision to intervene requires a comprehensive assessment of whether the humanitarian intervention might escalate the already deteriorating conditions in a nation experiencing conflict or alleviate it.

Therefore, indicators will be used to assess whether the situation in Libya, our case study, improved or worsened after the intervention. The selected indicators have been chosen because they align with the three core pillars of R2P and provide a structured approach to evaluate the success or failure of the intervention. They are grouped into three thematic categories: economic development, governance and political stability, and human rights and security.

1.1.1.1 Economic Development Indicators

Economic stability and prosperity are fundamental in assessing the quality of life and overall wellbeing of a population. To evaluate the economic changes in Libya post-intervention, key indicators include **Gross Domestic Product (GDP), oil production levels, Human Development Index (HDI), Gross National Income (GNI) per capita, Unemployment Rate, and subsidies for essential goods**

- **Gross Domestic Product (GDP):** GDP measures the total monetary value of all goods and services produced within a country’s borders annually, serving as a fundamental indicator of economic performance and stability (International Monetary Fund, n.d.). It is particularly relevant in assessing Libya’s recovery after the intervention. However, GDP has methodological limitations, as it does not account for wealth distribution, regional economic inequalities, or disparities among different societal groups, potentially leading to an incomplete picture of socioeconomic well-being.
- **Oil production levels:** Oil production levels refer to the volume of crude oil extracted and processed per day, measured in barrels per day (bpd) (DW Energy Group, 2022). Given Libya’s great dependence on hydrocarbons, oil production levels serve as a crucial measure of economic performance and state capacity. The volume of crude oil extracted per day directly impacts government revenues, influencing public expenditure and economic

sustainability (International Energy Agency [IEA], 2021). However, Libya's oil sector is highly affected by external factors, including fluctuations in global oil prices and internal political instability as well as conflicts (International Monetary Fund [IMF], 2024).

- **Gross National Income (GNI) per Capita:** GNI per capita GNI is the gross national income. It represents the average income of individuals within a country, thus reflecting economic well-being and living standards (World Bank, 2023a). This indicator helps to identify whether individual economic circumstances in Libya have improved or deteriorated since 2011. However, it does not reflect the actual distribution of income and may overlook wealth inequality.
- **Human Development Index (HDI):** HDI, developed by the United Nations Development Programme, provides a more comprehensive measure of development, encompassing life expectancy at birth (reflecting health), education, and standards of living (UNDP, 2024b). It generates a score on a scale from 0 to 1, with higher values representing higher human development (UNDP, 2024b). HDI offers a broader perspective on wellbeing beyond solely economic terms. Nevertheless, HDI may not reveal specific disparities between different regions or groups within Libya, presenting an overly generalized picture of development (UNDP, 2024).
- **Unemployment Rate:** Unemployment rate represents the proportion of the labor force actively seeking employment but unable to find (International Labour Organization [ILO], n.d.). High unemployment often signals deeper economic instability and lower wellbeing, making it a crucial indicator for assessing Libya's economic situation post-intervention. Yet, it does not account for the quality of employment, potentially underestimating employment challenges (ILO, 2019).
- **Subsidies for essential goods:** Subsidies ensure that essential goods remain affordable, particularly for lower-income households, and are a core component of Libya's economic stabilization policies. These government-funded price controls on fuel, food, and utilities aim to reduce economic hardship and maintain social stability (World Bank, 2024a). Studying changes in subsidy policies helps determine whether Libya's economic situation has improved or deteriorated.

1.1.1.2 Governance and Political Stability Indicators

Success here refers to visible and sustained improvements in governance, political stability, and institutional legitimacy and effectiveness post-intervention, compared to prior to 2011 conditions. To assess whether Libya's governance has improved or deteriorated, selected indicators within governance and political stability are employed for comparison: **Voter Turnout Rates, Constitution Drafting and Ratification Progress, and Corruption Perceptions Index (CPI).**

- **Voter Turnout** measures the percentage of registered voters participating in elections, reflecting the level of public engagement in the political processes, expressed as a percentage of total registered voters (Inter-Parliamentary Union, n.d.a). Higher voter turnout typically indicates stronger democratic legitimacy and citizen participation, both critical for post-conflict democratic transitions (International Institute for Democracy and Electoral Assistance, n.d.). However, voter turnout alone does not accurately reflect genuine political participation, as factors like coercion, voter suppression, or flawed electoral systems may distort the indicator's reliability.
- **Constitution Drafting and Ratification Progress** evaluates the progress toward establishing a constitutional framework, a fundamental step in post-conflict nation-building and political stability. Successful drafting and ratification indicate significant steps toward political stability (United Nations Department of Political and Peacebuilding Affairs, 2022). However, this indicator is highly dependent on the context and the broader situation of the country.
- The **Corruption Perceptions Index (CPI)** by Transparency International ranks countries based on perceived corruption levels in the public sector, influencing public trust, institutional effectiveness, and overall governance credibility (Transparency International, 2025). Countries receive a score from 0 to 100, with lower scores indicating higher levels of corruption (ibid). While useful, an element of subjectivity is unavoidable as CPI scores are based primarily on expert opinions and surveys rather than concrete corruption incidents, making it vulnerable to biases (ibid).

1.1.1.3 Human Rights and Civil Liberties Indicators

This section focuses on key indicators that measure the state's ability to uphold fundamental freedoms, protect individuals from systemic violations, and ensure access to justice. **These include the Fragile States Index (FSI), Political Rights Score, the World Press Freedom**

Index, Trafficking in Persons (TIP) Tier Placement, Civil Liberties Score, and Global Peace Index (GPI).

- **Fragile States Index (FSI)** is a measure that evaluates the risk of instability, conflict, or state collapse using 12 key political, economic, and social indicators: Security Apparatus, Factionalized Elites, Group Grievance, Economic Decline and Poverty, Uneven Economic Development, Human Flight and Brain Drain, State Legitimacy, Public Services, Human Rights and Rule of Law, Demographic Pressures, Refugees and Internally Displaced Persons, and External Intervention (Fund for Peace, 2023). Each country is assigned a score from 0 to 120, where higher scores indicate greater fragility and risk of governance failure (Ibid). The index is based on a mix of quantitative data and qualitative expert assessments and perceptions, which may be subjective and biased.
- The **Political Rights Score**, developed by Freedom House, evaluates the extent of political freedom, democratic processes, and citizen participation in governance on a scale from 1 to 7, where 1 represents the highest level of political freedom and 7 the lowest (Freedom House, n.d.). It helps measure Libya's democratic development and governance legitimacy since the intervention. This indicator assesses factors such as electoral integrity, political pluralism, and government accountability (ibid). However, while significant, this indicator also depends largely on expert judgments, possibly overlooking localized dynamics and nuances in political realities (Freedom House, 2024a).
- **World Press Freedom Index**, published by Reporters Without Borders, assesses the level of press freedom, media independence, and government transparency. Countries are scored on a scale from 0 to 100, where lower scores indicate higher press freedom and higher scores indicate greater restrictions (Reporters Without Borders, 2023). This indicator examines journalistic pluralism, media independence, self-censorship, and legal protections for journalists. However, the index relies on reported incidents, potentially underestimating actual conditions, especially in authoritarian states (Reporters Without Borders, 2023).
- **Trafficking in Persons (TIP) Tier Placement** measures the extent of forced labor, human trafficking, and abuses against migrants, demonstrating the effectiveness of legal protections and state institutions' capacities to safeguard vulnerable populations (U.S. Department of State, 2023). The U.S. Department of State's Trafficking in Persons (TIP)

Report ranks countries into four tiers (Tier 1, Tier 2, Tier 2 Watch List, and Tier 3) based on their efforts to combat human trafficking, with Tier 1 indicating full compliance with minimum anti-trafficking standards and Tier 3 indicating a failure to address the issue (U.S. Department of State, 2023). However, due to limited data collection in conflict zones, trafficking cases are often underreported or difficult to verify (United Nations Office on Drugs and Crime [UNODC], 2018).

- **Civil Liberties Indicator** by Freedom House evaluates the extent to which individuals enjoy fundamental freedoms such as freedom of expression, assembly, association, education, and religion (Freedom House, n.d.). Countries are rated on a scale from 1 to 7, where 1 signifies the highest level of civil liberties and 7 the lowest. This scale reflects the extent to which civil liberties are respected and upheld within a country (ibid). However, while this indicator provides a general overview, it may not fully capture the underlying causes of civic dissatisfaction, the suppression of activism, or the state's use of excessive force against demonstrators.
- **Global Peace Index (GPI)**, published by the Institute for Economics & Peace (IEP), provides an annual measure of a country's peacefulness by evaluating 23 qualitative and quantitative indicators across three domains: Ongoing Domestic and International Conflict, Societal Safety and Security, and Militarization (Institute for Economics & Peace, 2024). It assigns a score between 1 and 5, where 1 represents the highest level of peace and 5 the lowest (Institute for Economics & Peace, 2023). GPI is particularly useful in assessing post-intervention security conditions and a state's ability to prevent violence and deal with conflicts peacefully. However, by combining various security factors into a single score, the index may lead to an oversimplified representation.

Although each of these indicators provides valuable insights into Libya's economic development, governance, and human rights landscape before and after Gaddafi, their methodological limitations must be acknowledged. To ensure a comprehensive analysis, the explanation of these indicators will be contextualized with specific examples and documented incidents, incorporating concrete cases and factual accounts to supplement the numerical data.

In this research, success is not defined by immediate or short-term improvements but rather by visible and sustained progress across economic, political, and human rights dimensions. While individual indicators may have limitations, together, they provide a structured and robust framework to evaluate Libya's trajectory before and after the 2011 intervention. By referring to these indicators, this study seeks to determine whether the intervention has contributed to long-term stability, institutional resilience, and effective governance, thereby measuring the effectiveness of the Responsibility to Protect (R2P) framework in practice.

1.2 LITERATURE REVIEW

This literature review seeks to explore the evolution from traditional sovereignty through humanitarian intervention to the Responsibility to Protect (R2P) and its third pillar, the Responsibility to Rebuild (R2R). The review traces this progression, analyzing legal, social, and political science perspectives, leading up to the first implementation of R2P in Libya.

The review is structured in three interconnected parts: first, an examination of how the international zeitgeist on sovereignty has evolved from absolute to conditional; second, an analysis of humanitarian intervention debates that emerged from this transformation; third, an exploration of how R2P attempted to reconcile these tensions while introducing new challenges, particularly regarding post-intervention rebuilding; and fourth, an introduction to the Libyan case as the first instance where R2P was fully invoked by the Security Council, setting the stage for the empirical analysis that follows.

1.2.1 The Evolving International Zeitgeist on Sovereignty

The oscillation between absolute and conditional sovereignty represents a fundamental shift in the international zeitgeist that frames both R2P and R2R discourse. This evolution reflects what Reus-Smit (2013) characterizes as a move from sovereignty as control to sovereignty as responsibility, driven by changing normative expectations in the post-Cold War era. The traditional Westphalian conception of sovereignty, which dominated international relations for centuries, has been progressively challenged by an emerging global perspective that prioritizes human security alongside state security (Deng et al., 1996).

This shifting zeitgeist is reflected in multiple international practices and discourses. First, the proliferation of international human rights instruments since 1948 has gradually challenged the notion that states possess unlimited authority over their populations. The Vienna

Declaration of 1993 explicitly affirmed that human rights are “the legitimate concern of the international community”, challenging the traditional idea that sovereignty protects states from outside criticism or interference (UN World Conference on Human Rights, 1993).

Second, the establishment of international criminal justice mechanisms, from the ad hoc tribunals for Yugoslavia and Rwanda to the International Criminal Court, reflects a growing consensus that sovereignty cannot protect perpetrators of mass atrocities (Schabas, 2017). As former UN Secretary-General Kofi Annan (1999) articulated, “State sovereignty, in its most basic sense, is being redefined, not least by the forces of globalization and international cooperation. States are now widely understood to be instruments at the service of their peoples, and not vice versa”.

Third, the practice of conditional sovereignty has become increasingly institutionalized through regional organizations. The African Union’s Constitutive Act (2000), for instance, explicitly recognizes “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity” (Article 4(h)). This represents a remarkable shift from the Organization of African Unity’s previous emphasis on non-interference, demonstrating how even regions historically protective of sovereignty have embraced conditional perspectives.

Be that as it may, this evolving zeitgeist remains unevenly applied and controversial. While Western liberal democracies generally advocate for a more conditional understanding of sovereignty linked to democratic governance and human rights protection, many post-colonial states view such conditionality as a potential vehicle for neo-imperial intervention. Russia and China, despite having endorsed the 2005 World Summit consensus on R2P, continue to invoke traditional sovereignty to resist humanitarian interventions (Welsh, 2019).

Understanding this evolving zeitgeist is crucial for analyzing the Libyan case, as it occurred at a particular moment when support for conditional sovereignty peaked following the Arab Spring in 2011, only to be followed by renewed skepticism after the intervention’s outcomes. As Hobson (2016) notes, “Libya became both the high-water mark of R2P’s promise and the catalyst for its subsequent retreat”.

The rise of far-right populist movements across Europe and North America since 2016 has led to a renewed belief in absolute state sovereignty as a central political ideal. The 2024 electoral victories of nationalist parties in several European states alongside the growing influence of parties like Alternative for Germany (AfD), National Rally in France, and Vox in Spain, reflect a broader rejection of conditional sovereignty in favor of “reclaimed” state control. The rhetoric of “Fortress Europe” and demands for national control over EU law directly challenge the global principles of shared responsibility that support the Responsibility to Protect (R2P). As Mudde (2024) observes in his analysis of the European elections, far-right parties have increasingly emphasized national sovereignty against EU integration, framing sovereignty not as responsibility but as the absolute right to control borders and prioritize national interests over universal human rights obligations.

The COVID-19 pandemic in late 2019 has also added new challenges to this trajectory with some states reasserting sovereign authority through border controls and emergency powers, while the crisis also showed that purely sovereignty-based responses are ineffective in the face of transnational challenges.

The irony is striking as humanitarian crises multiply globally, the political will for intervention based on sovereignty as responsibility declines, replaced by a defensive sovereignty focused on protecting national identity and interests. This ongoing tension between sovereignty and responsibility continues to influence current debates on humanitarian intervention, making the implementation of both R2P and R2R inherently political and shaped by changing power dynamics and competing norms.

1.2.2 From Sovereignty to Humanitarian Intervention

Building on the sovereignty tensions outlined above, humanitarian intervention has been subject to ongoing debate, various definitions, and normative assumptions with the academic community. The controversy around the term, as well as the examination of its impact on world politics, ideally necessitates a start with its definition. In this regard, Anthony Lang (2003) argues that the contention over the meaning of humanitarian intervention suggests both the difficulty and importance of definitions. Similarly, Rahman, Aslam, & Shahbaz (2020) highlight the absence of a hard and fast definition of humanitarian intervention, with

every aspect of its definition subject to debate and criticism. They argue that the controversy often revolves around the term “humanitarian” and its implications in intervention practices. In fact, in trying to define this particular term, two issues arise. First, there is no clearly defined understanding of the term. Second, any definition contains within it “certain normative assumptions” (Hehir, 2013, p.15). Notwithstanding the proven difficulty to provide a rigid and precise definition of the term, many scholars for reasons of convenience have cautiously adopted a definition of the term and therefore helped limit the ambiguity surrounding the parameters of the discussion.

Humanitarian intervention has evolved significantly from historical perspectives to modern interpretations, reflecting a shift in the perception of the value of human life relative to state sovereignty. Originally articulated by Hugo Grotius in the seventeenth century, the concept was predominantly punitive, focusing on the entitlement of states to enforce the law of nature and the law of nations against violators. This perspective, deeply rooted in the legal traditions of that time, prioritized the maintenance of international order over the welfare of individuals, following the principle that “all states are entitled to punish violations of the law of nature (*ius naturale*) and the positive law of nations (*ius gentium*), irrespective of where or against whom the violations occur, to vindicate the rule of law” (Criddle, 2015, p.474).

However, over the centuries, the paradigm witnessed profound shifts due to wars and the gradual growing ascent of human rights norms. The focus transitioned towards prioritizing the protection of individuals, recognizing their inherent rights that transcend state sovereignty (Straumann, 2006).

By the early twenty-first century, as articulated by Daniele Archibugi, the definition of humanitarian intervention had evolved dramatically. Archibugi (2004) defined it as “a military intervention in an area for the purpose of saving peoples from democide or other major violations of human rights occurring and carried out by foreign institutions without the consent of a legitimate government” (p. 3), even challenging state sovereignty when necessary.

The transition from Grotius to Archibugi represents a progression from a state-centric approach focused on international order towards a more human-centric approach in humanitarian intervention, where the intrinsic value of human life and the rights of individuals became a central concern of global governance.

Parallel to this evolution in humanitarian thought, the concept of security also expanded beyond the traditional focus on state and territorial integrity to include human security. In the 1970s, extended concepts of security were articulated such as “common security”, “cooperative security”, and “comprehensive security”. This concept, more aligned with individual rights and well-being, gained prominence with the 1994 UNDP Human Development Report, which defined human security as “security with people rather than territories, with development rather than arms”. The discourse around human security continued to evolve, notably with the establishment of the Commission on Human Security in 2001, which highlighted that human security involves protecting individuals’ physical safety, economic and social well-being, dignity, human rights, and freedoms (Evans et al., 2001).

Martha Finnemore defines humanitarian intervention as a “military intervention with the goal of protecting the lives and welfare of foreign civilians” (Finnemore, 1996a, p.154), while recognizing the complexity and evolving nature of the concept in international law and international relations. Adam Roberts (1993) shares the same view when he defined “humanitarian intervention” as a “military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants”. Yet, the undefined character of the contemporary concept of humanitarian intervention can also be seen through other scholars’ works. For instance, in *Humanitarian Intervention: Ethical, legal, and political dilemmas*, Holzgrefe and Keohane explore the concept of “humanitarian intervention” questioning whether states would imply force to prevent human rights violations of people other than their own. They define humanitarian intervention as “the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied” (Holzgrefe & Keohane, 2003, p.18).

Whether it be armed or unarmed, the intervening state is not protecting its own citizens, but citizens of another state, making it seemingly altruistic par excellence. However, this leaves us with the question of whether this intervention guarantees the end of the violation and the practice of human rights again.

Ferdinand R. Tesón, a prominent legal scholar in the realm of international law and ethics, has advanced an early Neokantian approach in his influential work, *Humanitarian Intervention: An Inquiry into Law and Morality* (1997), to justify humanitarian intervention by incorporating natural law principles. Tesón's argument presents both natural law and a Neo-Kantian standpoint, affirming the moral and legal validity of humanitarian intervention as a preventive measure against severe human rights violations. He argues that the universal principles embedded in natural law, emphasizing the inherent dignity of every individual, offer a strong foundation for justifying interventions intended to prevent or stop human rights abuses (Tesón, 1997). By integrating natural law and Neo-Kantian ethics, Tesón constructs a comprehensive moral and legal framework that supports humanitarian intervention as a legitimate and indispensable response to severe human rights abuses. He asserts that nations hold a moral obligation to intervene when human rights violations occur, rooted in the principle of humanity. According to Tesón, the conventional legal doctrine of non-intervention should be re-examined to allow for humanitarian intervention under specific conditions. He introduces a "proportionality test" as a criterion for evaluating the justification of intervention, taking into account factors such as the gravity of human rights abuses, the likelihood of success, and the potential harm to innocent individuals (1997). In essence, Tesón advocates for a more expansive view of humanitarian intervention within the realm of international law. His scholarly contributions have significantly influenced discussions on the ethical and legal dimensions of humanitarian intervention, offering a nuanced perspective that resonates with both moral philosophy and international law.

Some positivist scholars, exemplified by Thomas Franck, assert that humanitarian intervention holds legitimacy and is a necessary practice within international law. Franck challenges the outdated notion of absolute state sovereignty, advocating for the international community's responsibility to protect individuals from severe humanitarian violations (2003, p. 233). In contrast to Tesón's natural law perspective, Franck places significant emphasis on adhering to established international legal frameworks. He contends that humanitarian intervention should be executed through a multilateral approach, obtaining authorization from recognized international bodies such as the United Nations or its Security Council. Franck underscores the importance of this approach, echoing Annan's concerns about unauthorized military interventions eroding the legal framework on the use of force and

jeopardizing the Council's authority. However, Franck asserts that in some situations, the security council might be unresponsive. In such circumstances, he maintains that states still bear a legal and moral duty to intervene stressing the need to minimize harm and adhere to principles of proportionality and necessity. Franck ultimately advocates for interventions to receive authorization from the United Nations or other reputable international bodies to ensure both their effectiveness and justification.

Critics of humanitarian intervention have raised several arguments to highlight the challenges and complexities associated with the concept, particularly focusing on potential for abuse and concerns related to state sovereignty. As the work of Bellamy (2005) argues, the use of humanitarian justifications to defend the invasion of Iraq was widely perceived as an abuse of the concept. The rhetoric used to justify the intervention as a response to the threat posed by weapons of mass destruction and the need to remove Saddam Hussein from power, in disguise of humanitarian concerns, was often perceived as a manipulation and pretext, not genuinely driven to protect civilians, but rather with broader political and strategic motivations. This contributed to growing skepticism and criticism around the concept and the true intentions behind it.

Weiss' (2007) and Chesterman's (2001) works, which criticized both the theory and practice of humanitarian intervention, further emphasize how the power to intervene for humanitarian reasons can be misused or abused. Weiss (2007) notes that it is governments that are aware of their weakness, suspect Western colonial ambitions, and fear to be recipient of such intervention; that oppose the concept of the humanitarian intervention to protect their supreme authority over both their own territory and people. Chesterman (2001) shares the same perspective arguing that governments may oppose humanitarian interventions because they wish to protect their supreme authority over their own territory and people, using the traditional concept of state sovereignty in its Westphalian meaning and as inscribed in the UN charter to back up their argument.

In examining the legality of humanitarian intervention, one must first recognize how the UN Charter establishes territorial sovereignty as a fundamental principle of international law. Indeed, the UN Charter attempted to create a *jus contra bellum* system, a general prohibition of the use of force that is only allowed under specific conditions (self-defense and Security Council authorization). Article 2(4) of the UN Charter safeguards the territorial integrity and

political independence of states by prohibiting any employment or threat of force against them, stating that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations” (1945). Article 2(7) further reinforces this by declaring that “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state” (1945). This provision established non-intervention as a cornerstone principle of the post-World War II international order and since humanitarian intervention is not explicitly included in the UN Charter as an exception, it is difficult from a positivist perspective to accept its legality. However, this creates a fundamental tension with the goal of protecting human rights, which is also set out in the Charter.

Within the realm of international relations, the principle of state sovereignty guarantees that all states have equal rights in the international system. As Knudsen (1996) points out, any ‘right of humanitarian intervention represents a serious threat to the element of order constituted with international society’, potentially destabilizing the normative framework.

Bentley (2017) examines the challenge of intervention by exploring the conflicting norms of safeguarding humanitarian needs and protecting state sovereignty. In her article “The intervention taboo(s): Strategy and normative invalidation”, she questions the construction of rhetorical strategies to support or oppose intervention within this normative environment. She argues that actors can only successfully construct a rhetorical case for intervention by engaging in what she terms “normative invalidation”.

She acknowledges that sovereignty is mostly appealed to by state actors as it “provides the best way of achieving their aims as opposed to normative adherence in the conventional sense” (p.568). Indeed, in a binary situation where actors are faced with the mutually exclusive taboos of responding to humanitarian needs and protecting state sovereignty, they cannot adhere to both taboos simultaneously.

Ian Hurd, primarily a political science scholar, explores the complexities of international law in his article “Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World” (2011). He positions humanitarian intervention within the broader framework of “the laws governing the use of force” (p.293). He seeks to demonstrate that this practice exists in a nuanced space between legality and illegality and can be interpreted as either compliance or

non-compliance with the evolving legal landscape, depending on the context and interpretation (p.294). Hurd emphasizes the humanitarian intervention legitimacy within the complex interplay of international norms and legal frameworks.

He argues that humanitarian intervention has developed to occupy an institutional status comparable to self-defense and Security Council authorization establishing itself as a legally legitimate justification for war. This comparison implies that, like self-defense, which is permitted under Article 51 of the UN Charter in the event of an armed attack, humanitarian intervention may be invoked to prevent severe human rights violations (p.296). Similarly, in scenarios where the Security Council is hindered by vetoes or disagreements, humanitarian intervention can serve as an alternative legal justification for the use of force, just like any actions authorized directly by the Council (p.294). He suggests that the legitimacy of humanitarian intervention in the international legal framework may come more from its moral imperative and the necessity recognized by the international community rather than strict adherence to legal texts. This perspective challenges traditional views by asserting that legality may also derive from the perceived necessity and moral urgency of actions, thus inviting a critical reflection on the thresholds for action and the potential for abuse in the name of humanitarian needs.

Despite these arguments for humanitarian intervention, it is important to note how the principle of non-intervention has been consistently reinforced in international law beyond the UN Charter through numerous UN resolutions and declarations. Most notably, the 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States clearly states that “...no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of any state. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are condemned” (United Nations General Assembly, 1965).

This principle gained additional strength with the adoption of Resolution 2625, known as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (1970), which emphasized that “No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State” (United Nations General Assembly, 1970). As Jamnejad and Wood

(2009) note, this declaration not only reinforced the non-intervention principle but extended it to include economic and political pressure.

The International Court of Justice (ICJ) further affirmed and elaborated on this principle in its *Nicaragua v. United States* judgment (1986), recognizing the prohibition of intervention as “a principle of customary international law” (ICJ, 1986, para. 202). The Court stated that “the principle forbids all States or groups of States to intervene directly or indirectly in internal or external affairs of other States” and that “the principle of non-intervention involves the right of every sovereign State to conduct its affairs without outside interference” (ICJ, 1986, para. 202).

Academic discussions have often focused on the tension between non-intervention and humanitarian protection. This questioning emerges from the recognition that absolute sovereignty may allow governments to harm their populations. Koskeniemi (2011) notes this paradox, arguing that “the law that protects sovereignty also includes exceptions to it, and those exceptions, especially when they relate to human rights, seem capable of overriding the rule” (p. 59).

The evolution of this principle has shaped debates around humanitarian intervention and eventually R2P. As Simma (1999) argues, “The current state of international law on humanitarian intervention is marked by a tension between, on the one hand, a prohibition on the use of force... and on the other, an increasing emphasis on the protection of human rights” (p. 2).

These unresolved tensions between sovereignty and intervention, between legal prohibition and moral imperative, set the stage for the international community’s attempt to develop a new framework that could reconcile these competing demands while establishing clearer criteria for legitimate action.

1.2.3 The Responsibility to Protect

The tension to reconcile the principle of state sovereignty and non-intervention became more visible following the humanitarian crises of the 1990s, paving the way to the development of R2P doctrine. In this context, the International Commission on Intervention and State Sovereignty (ICISS) was established to address the tension and controversy between the two concepts. This initiative marked a fundamental shift and created new discussion parameters

in the discourse of humanitarian intervention by redefining sovereignty as responsibility. Under the new paradigm, should the state fail or disregard its responsibility to protect its citizens, this responsibility is automatically transferred to the international community, enabling the use of force as a last resort upon the exhaustion of all peaceful means, hence creating the Responsibility to Protect doctrine (R2P).

R2P emerged as a direct response to these documented failures. As Bellamy and Dunne (2016) note, the doctrine's emergence was shaped by the crises of the 1990s, and Weiss (2016), in his chapter "The Turbulent 1990s: R2P Precedents and Prospects", argues that R2P "emerged out of the repeated failure of international society to respond to genocide and mass atrocities during this decade" (p. 56). In her chapter "From Sovereign Responsibility to R2P" in the Knight and Egerton handbook, Cohen (2012) traces this historical development in detail, showing how the concept of sovereignty as responsibility evolved from Francis Deng's work on internally displaced persons into the broader R2P framework. She emphasizes that the transformation of sovereignty from absolute control to conditional responsibility was gradual, developing over decades of human rights practice and culminating in Kofi Annan's challenge to the international community to reconcile state sovereignty with human protection imperatives.

Despite the widespread acceptance of the R2P doctrine, at least on basic principles as Crossley (2018) argues, its endorsement at the 2005 World Summit did reflect a "consensus in its crudest form". It is crucial to note that the implementation of R2P is subject to the UN Charter Framework, meaning that it explicitly requires that its implementation be subject to Security Council authorization. While the doctrine has gained recognition within the framework of international relations, it has been a subject of intense academic discussion and literature on R2P has consistently revealed that it has not entirely resolved the complexities, challenges, and debate around humanitarian intervention and protecting vulnerable people.

The Routledge Handbook of the Responsibility to Protect, edited by Knight and Egerton (2012), represents a comprehensive scholarly examination of R2P. The handbook gathers leading experts and scholars' voices in the field to address fundamental questions about R2P's conceptual foundations and operational challenges. As Egerton (2012) notes in the introduction, "The Responsibility to Protect (R2P) claims to offer a solution to one of the gravest issues in world politics: mass atrocities", yet the contributors examine whether R2P

can deliver on this promise. The handbook emphasizes that “a weakening of any one of the three components of R2P substantially weakens the concept as a whole and therefore the potential to end mass atrocities”.

Advocates of the Responsibility to Protect (R2P) concept firmly consider its endorsement as a significant triumph. One key advocate of R2P, Abiodun Williams, highlights the potential benefits of R2P to “enhance local and international institutional capacities to assess and address the risk of atrocities at an earlier stage through primary prevention, ensure robust measures are taken to halt R2P crimes in a more consistent manner and rebuild societies emerging from conflict” (2005). Standish’s article, “Everyday Genocide: Femicide, Transicide, and the Responsibility to Protect” (2021), further explains how R2P reshaped the language and narrative employed in humanitarian intervention discourse. The article points out that R2P redefined state sovereignty as a responsibility to protect individuals within a nation’s borders, emphasizing that states bear the international moral and legal obligation and accountability for ensuring the protection of their citizens from mass atrocities. Additionally, Kydd and Straus’s work, “The Road to Hell? Third-Party Intervention to Prevent Atrocities” (2013), explores the complex political challenges of generating the necessary support for interventions. They emphasize on the importance of “initiatives designed to institutionalize an anti-atrocities policy, including the Responsibility to Protect (R2P) doctrine within the United Nations”.

Cunliffe’s article, “From ISIS to ICISS: A Critical Return to the Responsibility to Protect Report” (2015), contributes to the discourse and reinforces the theme of responsibility within R2P. The author contends that members of the international community bear a collective responsibility to implement R2P and discusses the proposed Brazilian concept of “Responsibility while Protecting”. This concept reflects a nuanced approach to R2P, highlighting the need for responsibility not only in intervening but also in ensuring that interventions are conducted responsibly and ethically.

Similarly, Hindawi’s article, “What if R2P Was—Truly—Everyone’s Business? Exploring the Individual Responsibility to Protect” (2016), sheds light on the individual responsibility to protect within the R2P framework. The author argues that R2P is grounded in well-established international, national, and moral norms, challenging the perception that it is primarily a Western concept, advocating instead for its recognition as a universal

humanitarian principle that requires the endorsement of “people of conscience”. These individuals are characterized by their ethical awareness and commitment to justice, ranging from everyday citizens to influential leaders and decision-makers. Each individual plays a crucial role in protecting vulnerable populations from atrocities, particularly when institutional response is inadequate.

However, as the discourse on R2P evolves, it is essential to consider the perspectives of its critics and opponents.

Many scholars and policymakers have expressed skepticism towards its principles. The topic has been the subject of intense academic discussion in international law, ethics, political theory, and international relations. At its core, states agreed on a responsibility to protect from genocide, ethnic cleansing, war crimes, and crimes against humanity: if a state was ‘manifestly failing’ to meet this responsibility, the responsibility would fall to the international community. Nevertheless, the exact methods and extent of this response remain disputed. This is exemplified in Bellamy’s chapter “Much Ado About Nothing?” (2014), diving into the complex realm of R2P, its real-world application, and the lack of a clear legal framework on when and how to intervene.

A recurrent theme emerging within the literature regarding R2P is that the doctrine is insufficiently defined. In addition, scholars have noted that the doctrine is vague, ambiguous, and fails to draw a distinct path regarding its implementation, leading to damaging misperceptions about the principle.

This issue was pointed out in the 2009, January report (A/63/677), released by the former UN Secretary-General, Ban Ki-moon. This criticism extends to the belief that the 2005 World Summit had tacitly undermined the ICISS far-reaching goals of the Responsibility to Protect. In their essay, Weiss and Kuele (2011) trace the evolution of R2P since 2001 and argues that significant challenges lie in how the norm is framed and operationalized. If too broadly construed, R2P risks losing focus on its core objectives; if interpreted narrowly, it may serve primarily as justification for military intervention; the so-called “sharp end” of the R2P stick. This perspective is supported by Bellamy (2009a) who notes that the version of R2P endorsed at the 2005 World Summit reflected a narrower and more conservative formulation than some of the original ICISS proposals, particularly with respect to decision-making on the use of force, and in this sense can be described as a “*watered-down*” political commitment that

highlighted ongoing confusion about the norm's practical implications. Bellamy (2008) argues that a deeper consensus on R2P depends on dissociating it from the politics of humanitarian intervention and suggests that attempts to establish detailed decision-making criteria for military action were unlikely to attract widespread international support and might have undermined consensus building. According to Ramesh Thakur's review "The Responsibility to Protect at 15", substantial skepticism persists about R2P's ability to deliver timely, decisive, and effective assistance to vulnerable populations, reflecting limits in implementation and continuing debate over its conceptual and operational challenges.

Murray (2012), in his chapter "The Challenges Facing R2P Implementation" within the Knight and Egerton handbook, identifies four fundamental obstacles to R2P's operationalization: the statist structure of global politics, the limitations of international bodies responsible for action, the relativism of R2P, and its prohibitive political and financial costs. Murray's analysis is particularly significant because it was articulated at the moment when R2P was evoked in Libya, identifying structural weaknesses that later became clear in the post-intervention phase.

Expanding the discourse on R2P, a central line of critique questions the doctrine's claimed altruistic foundations. In his report *Mobilizing Collective Action: The Next Decade of the Responsibility to Protect* (2016), UN Secretary-General Ban Ki-moon urged member states to "show greater resolve in defending and upholding the norms that safeguard humanity, on which the responsibility to protect rests". Yet, as Marlier and Crawford (2013) argue, R2P falls short of its professed commitment to altruism and its ambition to expand the UN Security Council's "circle of empathy" beyond the narrow confines of state interests and borders "as national interest continues to trump humanitarian need" (Hehir, 2016, p.166).

In line with the previous argument, critics assert that the Responsibility to Protect (R2P) is fundamentally and inherently a political tool that offers powerful states with convenient justifications for military intervention, or the lack thereof, to advance their geopolitical interests. Indeed, the ICISS Report (2001) called upon the P5 members, whose "decisions, norms and preferences ultimately dictate the character of peace and security globally", to "agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support" (p.15) warning that "it is

unconscionable that one veto can override the rest of humanity on matters of grave humanitarian concern” (p.51). In “The Responsibility Not to Veto Revisited”, Trahan (2016) argues that the duty to prevent genocide, as a *jus cogens* norm superseding all other rules of international law, “imposes a legal duty not to veto on the five permanent members of the Security Council” when mass atrocity crimes are at stake (p. 117). From this perspective, P5 members face a legal duty not to veto when genocide or mass atrocities are occurring and cannot claim sovereignty as justification for blocking action against genocide. Nevertheless, the Security Council’s repeatedly used the veto to block draft resolutions aimed at addressing atrocities in Syria, where Russia and China vetoed or threatened to veto multiple humanitarian sanctions or enforcement measures, leaving the SC unable to act, widespread international condemnation, while violence and human rights violations continued and escalated (Syria, Myanmar; Genser, 2013).

In his chapter “Mobilizing the Troops: Generating the Political Will to Act”, Keating (2012) highlights that political will remains the critical variable determining R2P’s implementation and effectiveness. Similarly, Lepard (2021) in his article “Challenges in Implementing the Responsibility to Protect: The Security Council Veto and the Need for a Common Ethical Approach”, concludes that the SC’s implementation of R2P has been inconsistent and has frequently failed to agree and authorize meaningful action (p.223). This has undeniably allowed “terrible atrocities to unfold” as “Robust and timely intervention depends very much on the political will of the P5 members of the Security Council” (Breau, 2006, p.429) and whether they “have a collective interest in, or are at least not opposed to, halting a particular looming or actual mass atrocity” (Hehir, 2013, p.152).

Remarkably, regional perspectives on R2P have been particularly interesting and critical of this gap between humanitarian rhetoric and political reality. Mahdavi (2012), examining R2P’s application in the Middle East and North Africa, poses the fundamental question of whether the concept truly has people rather than powerful states at its core. His analysis of the Arab Spring context reveals that R2P’s application in the region has been neither consistent nor fair, with intervention decisions appearing to correlate more closely with the strategic interests of intervening powers than with the severity of humanitarian crises. This critique not only aligns but also anticipates the broader scholarly consensus that R2P operates as a selective political instrument.

1.2.4 Libya

This polarized opinion and controversy around the concept of Responsibility to Protect is clearly reflected in the international response to the intervention in Libya in 2011, the first ever “test” to the principle. Bellamy (2011) states that “it’s especially important because it is the first time that the Security Council has authorized the use of military force for human protection purposes against the wishes of a functioning state” (p.293). As unrest in Libya escalated, the United Nations Security Council took action by passing Resolution 1970 on February 26, 2011 (non-military) followed by Resolution 1973 on March 17, 2011 (military). The intervention resulted in the downfall and killing of Muammar Gaddafi. Notably, the UN Secretary-General Ban Ki-moon declared, “The Security Council today has taken an historic decision. Resolution 1973 affirms, clearly and unequivocally, the international community’s determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government” (2011).

In his article, “The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect”, Hehir Aider examines the multifaceted reactions to the Libyan intervention, referencing several authors, including Evans (2011), Thakur (2011), and Axworthy (2011), shedding light on the diverse perspectives that emerged in its aftermath. Supporters of the intervention loudly praised the intervention considering it a “spectacular step forward”, “a triumph for R2P”, and “The dawn of a more humane world” (2013).

Conversely, critics of the Libyan intervention challenge this celebratory narrative. Tariq Ali questions the motives behind the intervention with left-wing critiques and drew connections to oil interests (2011). Richard Falk warns that the military intervention extended beyond the Resolution 1973 goals and could potentially be interpreted as resurgence of “Wester Paternalism” (2011). Brain D Lepard argues that military forces were perceived to have exceeded the initial objective of protecting civilians to change the regime (2021). At the heart of this criticism is the recurrent question about the driving forces behind the intervention and whether the decision came out of a collective commitment to uphold the principles of R2P or if strategic considerations played a stronger role in shaping the intervention (Hehir, 2013). Simonsen (2016) further develops this argument, noting that Libya, as the first case of R2P implementation, has often been perceived as a vehicle for regime change rather than as fulfilling the UN mandate to protect civilians. He argues that the failure to implement R2P

in Syria and other contexts largely reflects the doctrine's decline, attributed to perceived abuses of authority. In their study, "Russia, humanitarian intervention and the Responsibility to Protect: the case of Syria", Averre and Davis (2005) reveal Russia's opposition to Western intervention and its discontent with R2P's misapplication in Libya for regime change purposes.

As the influential work of Alan Kuperman, "A Model Humanitarian Intervention? Reassessing Nato's Libya Campaign" (2013), debates that the intervention exceeded its initial mandate of protecting civilians and, instead, primarily aimed at overthrowing Muammar Gaddafi's regime, unequivocally characterizing the intervention as "a model of failure". In another significant piece "Lessons from Libya: How Not to Intervene" (2013a), Kuperman exposes the negative consequences of R2P implementation in Libya and the deterioration of the humanitarian situation saying "An examination of the course of violence in Libya before and after the intervention shows that the intervention backfired. The intervention extended the war's duration about sixfold; increased its death toll approximately seven to ten times; and exacerbated human rights abuses, humanitarian suffering, Islamic radicalism, and weapons proliferation in Libya and its neighbors". Importantly, these outcomes were not entirely unforeseen. Schnabel (2012) warns that post-intervention rebuilding has historically received insufficient attention, leading to "poorly managed exits, inadequate reconstruction support, and unresolved issues in the aftermath of interventions". This observation anticipated the trajectory that Libya would follow. International actors invoked R2P to justify intervention but failed to translate this into sustained post-conflict transformation. The gap between R2P's ambitious rhetoric and Libya's deteriorating reality reflects what Barnes and Tzevelekos (2016) identify as the distance between R2P's "ambitious" conceptual claims and its "ambiguous" practical implementation, resulting in more adherence to and consensus on the Responsibility to Rebuild before Libyan intervention than afterward (Gifkins, 2016).

Critics assert that the intervention was not meant to set up a successful democracy that had the ability to bring long term peace and economic stability to the country, which is part and partial of the doctrine evoked.

This was reflected by Welsh (2012), in her chapter "Who Should Act? Collective Responsibility and the Responsibility to Protect" which addresses the challenge of collective

action directly. Welsh argues that the fundamental question of who bears responsibility for implementing post-intervention strategies remains inadequately resolved in both theory and practice. She argues that the diffusion of responsibility across the international community creates accountability gaps, particularly when no single actor is obligated. This analysis is particularly relevant to understanding the post-intervention phase in Libya, where the question of who should lead rebuilding efforts remained unclear, contributing to the fragmented and ultimately inadequate reconstruction response.

Alongside these insights, the evolution of academic engagement with R2P reveals a notable shift over time. While the immediate aftermath of Libya's 2011 intervention generated intense scholarly debate, with sharp divisions between supporters and critics, the subsequent decade has witnessed a marked decline in R2P publications during the 2020s, reflecting a deeper disillusionment within the research community (Pattison, 2020). This shift suggests that the post-Libya experience has moved many scholars beyond mere criticism to questioning the doctrine's fundamental objectives: whether R2P constitutes a meaningful evolution in humanitarian protection or simply provides humanitarian justification for interventions driven by strategic interests. Rather than viewing R2P as a transformative framework with continued research investment, contemporary scholarship increasingly approaches the doctrine with skepticism, treating its application as based on geopolitical convenience rather than genuine humanitarian commitment. This academic retreat from R2P research mirrors the broader challenges the doctrine faces in maintaining credibility and influence in practice.

The post-intervention phase in Libya brought forth significant political, economic, and security challenges, prompting doubts about the efficacy of R2P (Pattison, 2011). Libya is widely regarded as a failed case of R2P implementation due to its inability to establish long-term peace and stability, prompting doubts about the efficacy of the doctrine (Kříž & Fridrichová, 2015) because neglecting any pillar "substantially weakens the concept as a whole" (Egerton, 2012).

The ongoing debate regarding the legitimacy of R2P, particularly in its future applications, demands a thorough assessment and potential reforms to guarantee that interventions genuinely prevent conflicts, establish security, protect people, and foster sustainable peace and stability. While many proposed reforms concentrate on prevention and protection, this

study aims to highlight the often-neglected Responsibility to Rebuild, a vital element of R2P. Through the case study of Libya, this research seeks to identify the gaps and make an academic contribution by “Rethinking the Responsibility to Rebuild”, an aspect that has remained relatively obscure even after more than a decade after the international intervention in Libya.

CHAPTER 2

*“The security of which we speak
is to be attained by the development of international law
through an international organization
based on the principles of law and justice”
Ludwig Quidde*

2.1 THE EVOLUTION OF R2P IN INTERNATIONAL LAW

The genesis of the Responsibility to Protect (R2P) is rooted in the United Nations’ historical inadequacies in safeguarding vulnerable populations and the enduring necessity for protecting individuals from violence and cruelty, particularly in the aftermath of World Wars. The conclusion of World War II, marked by its devastating impact and unprecedented catastrophic human rights violations, prompted nations to develop mechanisms and strategies aimed at preventing a recurrence of such catastrophic conflicts.

The First World War (1914–1918) resulted in approximately 15 to 22 million deaths and over 20 million wounded, constituting an unprecedented breach of human rights on a global scale (War Office, 1922; U.S. War Department, 1924). This period also witnessed the systematic extermination of Armenians by the Ottoman Empire (1915–1923), documented contemporaneously by the British Foreign Office, in which an estimated 1 to 1.5 million Armenians perished through deportations, massacres, and forced starvation (Bryce & Toynbee, 1916) that began to challenge traditional notions of state sovereignty and internal affairs. While the League of Nations was established in 1920 primarily to prevent future wars through collective security mechanisms, these mass atrocities contributed to evolving international consciousness about protecting vulnerable populations. The Allied powers (Britain, France, and Russia) explicitly condemned these acts as “new crimes...against humanity and civilization”, terminology that would prove foundational for future international humanitarian law (The National WWII Museum, 2021).

World War II resulted in even graver violations of human rights, epitomized by the German Nazi government’s extermination of over six million Jews. In 1945, as the war concluded,

nations globally, deeply impacted by the aftermath of the conflict, aspired to achieve enduring peace and made a commitment to “never again”. This commitment was symbolized by the establishment of the Nuremberg trials, where, for the first time, crimes against humanity were prosecuted under the Charter of the International Military Tribunal. Similarly, the International Military Tribunal for the Far East (IMTFE), commonly known as the Tokyo Trials, prosecuted Japanese leaders for war crimes and crimes against peace, establishing a parallel precedent for accountability in the Pacific region (Totani, 2008). Together, these judicial proceedings laid the groundwork for international accountability of perpetrators, regardless of domestic laws protecting their actions (Charter and Judgment of the Nürnberg Tribunal, p. 43).

In the spirit of maintaining global peace and preventing future atrocities, while fostering cooperation among nations on humanitarian, social, and economic challenges the United Nations was formally established through the signing of the UN Charter on June 26th, 1945, in San Francisco (United Nations, 1945). However, the organization often faces challenges in reconciling both its mandates: maintaining global stability and protecting human rights. Preserving peace may sometimes necessitate compromises on human rights, whereas enforcing human rights might also lead to confrontations provoking instability. Scholars have noted the complex interactions at play in balancing these objectives, especially in peacekeeping contexts (Benneker et al., 2020). UN peacekeeping has often been identified as a double-edge sword, capable of both protecting and threatening many human rights, as fundamental as the right to life (Cohrs et al., 2007).

In the aftermath of the World Wars and the establishment of the United Nations (UN), the subsequent era witnessed numerous humanitarian catastrophes. Despite the UN’s formation with the aim of maintaining global peace and preventing such crises, the international community continued to struggle with instances of widespread atrocities. This period, marked by various humanitarian emergencies, saw the creation and development of various mechanisms and conventions aimed at safeguarding populations from widespread violence and persecution, trying and bring an end to mass atrocity crimes and laying the groundwork for the evolution of doctrines like The Responsibility to Protect (R2P).

2.1.1 Post-World War II Era

The Convention on the Prevention and Punishment of the Crime of Genocide, recognized by the United Nations, stands as a foundational international legal instrument that codified genocide as a crime for the first time (Genocide Convention, 1948). Envisioned as a framework primarily addressing war crimes, especially genocide, this convention was proposed for endorsement through General Assembly resolution 260 A (III) on December 9, 1948, and came into effect on January 12, 1951, as per Article XIII. Originating as the inaugural human rights treaty sanctioned by the United Nations General Assembly, it emerged in response to the atrocities witnessed during World War II. The adoption of the Genocide Convention played an indispensable role in shaping contemporary international human rights and criminal law. Genocide, as defined by the Convention, is considered a crime applicable in both times of war and peace (Genocide Convention, 1948). State parties are obligated to prevent and address genocide, endorsing relevant legislation and emphasizing the punishment of perpetrators. Notably, Article IV of the Convention ensures that individuals in positions of authority or government officials do not receive privileges or benefits in the pursuit of justice. The prohibition of genocide has customary international law status, binding all states irrespective of the ratification of the Genocide Convention. As of April 2025, 153 states have ratified the Convention. Furthermore, the International Court of Justice (ICJ) Advisory Opinion of May 28, 1951, was a pivotal moment in international law, reinforcing this view, affirming and recognizing the Genocide Convention as a fundamental moral universally binding principle (International Court of Justice, 1951). Specifically, the Court asserted that “The character of the convention, its purposes and its provisions must be taken into account. It was the compatibility of the reservation with the purpose of the convention which must furnish the criterion of the attitude of the State making the reservation, and of the State which objected thereto” (International Court of Justice, 1951). This opinion solidified the perception of genocide as a grave international crime against the moral and legal order of the international community, emphasizing the universal and shared duty to prevent, punish, and eradicate it.

Simultaneously, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations on December 10, 1948, recognizing the urgency for safeguarding individuals from war crimes and in response to the systematic atrocities during

World War II, notably the Nazi genocide. The UDHR's drafting witnessed intense debates about critical issues, including the meaning of human dignity, contextual factors, the correlation between responsibilities and rights, and challenges to the sovereign prerogatives of member states (United Nations Commission on Human Rights, 1947 -1948). Central to these debates is the relationship between the genocide convention and the Universal Declaration of Human Rights, reflecting a fundamental dilemma between protecting individuals or social groups, echoing the discourse between Lauterpacht and Lemkin. Lemkin, who coined the term "genocide" in *Axis Rule in Occupied Europe* (1944, pp. 79-95), advocated for legal measures that would recognize and prevent the extermination of entire groups, arguing that the law must protect specific groups from targeted mass atrocities. Conversely, Lauterpacht, in *An International Bill of the Rights of Man* (1945), focused on the primacy of individual rights, influencing the UDHR's emphasis on the universal and inherent dignity of every human being. This fundamental divergence has been analyzed by scholars including Mundorff (2020) and Mayers (2015).

The Universal Declaration of Human Rights reflected a commitment to non-discrimination and the inherent dignity of every human being, serving as the cornerstone of international human rights law (Brown, 2016). The UDHR asserted the universality of human rights, encompassing civil, political, cultural, social, and economic rights, providing a comprehensive framework for understanding freedom, justice, and peace on a global scale. The UDHR's significance extends beyond its temporal context, shaping the development of universally accepted concepts of human rights more profoundly than any other declaration. Importantly, its principles provide a crucial historical link to the emergence and evolution of the Responsibility to Protect (R2P) doctrine, although not explicitly articulating it, emphasizing the interconnectedness of protecting human rights and preventing atrocities at the international level. Several articles within the UDHR align with R2P's goals and the rights it seeks to protect. For instance, Article 3 emphasizes the right to life, fundamental to preventing mass atrocities, while Article 5 prohibits torture, aligning with R2P's commitment to preventing inhumane treatment. Article 9 safeguards against arbitrary detention, reflecting R2P's aim to protect populations from crimes against humanity involving such actions. Article 13 supports R2P's objective by affirming the right to freedom of movement, crucial

for populations at risk. Addressing root causes, Article 25 asserts the right to an adequate standard of living, aligning with R2P's comprehensive approach. Last but not least, Article 28 emphasizes the need for a social order ensuring rights, reflecting the preventive aspects of R2P by promoting good governance and addressing underlying issues. Together, these articles underscore the shared commitment to protecting human rights and preventing atrocities at the international level. Although, not legally binding, the Declaration "contains principles and rights that are based on human rights standards enshrined in other legally binding international instruments that are legally binding" (UN Human Rights Office of the High Commissioner, n.a).

In this evolving landscape, The International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) aimed to address racial segregation and separation, particularly the severe discriminatory policies of the South African government from 1948 to 1990. Despite its noble intentions, the convention faced significant resistance at the time of its drafting, primarily from Western countries. The reluctance of Western countries to support the convention was driven by political considerations, concerns about violating the sovereignty of states, and the implications of the convention on their own policies and practices (Bultz, 2013). This concern was particularly significant for countries with colonial histories and racial segregation practices, as they feared setting a precedent that could be applied to their own policies. Additionally, the inclusion of apartheid as a crime against humanity in the Rome Statute of the International Criminal Court faced criticism that it was a South African-specific issue and not customary law (Eden, 2013). Notably, the General Assembly had annually condemned apartheid, considering it contrary to the principles outlined in Articles 55 and 56 of the UN Charter. In 1966, the General Assembly broadly defined apartheid as a crime against humanity (resolution 2202 A (XXI) of 16 December 1966), declaring it unlawful, criminal, and a serious threat to international peace and security. It defined apartheid as inhuman acts aiming to establish and maintain racial group domination, including murder, torture, arbitrary arrest, and persecution. The convention empowered national courts to hold government officials criminally responsible. Its drafters, emphasizing the UDHR's principles, broadened its language to serve as a preventive measure against similar laws, contributing to the universal ban on crimes against humanity. The

convention's formulation, influenced by the UDHR, underscores the historical progression toward creating a legal framework for the prevention of mass atrocities and crimes against humanity, setting the stage for the development of the Responsibility to Protect (R2P) doctrine.

In the 1990s, despite all the aforementioned conventions designed to safeguard human rights and prevent violations, significant humanitarian transgressions occurred. These events called into serious consideration the United Nations' failure to fulfill its fundamental post-World War II mandate and obligation to maintain global peace and protect populations facing atrocities, exposing the limitations of the existing international conventions.

One of the most devastating episodes occurred in Rwanda in 1994, witnessing the brutal massacre of more than 800,000 Rwandan Tutsis in a 100-day period (International Development Research Centre, 2001). As ethnic tensions escalated into genocide, UN peacekeepers were instructed not to intervene in order to avoid interference in a domestic conflict. The significant loss of life led to a thorough UN inquiry, revealing that member countries had explicitly instructed their peacekeepers to refrain from taking action (The Rise and Fall of the Responsibility to Protect, 2023). The Clinton administration, for example, deliberately avoided using the term "genocide" during the Rwandan mass killing to avoid criticism for inaction (Schimmel, 2011). Under the Genocide Convention, signatories are compelled to prevent and punish genocide; and officially recognizing the mass killings in Rwanda as such would have obligated an international response, potentially including military intervention (Ibid). This decision was also influenced by the administration's shift towards non-interventionism following the failed mission in Somalia, which shaped their approach to Rwanda (Szandzik, 2022).

Between 1992 and 1995, Bosnian Muslims were in conflict with Bosnian Serbs following the dissolution of Yugoslavia. In response to escalating violence, the UN declared Srebrenica a "safe area" under the protection of UN peacekeepers. However, these peacekeepers lacked both the mandate and the military capability to engage in combat operations, even as the Bosnian Serb army advanced (Honig & Both, 1997). Once again, UN leaders chose non-intervention, citing concerns about the peacekeepers' insufficient weaponry and the potential risk to peace negotiations with Serbian authorities. This decision allowed the Bosnian Serb

army to systematically execute around 7000 Bosnian Muslims, with subsequent attempts to conceal the evidence through the disposal of victims' bodies in numerous mass graves (International Criminal Tribunal for the Former Yugoslavia, 2004). The gravity of this massacre, however, acted as a catalyst for international action. Reacting to the global outrage and the clear failure of passive monitoring, the UN Security Council was compelled to authorize a more assertive military intervention. Consequently, NATO conducted targeted air raids against the Bosnian Serb military positions in 1995 (North Atlantic Treaty Organization, 1995). These strategic bombings significantly weakened the Bosnian Serb military forces, accelerating the end of the conflict and ultimately paving the way to the Dayton Peace Agreement, which concluded the war (General Framework Agreement for Peace in Bosnia and Herzegovina, 1995).

In 1999, the North Atlantic Treaty Organization (NATO) intervened in Kosovo without the United Nations authorization, aiming to prevent the ethnic cleansing of Kosovar Albanians by Serbian forces. This action raised considerable debate over the legality and legitimacy of humanitarian intervention without UN Security Council approval (The Kosovo Report: Conflict, International Response, Lessons Learned, p.169). The discussions centered around the tension between the principles of state sovereignty and the emerging norm of the international community's responsibility to protect human rights. During these debates, different international actors expressed varying perspectives on the issue. Notably, the Netherlands articulated a viewpoint that reflects a shift in international norms since the drafting of the UN Charter. According to the Dutch representation at the UN Security Council in 1999, "the Charter, to be sure, is much more specific on respect for sovereignty than on respect for human rights, but since the day it was drafted the world has witnessed a gradual shift in that balance, making respect for human rights more mandatory and respect for sovereignty less absolute. Today, we regard it as a generally accepted rule of international law that no sovereign State has the right to terrorize its own citizens" (UN Security Council, 1999, p.12).

It is important to note, however, that this view is not universally accepted and represents one perspective among many in the international community. Critics argue that such interventions without UN authorization might undermine the legal framework established by

the UN Charter, potentially leading to unilateral actions under the guise of humanitarian action. This divergence in views illustrates the ongoing controversy around the doctrine of humanitarian intervention.

Throughout the 1990s, the United Nations experienced significant divisions, with some advocating for a humanitarian intervention right and others denouncing it as an unjustifiable violation of state sovereignty. In this context, Kofi Annan, the then secretary general of the UN, expressed his fears that the UN risked undermining its credibility by not addressing atrocities like Rwanda and Srebrenica. He urged member states to create a legal and political framework for the international community to coordinate international action to “defend our shared humanity” while “upholding the principles of the charter”. He declared in what is commonly referred to as the Millennium Report “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity” (Annan, 2000). The urgent need for a more effective and comprehensive framework to address atrocities became increasingly apparent in the face of events.

The evolution of international criminal justice mechanisms began with the establishment of the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda. Established by the United Nations Security Council through Resolutions 827 in 1993 and 955 in 1994, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were respectively created to address the grave violations of international law, such as genocide, war crimes, and crimes against humanity, occurring during the conflicts in these regions (United Nations Security Council Resolution 827, 1993a; United Nations Security Council Resolution 955, 1994). Their creation marked a crucial step forward in the global effort to hold perpetrators accountable for the atrocities they committed, setting precedents international legal proceedings.

Building on the experiences of these ad hoc tribunals, the international community expanded transitional justice through the introduction of hybrid tribunals. These tribunals, such as the Extraordinary Chambers in the Courts of Cambodia, established in 2003, and the Special Court for Sierra Leone, founded in 2002, represented a new approach by integrating international and domestic legal practices (Agreement Between the United Nations and the

Government of Sierra Leone, 2002; Agreement Between the United Nations and the Royal Government of Cambodia, 2003). According to Pérez-León-Acevedo (2022), in his study “UN-backed hybrid criminal tribunals (HCTs): Viable options in international criminal justice?” published in the *International Criminal Law Review*, hybrid tribunals were established through partnerships between the United Nations and the respective country’s government, aiming to tailor the justice process to the specific cultural and societal context of the countries affected by conflict and atrocity. This model allowed for a more nuanced application of justice, accommodating local legal traditions while still upholding international standards of fairness and accountability, resulting in cost-effective, flexible mandates, and shorter proceedings.

The experiences and lessons learned from both the ad hoc and hybrid tribunals directly influenced the signing of the Rome Statute in 1998, marking a monumental leap toward global justice and the establishment of the International Criminal Court (ICC). The efficacy and importance of holding individuals accountable for international crimes were emphasized by the overwhelming support of 120 countries voting in favor of the treaty (International Criminal Court, 1998). This collective endorsement reflected a growing global consensus that accountability for grave crimes should go beyond the domestic legal systems. Recognizing the need for an independent and impartial international mechanism, the ICC was inaugurated in 2002, marking a momentous advancement in international law. Operating within its jurisdiction, the ICC is empowered to address and prosecute individuals responsible for the worst crimes under international law, including genocide, war crimes, and crimes against humanity. The establishment of the ICC stands as a significant step toward fostering accountability and justice on a global scale (International Criminal Court, 1998).

2.2 R2P ADOPTION

Confronting the urgent challenge of safeguarding populations in emergent and large-scale humanitarian crises and in response to the evolving discourse on state sovereignty and international intervention for humanitarian purposes, the Canadian government, with the support of the United Nations, took a decisive step in September 2000 to establish the independent International Commission on Intervention and State Sovereignty (ICISS). This commission aimed to shape the complex interplay between state sovereignty and the global

responsibility to intervene for humanitarian purposes, striving to find a resolution to when, if at all, should states employ military interventions against another state with the objective of safeguarding individuals at risk (Global Center for the Responsibility to Protect, 2021). The commission's composition was carefully selected to encompass a transdisciplinary approach, bringing together experts from a wide range of geographical backgrounds and various disciplines including international relations, human rights, humanitarian intervention, and political science. The commission was co-chaired by Gareth Evans, a former Australian Foreign Minister, and Mohamed Sahnoun, an Algerian diplomat and former UN Africa adviser, who guided the commission's effort in shaping the discourse on humanitarian intervention and state sovereignty (Evans, 2009).

Following a year of extensive global debate, the International Commission on Intervention and State Sovereignty (ICISS) presented its report, which introduced the term "responsibility to protect". The report introduces a paradigm shift by redefining the concept of sovereignty, reflecting the evolving *zeitgeist*, asserting that sovereignty not only grants a state the right to control its domestic affairs but also the primary responsibility for safeguarding its people against "mass murder, large scale loss of life and rape, and starvation" (Global Center for the Responsibility to Protect, 2021). The report suggested that when a state fails in this responsibility due to a lack of capability or willingness, the duty shifts to the broader international community.

In 2004, the High-level Panel on Threats, Challenges and Change, established under the direction of Secretary-General Kofi Annan, embraced the emerging principle of The Responsibility to Protect (R2P), asserting a collective international responsibility. The Panel recommended that the Security Council adopt a set of guidelines authorizing military intervention as a last resort in instances involving genocide, extensive killing, ethnic cleansing, and severe violations of humanitarian law, especially when sovereign governments fail to prevent such atrocities. The Panel proposed essential criteria to guide decisions on the use of force, highlighting the gravity of the threat, the necessity for it to be a last resort, and the requirement for a proportionate response (United Nations, 2004). These recommendations were later considered during the 2005 World Summit, where member states formally endorsed the R2P principle (Bellamy, 2009a).

Following the release of the ICISS Report, the doctrine of the Responsibility to Protect (R2P) was formally and unanimously accepted by over 150 heads of state and government during the 2005 UN General Assembly. In the World Summit Outcome document, specifically in paragraphs 138 - 139, nations agreed that “Each individual State has the responsibility to protect its populations... through appropriate and necessary means” and that “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations” in a “timely and decisive manner” through the UN Security Council and in cooperation with regional organizations, applicable in the case of four distinct crimes: genocide, war crimes, the crime of aggression, and crimes against humanity, when a state falls short in fulfilling that duty (World Summit Outcome Document, 2005).

In April 2006, the Security Council adopted a resolution on the Protection of Civilians in Armed Conflict, explicitly reaffirming the conclusions of the World Summit regarding the responsibility to protect (United Nations Security Council, 2006). R2P principle gained official endorsement from the UN General Assembly, giving it a more concrete form of recognition. Although, while the General Assembly’s endorsement of R2P in 2005 and subsequent resolutions indeed signify widespread support, these resolutions, by their nature, are non-binding. They express the collective will of the Member States at a given time but do not compel states to act. The appointment of Edward Luck in 2008 as the Special Adviser on the Responsibility to Protect aimed to advance the implementation and ongoing political dialogue concerning the doctrine to ensure its implementation (United Nations, 2008a), yet this remains largely dependent on the political will and international dynamics.

2.2.1 R2P - the Responsibility to Protect Report

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) articulated the concept of the Responsibility to Protect (R2P) with a fundamental inquiry: “When, if ever, is it appropriate for states to take coercive, particularly military, action against another state to protect at-risk populations?” (International Commission on Intervention and State Sovereignty, 2001, p. vii).

2.2.1.1 Core Principles of R2P

(1) The International Commission on Intervention and State Sovereignty (ICISS) report (2001) emphasizes the foundational concept that “state sovereignty implies responsibility” for safeguarding the citizens within the jurisdiction of the state. However, if a state is either unwilling or unable to fulfill this responsibility, the broader international community must assume this obligation, emphasizing its responsibility to protect.

(2) The foundations of R2P are rooted in the inherent obligations of sovereignty, the UN Security Council’s responsibility for maintaining global peace (Article 24 of the UN charter), specific legal obligations under international and national law, and the evolving practices of states and regional organizations.

(3) There are three distinct pillars within R2P: prevention, protection/reaction, and rebuilding.

2.2.1.2 Pillar 1: The Responsibility to Prevent

According to the ICISS report (2001), “prevention is the single most important dimension of the responsibility to protect: prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it” (p.19). The responsibility to prevent aims to address both the root causes and direct causes of internal conflict and other man-made crises that put populations at risk. This involves implementing preventive measures to address crises and alleviate tensions before contemplating any intervention. While the primary responsibility to protect populations lies with the state, the international community has an important role in conflict prevention through assistance and capacity-building. However, in situations where the state itself is the perpetrator of mass atrocities, the possibilities for effective prevention become particularly challenging.

2.2.1.3 Pillar 2: The Responsibility to Protect

The obligation to respond/ protect becomes imperative when all preventive measures have proven ineffective. This pillar does not necessarily entail an immediate military intervention (p. 75). Various non-coercive measures, such as economic sanctions or international prosecution, should be implemented. Prior to considering intervention, it is essential to make

sure that the concerned state is either unwilling or incapable of preventing the perpetration of mass atrocity crimes. Consequently, as a last resort and subject to the approval of the UN Security Council, military intervention is permissible. Interventions conducted for humanitarian purposes should be characterized by impartiality and neutrality (p. 76), although achieving such objectivity is challenging because of the inherent self-interest of states, which significantly influences their decision to intervene or abstain in a specific situation.

Principles for Military Intervention

Military intervention should only be invoked in rare and extraordinary circumstances (Evans & Sahnoun, 2001, p. 31). In outlining the principles for military intervention under R2P, the ICISS report (2001) establishes a rigorous framework for justifying such measures:

- (1) The just cause threshold necessitates the presence of “serious and irreparable harm”, such as large-scale loss of life or ethnic cleansing, justifying exceptional intervention.
- (2) The precautionary principles lay out criteria, including right intention “to halt or avert human suffering”, last resort “when every other non-military option has been explored”, proportional means “should be the minimum necessary” to achieve the specified human protection goal, and reasonable prospects of success.
- (3) The right authority for intervention only resides with the United Nations Security Council, with authorization sought before any military action. Security Council members are urged to abstain from using their veto power especially when vital state interests are not at stake. In case of Security Council inaction, alternative options involve the General Assembly and regional organizations.
- (4) Operational principles underscore the importance of clear objectives (the protection of people not the defeat of the state), unified military approaches, adherence to international humanitarian law, and maximum coordination with humanitarian organizations.

2.2.1.4 Pillar 3: The Responsibility to Rebuild

Before turning to the specific provisions of the ICISS Report concerning this pillar, it is important to recall that the third pillar of R2P constitutes the primary focus of this dissertation

and is intended to be implemented following an intervention. It fundamentally seeks to establish positive peace, which goes beyond the mere absence of armed conflict to address the root causes of violence. Positive peace refers to state-building, institutional reform, and justice mechanisms that foster lasting peace and prevent relapse into conflict (Galtung, 1969). It involves creating the social, economic, and political conditions that prevent the re-emergence of violence and support sustainable development. In contrast, negative peace refers to the absence of direct or physical violence, such as ceasefires or peace agreements, without necessarily addressing underlying problems or structural inequalities (Galtung, 1969). The Responsibility to Rebuild (R2R) is therefore normatively aligned with the pursuit of positive peace. This responsibility should be an inherent obligation by the international community and/or the parties that carried out the intervention, with the active engagement and participation of the locals. This is particularly crucial given that post-conflict states often lack the capacity or means to independently undertake the reconstruction process, which is crucial for recovery, reconciliation, and long-lasting positive peace (Paris, 2004).

The Responsibility to rebuild is an integral and vital pillar of R2P. As a matter of fact, states are more prone to relapse into conflict, experience negative peace, or transition into a failed state following an intervention, especially a military one, if there is a lack of implementation of a rebuilding peacekeeping mission and reconciliation efforts. This is asserted in the ICISS report that “if military intervention is to be contemplated, the need for a post-intervention strategy is also of paramount importance” (p. 39). Therefore, a comprehensive intervention under R2P should imperatively involve its three pillars: prevention, protection, and rebuilding.

Under the Responsibility to Rebuild, as outlined in the ICISS report, several critical steps are identified to ensure post-conflict stability. While the ICISS report does not present these components in these specific categories, these themes could be identified within the discussion of post-intervention obligations (Chapter 5) and operational dimensions (Chapter 7). The following subsections categorizes these themes into eight components: peacebuilding; the reconstruction of state institutions; disarmament, demobilisation, and reintegration (DDR); justice and reconciliation; the transfer of authority; security measures; development initiatives; and the implementation of an exit strategy. Each of these

components plays a vital role in the comprehensive process of rebuilding a nation after conflict.

Peacebuilding²

Peacebuilding aims to consolidate peace in the aftermath of conflict by addressing the underlying political, institutional, economic, and social causes of violence, with the objective of preventing a relapse into war and securing long-term stability. The concept builds on the broader peacebuilding discourse developed within the United Nations system, notably the Brahimi Report's characterisation of peacebuilding as encompassing "activities undertaken on the far side of conflict to reassemble the foundations of peace" (United Nations, 2000, p. 3). Drawing on this formulation, the ICISS report situates peacebuilding as central to the responsibility to rebuild, emphasizing that post-intervention efforts must go beyond the mere stop of hostilities and commit to building "a durable peace, and promoting good governance and sustainable development" (ICISS, 2001, p. 39).

This stage is of particular importance following an intervention, as it establishes a secure environment within which state institutions can be reconstructed and governance structures restored. While the provision of security may initially rely on international actors, the ICISS emphasizes that this responsibility should be exercised in cooperation and partnership with local authorities, with the aim of progressively transferring authority to local actors (p. 43).

² Peacebuilding operations have existed since the early 1990s without explicit Charter authorization. They occupy what UN Secretary-General Dag Hammarskjöld termed "Chapter VI and a half": operations that fall between peaceful dispute resolution (Chapter VI) and military enforcement action (Chapter VII), creating a legally ambiguous but practically accepted category of UN intervention (United Nations, 2008). Both peacebuilding and R2R have similar activities: security sector reform, institution-building, and reconciliation processes. The central distinction is about obligation: peacebuilding evolved as optional assistance that states could provide voluntarily, whereas R2R frames reconstruction as a binding responsibility and obligation that arise directly because of the decision to intervene (ICISS, 2001, p. 39). However, both frameworks face similar challenges regarding the absence of binding legal obligations that ensure sustained international engagement. Whether R2R generates stronger commitments than peacebuilding in practice is examined through the Libya case in Chapters 3 and 4. Paris Roland (2016) argues that R2P and peacebuilding, though often treated as separate domains in policy and scholarship, are fundamentally interconnected.

Moreover, the ICISS acknowledges that effective peacebuilding may necessitate a prolonged international presence in the post-conflict state, extending beyond the immediate objectives of the intervention in order to secure long-term positive peace and development (pp. 44–45).

Rebuilding state institutions

The ICISS report identifies the reconstruction of state institutions as a fundamental component of post-intervention responsibility. Rebuilding a state that has experienced violent conflict is imperative, as without functioning governance structures, the gains of an intervention risk being reversed by renewed instability. Essential to this process is the reconstruction of the state’s vital institutions, encompassing the legal and political systems, judiciary, military, and economic sector. The report frames this within the broader obligation of the responsibility to rebuild, which requires “a genuine commitment to helping to build a durable peace and promoting good governance and sustainable development” (ICISS, 2001, p. 39). In articulating the scope of post-conflict peacebuilding, the report draws on the Secretary-General’s 1998 report on “The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa”, which describes post-conflict peacebuilding as involving the creation or strengthening of national institutions and the monitoring of elections (ICISS, 2001, p. 40). The reconstruction of institutions thus forms the backbone of any sustainable post-conflict recovery.

Disarmament, Demobilization, and Reintegration

The process of Disarmament, Demobilization, and Reintegration (DDR) constitutes an important element within rebuilding operations, aiming to foster stability, enhance security, and establish enduring peace in post-conflict societies. Although the ICISS report does not use “DDR” as a formal heading, it addresses these components substantively across its discussion of post-intervention obligations (paragraph 5.9) and operational dimensions (paragraphs 7.45 and 7.46), emphasizing their significance in contributing to the overall reconstruction efforts (ICISS, 2001, pp. 41, 65).

Disarmament stands as the initial phase. It involves the retrieval of tools of combat, encompassing weapons, ammunition, and explosives, from the possession of individuals associated with armed groups and even from the civilians. Disarmament, especially of former

combatants, is highlighted as crucial for stabilizing the security situation and protecting civilians (pp. 41, 65). The success of the entire intervention process rests upon an effective disarmament, as it seeks to wrest means of violence from local militias, centralizing them at higher levels. However, implementing disarmament poses significant challenges, including difficulties in collecting all weapons due to unstable security, economic needs, and a persistent trade in small arms. Additionally, the report underscores the complexities of voluntary disarmament, often challenged by issues related to the security and economic well-being of combatants, along with inadequate peace support forces (p. 41).

Demobilization comes next, involving the formal release of combatants from the armed forces and other entities like militias, back into civilian life. Demobilization has received limited attention in the ICISS report. However, Lenisse Edloe, in her article “Best Practices for Successful Disarmament, Demobilization, and Reintegration” (2007), emphasizes that effective demobilization necessitates the implementation of orientation programs. These programs play a crucial role in providing former combatants with socioeconomic opportunities, fostering confidence, and motivating their reintegration into civilian life. Edloe further underscores the importance of offering psychological support to combatants grappling with war-induced trauma during the demobilization process (p. 17). Reintegration, often the lengthiest process, is integral for the overall success of the intervention, as it aims to prevent demobilized soldiers from resorting to armed crime or political opposition, ensuring that they are provided with the necessary support and opportunities to contribute positively to society (ICISS, 2001, p. 41).

Justice and reconciliation

Achieving national unity and lasting peace requires justice and reconciliation. These actions can help calm long-standing disputes and tensions to avoid the reoccurrence of the conflict. The ICISS report emphasises that reconciliation occurs when former adversaries collaborate to rebuild their community, and that international support should actively promote and facilitate this process (p. 39). It also is crucial to prioritize the establishment of transitional justice mechanisms during an operation and promptly restore judicial systems. When an intervening force is tasked with preventing additional human rights violations but lacks an

effective system to prosecute perpetrators, the viability of the mandate diminishes, leading to reduced credibility both on a local and international scale (p. 41). The report mentions that various non-governmental bodies have devised “justice packages” adaptable to diverse operational conditions, integral to post-intervention peace-building strategies until the re-establishment of local institutions. These measures encompass a standard model penal code, readily applicable in situations lacking a legal framework, ensuring immediate implementation at the intervention’s onset. This approach safeguards minorities and empowers intervening forces to apprehend individuals engaged in criminal activities (p. 42).

Transfer of authority

As outlined in the ICISS report, paragraphs 7.38 and 7.39, the transfer of authority in post-intervention operations involves military forces establishing a secure environment for governance restoration and rule of law, with a growing role for civilian authorities. The UN plays a crucial role by appointing a Special Representative of the Secretary-General, facilitating the transition towards the full restoration of local authority following elections and the withdrawal of foreign military forces (p. 64). This gradual handover is essential both for the legitimacy of the intervention and for the long-term sustainability of the post-conflict political order.

Security

In the aftermath of conflicts, the intervention forces bear a crucial responsibility to ensure the fundamental security and protection of all members of the population, irrespective of their ethnic background or previous affiliations with the former governing authority (ICISS, p. 40). There is often a risk of regression into violence, including instances of “reverse ethnic cleansing”, where victimized groups target those associated with their former oppressors. Adequate planning before the intervention entry is vital, and security measures must be implemented to safeguard all populations, refraining from labeling any group as a “guilty minority” during the post-intervention phase. The core principle is to uphold the right of every individual to basic protection for their lives and property (pp. 40 - 41).

Development

Following a military intervention, it is essential to actively promote economic growth, market restoration, and sustainable development (ICISS, 2001, p. 42). Economic growth is not only crucial for maintaining law and order but also plays a vital role in the overall recovery of the affected country. Intervening authorities should find a way to stop any coercive economic measures and sanctions applied to the country during or before the intervention (p. 42). Additionally, the intervening authorities hold the responsibility to smoothly transition development responsibility and implementation to local leadership, collaborating with national and international development agencies (p. 43). This transition is significant not only for long-term development goals but also contributes positively to short-term security measures.

Exit strategy

Having a well-defined exit strategy is imperative for external actors involved in a rebuilding operation. Indeed, intervening actors should be prepared to stay for as long as required, ideally with local consent (Evans, 2008, p. 149). The exit strategy should be implemented when the intervened country is surely progressing towards stability, reconciliation, and peace. The commitment to sustainable reconstruction might require an extended presence in the country, beyond the completion of initial intervention objectives (ICISS, p. 39). Historically, post-intervention reconstruction has been underappreciated, leading to poorly managed exits, inadequate support for rebuilding, and unresolved issues in the aftermath of interventions. As the ICISS report itself observes, “the exit of the interveners has been poorly managed, the commitment to help with reconstruction has been inadequate, and countries have found themselves at the end of the day still wrestling with the underlying problems that produced the original intervention action” (p. 39). Pre-intervention planning must incorporate a clear exit strategy for the withdrawal of intervening troops. The absence of such a strategy poses substantial risks to military interventions, as an unplanned or fast exit could potentially undermine even the positive aspects of the intervention (ICISS, p. 41). Hence, a well-planned and executed exit strategy emerges not only as a vital measure but also as an essential element in responsible intervention planning.

2.2.2 R2P - General Assembly’s World Summit Outcome

In 2005, during the World Summit, UN member states unanimously embraced the Responsibility to Protect in cases of genocide, war crimes, ethnic cleansing, and crimes against humanity. Building upon the 2005 World Summit Outcome Document (UN General Assembly resolution A/RES/60/1), R2P underwent further refinement through Special Reports by UN Secretary-General Ban Ki-Moon, alongside discussions in the General Assembly. In paragraphs 138-139 of the World Summit Outcome document, States accepted that “Each individual State has the responsibility to protect its populations...through appropriate and necessary means”, and “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations...to take collective action, in a timely and decisive manner, through the Security Council...on a case-by-case basis...should peaceful means be inadequate” (UNGA, 2005).

The recommendations adopt a comprehensive approach to strengthening the implementation of the Responsibility to Protect, with a strong emphasis on prevention and capacity-building at the domestic level. States are encouraged to strengthen national mechanisms and capacities for dispute resolution and enhance the protection of vulnerable populations as part of their primary responsibility to prevent mass atrocity crimes (United Nations Secretary-General, 2009; 2010). This preventive focus is complemented by calls for cooperation with international organizations and civil society actors to reinforce the rule of law, judicial independence, security institutions, and human rights protection, reflecting the dimensions of R2P (United Nations General Assembly, 2005; United Nations Secretary-General, 2009).

Moreover, this framework further highlights the importance of cooperation between the United Nations and regional and sub-regional organizations, particularly in the areas of early warning, preventive diplomacy, training, and mediation (United Nations Secretary-General, 2011). Emphasis is also placed on strengthening early-warning capacities through fact-finding missions, special representatives, and improved assessment mechanisms, which are identified as essential tools for preventing mass atrocity crimes before they occur (United Nations Secretary-General, 2010; 2014). While peacekeeping and peacebuilding are acknowledged as relevant components of international responses, the UN framework does not elaborate post-intervention reconstruction obligations in the manner originally articulated

under the responsibility to rebuild in the ICISS report, leaving this component comparatively underdeveloped in UN practice.

While R2P may not impose a binding treaty obligation, it has emerged as a significant and widely embraced norm, profoundly influencing international discussions on human rights violations and humanitarian interventions. The United Nations Security Council has repeatedly invoked R2P in several resolutions, demonstrating its relevance and applicability in various crises. However, the normative status of R2P's three pillars is not the same. The first pillar (prevention) and second pillar (protection) have gained clearer operational acceptance. The third pillar, the Responsibility to Rebuild, remains more ambiguous. The 2005 World Summit Outcome Document provided minimal specification regarding post-intervention reconstruction obligations. It confines the Responsibility to Protect to paragraphs 138 and 139, which together articulate the full scope of R2P as endorsed by UN Member States. While these paragraphs reaffirm prevention and collective response to mass atrocity crimes, they do not explicitly retain the ICISS formulation of a responsibility to rebuild or specify post-intervention reconstruction obligations and enforcement mechanisms (United Nations General Assembly, 2005, paras. 138-140). This marginalization of R2R from the 2005 framework was not accidental but reflects a deliberate institutional choice. As Paris (2016) observes in the Bellamy and Dunne handbook, "when the United Nations General Assembly gave its formal endorsement to the R2P concept in 2005, it focused on the responsibilities to prevent and to react but did not mention the responsibility to rebuild" (p. 510). Paris argues that since 2005, "R2P and peacebuilding have been treated as two solitudes within the UN", with the Secretary-General issuing separate reports on each concept but "rarely treating them in the same document or considering either concept in relation to the other" (p. 510). This institutional separation, Paris argues, is unjustified and weakens the coherence of post-conflict peacebuilding efforts. Peacebuilding is integral to R2P because "the use of coercive military force to stop an imminent or actual atrocity crime creates its own requirement for post-crisis peacebuilding" (p. 509). The Libyan case, which Paris uses to illustrate this argument, demonstrates the dangers of treating intervention and reconstruction as separate concerns.

This research treats R2R as an emerging norm that has achieved rhetorical acceptance but not legal codification. The ICISS (2001) framed reconstruction using the language of “responsibility”, suggesting obligation “if military intervention is to be contemplated, the need for a post-intervention strategy is also of paramount importance” (p. 39). This normative framing positions R2R as what international relations scholars term an “emerging norm”, a principle that states widely acknowledge and that influences how they are expected to behave, even though it is not yet written into binding international law (Finnemore & Sikkink, 1998).

Yet as the Libya case will demonstrate, this normative framing has not ensured sustained implementation. Whether R2R functions as a meaningful obligation or remains aspirational rhetoric is examined through Libya’s post-intervention trajectory, the first case where R2P was put into action by the Security Council across all three pillars.

CHAPTER 3

*“Maybe, just maybe, we’ll be able to say ‘never again’ in the future
without having to periodically look back,
as has so often been the case in the past, asking ourselves,
with a mixture of anger, incomprehension and shame,
how did it happen again”
Gareth Evans*

Libya’s historical trajectory unfolds through a complex narrative shaped by tribal influences, colonial legacies, monarchical governance, and autocratic rule. The journey to nationhood started in 1951 under a United Nations mandate, navigating through periods of tribal governance, Ottoman dynasties, and Italian colonization. Notably, it holds the distinction of being the first African state to attain independence from European rule through the United Nations process.

Initially, Libya was divided into three regions under a single monarch. It was facing several challenges worsened by extreme poverty and a belief in limited resources. The discovery of oil in 1959 marked a transformative turning point and a significant rise in per-capita Gross Domestic Product (GDP). The Libyan king’s concessions to Western oil companies, however, generated widespread discontent, eventually leading to a bloodless coup d’état on September 1, 1969, led by Colonel Muammar Gaddafi and aimed at overthrowing the monarchy (Van Genugten, 2011).

Then, the event of January 2011 marked another crucial turning point in the Middle East and North Africa (MENA) political landscape, with popular uprisings in various nations, each navigating its proper trajectories. Among these, Libya deviated into a complex narrative of armed conflict and civil unrest. As the situation in Libya steadily worsened, drawing international attention and concern, the invocation of the Responsibility to Protect (R2P) became a pivotal moment in the discourse surrounding humanitarian intervention. This chapter digs into the analysis of circumstances prevailing in Libya before the revolution, the dynamics of the revolution itself, and the subsequent application of R2P in its three pillars.

3.1 LIBYA

Libya, formerly known as “the Great Socialist People’s Libyan Arab Jamahiriya”, spans an extensive area of 1,759,540 square kilometers, making it a significant landmass in the North African region (Central Intelligence Agency, 2024). Geographically, Libya is bordered by the Mediterranean Sea to the north and shares land borders with six other nations: Egypt to the east, Sudan to the southeast, Chad to the south, Niger to the southwest, Algeria to the west, and Tunisia to the northwest. Its strategic location has historically positioned it as a crucial hub for cultural and economic exchanges among Africa, Europe, and the Middle East.



*Figure 1: National map showing Libya’s location in North Africa.
Source: Shutterstock (2024)*

Despite its expansive territory, Libya has a relatively low population density, with a 2023 estimate of 7,252,573 inhabitants, ranking it 106th globally. Most of its land is dominated by the Sahara Desert, which influences not only the environmental conditions but also the population distribution, with most Libyans residing along the Mediterranean coast where major cities, including the capital Tripoli, are situated (Smith, 2020).

Economically, Libya has been predominantly dependent on its substantial oil reserves, which have historically constituted most of its national revenue and export earnings (OPEC, 2020). Nevertheless, the country’s economic landscape has been affected by periods of political instability, particularly following the 2011 uprising that overthrew the longstanding regime of Muammar Gaddafi. This upheaval triggered a series of political crises and conflicts that profoundly affected Libya’s governance and its international relations. This instability marks Libya’s recent historical trajectory, making it a relevant case study for examining the implementation of the Responsibility to Protect (R2P) doctrine, particularly in the dawn of the international community’s interventions in 2011.

3.2 HISTORICAL BACKGROUND AND CAUSES OF THE CONFLICT IN LIBYA

3.2.1 The Gaddafi Era - Libya Pre-2011

3.2.1.1 Economic Development

Colonel Muammar Gaddafi's regime in Libya, marked as the longest serving in the Arab world, began with a bloodless coup in 1969 and concluded in a violent upheaval after more than four decades in 2011. Despite the challenges that led to the revolution and triggered discussions on the Responsibility to Protect (R2P), Libya experienced significant economic transformations during Gaddafi's leadership. According to Libyan Heritage House (2023), Gaddafi's rule brought substantial changes to Libya's economic landscape, particularly with the nationalization of the oil industry. Prior to Gaddafi's leadership, foreign companies dominated oil exploration, but under his administration, the industry underwent paradigm shift to nationalization and the creation of the National Oil Corporation (NOC), giving Libya greater control over its significant crude oil reserves (Libyan Heritage House, 2023). This shift had a profound impact on the country's economic trajectory. According to World Bank Open Data (2023), Libya has maintained substantial growth since Gaddafi assumed leadership with a remarkable economic growth in 2010, reaching 48%. Libya's economic growth, played a pivotal role in fostering improvements across various sectors, significantly impacting living standards in the country. According to a Report co-published by the African Development Bank (AfDB) and the Organization for Economic Cooperation and Development (OECD, 2010), Libya achieved remarkable economic milestones, standing out as the African nation with the highest Gross Domestic Product (GDP) at purchasing power parity (PPP) per capita until the outbreak of the revolution. According to UNDP data, by the mid-2000s Libya's Human Development Index (HDI) had risen into the "high human development" category, with a score of about 0.764 in 2005 (placing it roughly 57th globally that year) (UNDP, 2005). In the late 2000s and up to 2010, Libya's HDI was among the highest in Africa (OECD, 2010).

The country witnessed a substantial improvement in life expectancy, increasing from 63 years in 1993 to 74.5 years in 2010, along with the lowest infant mortality rate in Africa which decreased significantly from 160 per 1,000 births in 1970 to 19 in 2001 (OECD report, 2010). Unemployment rates declined significantly from 20.2% in 1990 to 13.5% in 2010 (Ibid), and illiteracy rates experienced a decrease from 26.6% in 1970 to 12.6% in 2010 (Ibid). Additionally, the population suffering from undernourishment was less than 5%, reflecting the government's responsive actions amid global food price increases, such as the abolition of all taxes on food. Moreover, Libya's commitment to social support initiatives

played a pivotal role in narrowing income disparities since the 1990s. The government implemented extensive measures, including subsidies, higher pensions, and social assistance programs. Indirect subsidies, offering cheap water, electricity, and petrol at prices below the global average, further contributed to the positive socio-economic landscape (Ibid). The revised UNDP Human Development Index showed a remarkable transformation, increasing from 0.541 in 1970 to 0.810 in 2008, positioning Libya as the leading country in HDI on the African continent by 2010 (Country Economy, 2022). As one of the most developed economies in the region, Libya recorded a gross national income of USD 12,440 per capita in 2010 (OECD report, 2010). The United Nations Development Programme (2010) recognized Libya as a high-development country in the Middle East and North Africa, underscoring its exceptional GDP per capita and life expectancy by the time of the revolution. However, alongside these economic achievements, the country faced many challenges. As Libya's economy has been heavily reliant on the oil industry, where the government, despite collaborating with foreign companies, exercised full control domestically, resulting in a classic primary commodity rentier state. Amid efforts to diversify the economy, the oil sector constituted a significant portion in 2006, comprising ninety-five percent of export earnings, ninety-two percent of government revenue, and seventy-three percent of GDP. (World Bank, 2006) This prompted the World Bank to categorize Libya as "one of the least diversified oil-producing countries in the world", emphasizing the substantial dependence on hydrocarbon revenues, exceeding even that of Saudi Arabia and Iran. This over-reliance on oil negated the need for Gaddafi to resort to taxation, depriving the government of a crucial means of citizen responsiveness. Unfortunately, this situation had adverse effects, as Gaddafi utilized state funds to establish an extensive security mechanism, suppressing any form of dissent (Sandbakken, 2006).

On the economic front, the issues that contributed to pre-2011 unrest in Libya were multifaceted, as outlined in the Socialist People's Libyan Arab Jamahiriya Country Economic Report (World Bank, 2006). Notwithstanding the overall economic growth, the insufficient pace of job creation in non-hydrocarbon sectors failed to keep up with the expanding labor force, leading to a sense of economic marginalization and resentment towards the government (World Bank, 2006).

Furthermore, in the period before Gaddafi's era, Libya was traditionally divided **into three historical regions**:

Tripolitania in the northwest, Cyrenaica (also known as Barqa) in the east, and Fezzan in the south. An analysis of the country's economic activities revealed distinct patterns in each region. Cyrenaica and Tripolitania predominantly engaged in grazing and agriculture, with Tripolitania being the sole region involved in fishing, while Fezzan specialized in oasis cultivation. Notably, the majority of the nation's vital oil and gas infrastructure, including pipelines, oilfields, and refineries, were concentrated in Cyrenaica (Vandewalle, 2012). Economic disparities among the regions were evident during the years 1964 - 1975. The Cyrenaican share of national income increased from 23.64 percent to 25.74 percent, Fezzan's rose from 3.63 percent to 4.75 percent; however, Tripolitania's share experienced a decline from 72.73 percent to 69.52 percent (Abdussalam, 1983). Examining the industrial landscape of Libya in 1973, there were notable disparities among the regions. The Tripolitanian provinces had a considerable 4,111 industrial establishments, contrasting sharply with the 1,147 establishments in Cyrenaica and a mere 163 in Fezzan. The allocation of industrial loans during the period from 1968 to 1977 revealed substantial imbalances. Tripolitania claimed a dominant share of 76.4 percent, while Cyrenaica had only 1.45 percent and Fezzan secured 22.38 percent of these loans. Despite Cyrenaica's significant contribution to the production of oil and gas, crucial for Libya's economy, this did not entail improvements in living standards and infrastructure in the eastern part of the country (Wehrey, 2012). Notably, Gadhafi's policies, including the relocation of governmental bureaus and important economic entities from Benghazi to Tripoli, aimed to centralize power in Tripoli and transform it into the business and economic hub, leading to the downfall of Cyrenaica's economy (Hüsken, 2013). Consequently, this centralization of powers in the capital, Tripoli, played a pivotal role in the emergence of opposition in Benghazi (Ibid). The revolution was, in part, a response to systemic economic injustices and inequalities that had long plagued the country.

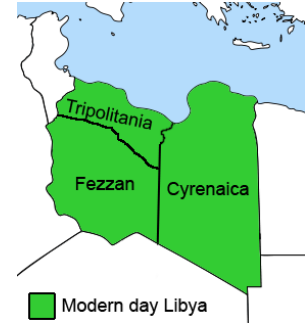


Figure 2: The three main historical subdivisions of Libya. Source: Wikipedia (2024)

3.2.1.2 Governance and Political Landscape

During the period of Gaddafi's rule, Libya experienced authoritarian leadership and dissent. With his rise to power, he significantly changed both the structure of the political system and the territorial foundation of the emerging regime.

Gaddafi's era is characterized by significant political repression, epitomized by the establishment of "the Socialist People's Libyan Arab Jamahiriya" on March 2nd, 1977, a one-party state, with the explicit aim of centralizing power, resulting in the elimination of any manifestations of political dissent or opposition (Obeidi, 2001). Notably, Law 71 was enacted to criminalize political parties, while the penal code included provisions that deemed the establishment of organizations unlawful (Human Rights Watch, 2009).

This reduced the extent of political debates, making opposition voices nearly silent and limiting citizens' involvement in state affairs. (Randall, 2015). The absence of informed opinions due to low political pluralism weakened the democratic process. According to continuous assessments by Freedom House, Libya under Gaddafi witnessed a profound absence of political rights and civil liberties (Freedom house, 2017).

Furthermore, Gaddafi abolished the pre-existing constitution, establishing a dual structure system: On the one hand, the Revolutionary Command Council (RCC), a 19-member top decision-making body and the highest executive and legislative authority in the country, chaired by Gaddafi (Libyan Heritage House, 2023). On the other hand, the Jamahiriya (meaning the Republic of the Masses) was structured with 1,500 local people's congresses at the municipal level, 32 regional congresses known as Shabiyat, and the General People's Congress, which functioned as the national parliament (OECD, 2008).

The implementation of the Jamahiriya system, based on Gaddafi's ideology outlined in the Green Book, resulted in the concentration of power among the elite, fostering an anti-democratic environment that marginalized political competition (Hajjar, 1980). The Green Book comprises three parts: "The Solution of the Problem of Democracy: The Authority of the People", "The Solution of the Economic Problem: Socialism", and "The Social Basis of the Third International Theory" (Gaddafi, 1975). Additionally, the regime also employed an extensive security infrastructure, notably the powerful Revolutionary Committees, carefully selected local grassroots organizations, "supposedly spontaneous" (Metz, 1987). These entities played a vital role to suppress dissent and maintain control and adherence to Gaddafi's political ideology. Political opposition faced arbitrary arrests, torture, extrajudicial

executions, and even disappearance, generating fear among the population and consolidating the power of Gaddafi (Hajjar, 1980). Significantly, the authoritarian character of the ruling regime was reinforced by substantial restrictions on fundamental freedoms. The rights to expression, assembly, and press were tightly constrained, creating an environment of fear and intimidation. Independent voices were silenced, and dissent was actively discouraged (Vandewalle, 1986).

In line with these restrictive measures, Gaddafi's government tightly regulated the media, curbing freedom of speech and suppressing critical voices while propagating state-controlled narratives (Castro, 2011). Independent journalism was nonexistent, rendering state-controlled media a tool for regime propaganda and misinformation. This suppression of dissent restrained the development of an active civil society and democratic institutions, contributing to a culture of fear, powerlessness, and insecurity among citizens, undermining trust in the governing institution (Zoubir, 2009). In 1976, the government repressed the student movement at Benghazi University, and Gaddafi ordered the expulsion of students and faculty members who opposed the regime (Ahmida, 2012).

Libya's foreign relations under Gaddafi were characterized by controversy and international isolation. His four decades of rule failed to foster sustainable political alliances, resulting in an often-ineffective foreign policy (Libyan Heritage House, 2023). Indeed, Gaddafi's regime became widely known for its involvement in sponsoring terrorism beyond its borders, which significantly undermined Libya's international relations. In the 1980s, Libya was implicated in a series of state-sponsored terrorist attacks, including the 1986 bombing of the La Belle discotheque in Berlin, which killed two U.S. soldiers and a Turkish woman, injuring over 200 others (CIA, 1986). In response, the United States launched air strikes against Libya on April 15, 1986, on Tripoli and Benghazi, targeting Gaddafi's compound and causing civilian casualties (BBC News, 1986).

Libya's most infamous act of international terrorism, however, was the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland, which claimed the lives of 270 people, including civilians from 21 countries (Central Intelligence Agency, n.d.). This act drew unprecedented international outrage and further isolated Libya from the global community. In 1992, the United Nations imposed comprehensive sanctions through UNSC Resolutions 748 and 883, cutting Libya off from global trade, travel, and diplomatic relations (UNSC, 1992; UNSC,

1993). This marked a turning point in Libya's global standing, as the country transitioned from a perceived regional power to an international pariah.

However, a notable shift occurred in the early 2000s when Libya acknowledged responsibility for the Lockerbie incident in 2003 and subsequent actions by the Libyan government paved the way to the normalization of diplomatic relations with most countries by 2007, marking a shift in Libya's international standing (BBC News, 2011). Libya's transition from a "pariah state" subjected to sanctions by the UN, EU, and US, to a nation holding prominent roles in international bodies, marked a dramatic turnaround. By 2009, Libya had assumed the presidency of the UN Security Council, chaired the African Union, and presided over the UN General Assembly, reflecting its reintegration into the global community (Human Rights Watch, 2009).

Moreover, it is essential to highlight the significance of Pan-Arabism and the diplomatic tension with the United States that arose from Gaddafi's opposition to American influence. This prompted Libya to forge stronger alliances with fellow Arab nations, collaborating on policies to counter Washington's initiatives in the Middle East and Africa. Gaddafi actively sought to improve relationships with neighboring countries, including Egypt, Morocco, Syria, Tunisia, Chad, among others. Additionally, he maintained robust ties with nations such as France and Russia. Notably, Gaddafi extended his diplomatic reach to Latin American countries like Venezuela and Cuba, establishing an extensive network of connections that posed challenges to European and U.S. interests (Grigoriadis & Kassem, 2021).

Moving to internal dynamics, Gaddafi exhibited a pattern of favoritism and awarded positions of authority upon members of his ethnic group, allied factions, and relatives. His loyal supporters, relatives, family members, and tribe, especially the Warfalla (from the west) secured prominent roles in military and security bureaus. Notable instances include Gaddafi's nephews, Brigadier Ahmed Gaddafi al-Dam, who served as the chief commander of Cyrenaica, Brigadier Sayyid Muhammad Gaddafi al-Dam, appointed as the general coordinator of the Social People's Leadership Committees, and Colonel Khalifa Hanaish, entrusted with the role of the commander of the Presidential Guard (Mattes, 1969).

Widespread corruption was the standard across various levels of the state infrastructure in Libya, creating a pervasive atmosphere of distrust among citizens towards government institutions and had repercussions on how other nations perceived the country. This issue of

corruption is further highlighted by Transparency International's Corruption Perceptions Index, a global measure assessing the perceived prevalence of corruption in the public sector. In 2005, Libya was positioned at 117 out of 183 in the index (Transparency International, 2005). However, over the subsequent five years, there was a significant deterioration, with Libya's ranking dropping to 154 by 2010 (Transparency International, 2010). The pervasive corruption in Libya had far-reaching consequences, extending beyond statistical measures to profoundly impact the social and political dynamics in the country, creating a fertile ground for discontent and set the stage for the revolution to unfold.

During the 1980s, opposition to the Libyan regime primarily emerged from exiled groups forming the Libyan Salvation Front. In the 1990s, Islamists became the predominant opposition movement, with members residing in eastern cities mostly (Ahmida, 2012). In 2000, the regime's repression of Benghazi carried symbolic significance, involving the destruction of the freedom fighter Omar al-Mukhtar monument (Ahram, 2019). After these events, protests against the government took place in Benghazi in 2005 (Ahmida, 2012). Throughout Gadhafi's rule, Cyrenaica emerged as the hub of opposition, while Tripolitania became the capital of his governance. The triumph of revolutionary movements in Tunisia and Egypt, resulting in the downfall of the regimes of Zine El Abidine Ben Ali and Hosni Mubarak in 2011, served as an inspiration for Libyans. The Libyan uprising that commenced in February 2011 displayed a distinct territorial focus, originating primarily in eastern cities such as Benghazi, Derna, Tobruk, and Bayda. Conversely, western Libya remained loyal to Gadhafi and stood against the revolution (Ahmida, 2012; Ahram, 2019).

3.2.1.3 Human Rights Concerns

The systemic human rights abuses under Muammar Gaddafi's rule in Libya are a critical chapter in understanding the complex interplay of power, repression, and resistance within the authoritarian regime. Gaddafi's governance, marked by a brutal and unpredictable political system, left little room for independent civil society or political opposition. His regime relied heavily on repression, censorship, fear, and violence to maintain power, both domestically and internationally.

Suppression of Political Dissent and Repression Beyond Borders

Muammar Gaddafi's regime in Libya was characterized by systemic suppression of political dissent and extensive repression, both domestically and beyond its borders. Gaddafi explicitly threatened repression and death to anyone attempting to organize politically, addafi explicitly threatened repression and even death against anyone attempting to organize politically. His regime and allied militias severely restricted civic space, blocked humanitarian access, and actively sought to discredit human rights organizations, while armed groups operated largely with impunity (Reuters, 2011; Amnesty International, 1997; Human Rights Watch, 2009; Freedom House, 2005). Throughout his four-decade rule, widespread human rights violations were reported, including arbitrary arrests, torture, and extrajudicial killings.

In the 1970s, the regime aggressively suppressed political dissent, arresting hundreds who opposed it, with Gaddafi himself declaring that "execution is the fate of anyone who forms a political party" (FIDH, 2015; Reuters, 2011). Student demonstrations were also violently repressed, with various groups such as academics, lawyers, and political opponents labeled "enemies of the revolution" and subjected to forced confessions (Campbell, 2021). A failed coup in 1984 led to mass imprisonments and executions, and after a brief amnesty in 1988, the government intensified its repressive measures, including arbitrary arrests, disappearances, and death penalty (Amnesty International, 1991). One of the regime's most scandalous acts was the 1996 Abu Salim prison massacre, where over 1,000 prisoners protesting poor conditions were executed, with the regime denying the massacre for nearly a decade before eventually acknowledging it in 2004 (UNHRC, 2012). Gaddafi's repressive measures also extended beyond Libya's borders in the 1980s, as his regime orchestrated extrajudicial executions of political opponents abroad, referred to as "stray dogs" (Amnesty International, 1997; Freedom House, 2011). This pattern of suppression highlights the regime's relentless efforts to maintain control through fear, violence, and extensive repression both inside and outside Libya.

Arbitrary Arrests, Torture, and Mistreatment

The 1997 Amnesty International report documents the extensive human rights abuses perpetrated by the Libyan authorities under Gaddafi's regime. Drawing from interviews with

former detainees, families of victims, and human rights activists, as well as official documents, the report reveals a disturbing pattern of systemic violations. Among the most alarming findings is the prevalence of arbitrary arrests, where hundreds of individuals were detained without judicial warrants or justification. Torture and mistreatment were rampant, with specific methods including beatings, electric shocks, and the infamous “car torture”, where detainees were confined to small, uncomfortable spaces for extended periods. Additionally, the report highlights cases of deaths in custody, enforced disappearances both within and beyond Libya’s borders, and possible extrajudicial executions, further demonstrating the severity of the human rights crisis during this period.

These abuses were later uncovered by Human Rights Watch in its report *Truth and Justice Can’t Wait* (2009), which detailed the Libyan regime’s widespread use of torture, arbitrary detention, and severe restrictions on freedoms of expression, assembly, and association.

Further validation comes from the United Nations Human Rights Council (UNHRC) 2012 report, which emphasized the systematic nature of arbitrary detentions and torture in Libya, noting that these practices were not isolated incidents but part of a broader strategy to oppress dissent and maintain control (UNHRC, 2012). Additionally, the International Federation for Human Rights (FIDH) in its 2015 report highlighted ongoing concerns regarding enforced disappearances and the lack of accountability for past abuses, indicating that the legacy of Gaddafi’s repressive tactics continued to affect Libya’s human rights landscape even after his regime ended (FIDH, 2015).

In addition to these abuses, Amnesty International uncovered the widespread practice of collective punishment, where families and tribes of suspected government opponents were subjected to severe reprisals, including house destruction and hostage-taking. Human Rights Watch also highlighted the regime’s ongoing efforts to restrict civic freedoms, creating an environment in which dissent was severely suppressed. Overall, the widespread and systematic use of arbitrary arrests, torture, and other forms of mistreatment under Gaddafi’s regime not only violated basic human rights but also created a legacy of fear and repression that suppressed any form of political or social dissent.

Unfair Trials, Death Penalty, and Suppression of Freedoms

Under Gaddafi's regime, trials of political prisoners consistently failed to meet international fair trial standards, with frequent violations such as the denial of legal representation and forced confessions, severely undermining the rule of law and human rights protections (Amnesty International, 1997). The UNHRC's 2012 report also highlighted systematic failures in fair trial standards, including forced confessions and inadequate legal protections for political detainees. (UNHRC, 2012). Despite global advocacy for the abolition of the death penalty, Libya increased its use, conducting at least 38 officially documented executions between 1992 and 1996, often following flawed trials (Amnesty International, 1997). In addition to these violations, freedom of expression was harshly restricted under articles 178 and 207 of the Libyan penal code, which imposed life imprisonment for actions deemed harmful to the nation's reputation and severe penalties, including the death penalty, for attempting to alter the political or social structure of the state (Human Rights Watch, 2009). Saif al-Islam al-Gaddafi, in a 2007 speech, delineated four "red lines" beyond which freedom of expression was restricted: Islamic law, the Koran, national security, and the authority of Muammar Gaddafi (Human Rights Watch, 2009). Moreover, freedom of assembly and association was severely limited, as Law 71 made political parties illegal, and Law 19 required governmental approval for all non-governmental organizations, without the possibility of appeal or explanation for rejected applications (Human Rights Watch, 2009). These laws severely controlled civil society development and contributed to Libya's authoritarian grip on power (Freedom House, 2011a; Bureau of Democracy, Human Rights, and Labor, 2012). Independent civil society was almost non-existent, as organizations such as journalist and lawyer associations were systematically denied recognition, while semi-official groups were permitted to operate only in ways that did not challenge government policies (Human Rights Watch, 2009). These oppressive legal frameworks and practices effectively suppressed political dissent and civic engagement, entrenching Gaddafi's authoritarian control over the Libyan society.

Efforts to Address Human Rights Concerns

The 2000s brought limited efforts to address human rights concerns, including the release of some political prisoners and a reconciliation program for those accused of ties to Islamist militant groups. Notably, in 2001, nearly 300 prisoners, including political prisoners, were

released, among them Ahmad Zubayr Ahmad al-Sanussi, Libya's longest-serving political prisoner, held for 31 years (Reuters, 2011). Despite mounting international pressure and demands for reform, the Gaddafi regime consistently denied accusations of human rights violations, using manipulative legal practices and heavy censorship to maintain an appearance of legality and control. Efforts by the international community to hold the regime accountable were repeatedly stopped by Libya's strict information control and its refusal to allow external inspections or interventions.

3.3 THE REVOLUTION

3.3.1 Escalation of Protests into Full-Scale Civil War

The escalation of protests in Libya into a full-scale civil war was significantly influenced by broader Arab Spring, a series of pro-democracy uprisings that swept across the Middle East and North Africa in 2011. This regional upheaval profoundly affected Libya, particularly after the overthrow of Tunisia's president, catalyzing similar movements within the region (Oyeniyi, 2019). The first demonstration in Libya, on February 15, 2011, took place in Benghazi, historically the capital of the Cyrenaica region and a longstanding focal point of opposition to the regime. The catalyst for this initial protest was the arrest of Fathi Terbil, a lawyer and advocate for human rights, who had been representing the families of prisoners massacred at Abu Salim prison in 1996 (Amnesty International, 2011). The protest in Benghazi drew several hundred participants and were extensively covered online, inspiring simultaneous demonstrations in Bayda and Zentan, Eastern cities near Tripoli. Violent confrontations between protestors and police in these three cities led to numerous injuries. In contrast, demonstrations were less common in western Libya; some cities, like Bani Walid, remained loyal to Gaddafi and actively opposed the revolutionaries (Cole & McQuinn, 2015). Despite the regime's strict control over domestic media, Al Jazeera played a pivotal role by extensively broadcasting these events using videos submitted by citizens. This coverage was instrumental in promoting a nationwide "Day of Rage" on February 17, 2011, as expressions of solidarity emerged across Libya. The Arab Spring and the successful overthrows of Zine El Abidine Ben Ali in Tunisia and Hosni Mubarak in Egypt inspired Libyan populations to voice their discontent against the oppressive regime, echoing regional demands for greater political freedoms, social justice, and economic opportunities. Initially sparked as

demonstrations, the movement in Libya transitioned into a bona fide insurgency and by February 17, Gaddafi regime lost its control over significant territories. The severe response from security forces, resulting in the deaths of twenty protesters and injuries to 200 others in Benghazi, along with casualties among the security personnel, escalated tensions nationwide (BBC News, 2011). By February 20, the government had completely lost control of Benghazi and the protests evolved into a full-scale rebellion. Within a week, simultaneous opposition forces in both the eastern regions (Benghazi, Bayda, Ajdabiya) and the western areas (Zintan, Misrata, Zawiyah) rose against Gaddafi (Britannica, 2021).

By February 27, 2011, revolutionary groups had established the National Transitional Council (NTC) in Benghazi (Al Jazeera, 2011), possessing significant weaponry across both eastern and western fronts, organizing Libyans into effective militia groups, and securing control over most major cities, notably those with substantial oil production (Cole & McQuinn, 2015). In response to these significant territorial losses, Gaddafi employed extensive aerial bombings and ground attacks against cities held by rebels (Fahim & Kirkpatrick, 2011). During this time, he also started bringing mercenaries from Mali and Niger to strengthen his military capabilities (Ghosh, 2011). As the conflict continues, the rebels maintained control over the eastern territories and the mountainous regions of the west, while the government held Tripoli and its surroundings.

The violence escalated rapidly, resulting in substantial human losses. By mid-2011, estimates of the death toll ranged from 10,000 to 30,000, with civilian casualties comprising a significant portion of the fatalities. The National Transitional Council reported that at least 30,000 people were killed during the conflict, though precise numbers remain uncertain due to the chaos of the war (GlobalSecurity.org, 2023).

The escalating violence and the threat of a more severe massacre prompted the international community to intervene and subsequently invoking the Responsibility to Protect (R2P). The conflict culminated with the capture and execution of Gaddafi on October 20, 2011.

3.3.2 Gaddafi's Response and Rhetoric During the 2011 Uprising

As protests unfolded across Libya in February 2011, Colonel Muammar Gaddafi's response significantly shaped the trajectory of the uprising. Al Jazeera (2011a) reported that Gaddafi's reaction was both defiant and aggressive, as he publicly vowed to crush the protestors and

maintain his decades long-standing rule. In a notable speech delivered in Tripoli's Green Square, he incited his supporters by promising to arm them against the demonstrators, whom he derogatorily labeled as "rats" and "cockroaches" (Al Jazeera, 2011a). Gaddafi also characterized the protests as mere foreign interference, terrorist activities, and the actions of misguided youth, using these labels to justify the use of force while denying the existence of any legitimate opposition to his regime (Al Jazeera, 2011). This underestimation allowed the demonstrations to gather momentum and attract wider support. Under increasing international criticism and pressure, Gaddafi escalated his call for violence against civilians, directing security forces to brutally suppress dissent with live ammunition and tear gas (Human Rights Watch, 2011). His speeches, aired on Libyan state television, were marked by defiance and desperation, reflecting his regime's resolve to retain power at all costs. For instance, in one address, Gaddafi declared, "We can defeat any aggression if necessary and arm the people" (Al Jazeera, 2011a), underscoring his readiness to engage in extensive combat to ensure the regime's survival. The rhetoric and tactics Gaddafi employed underscored his willingness to crush any form of dissent, despite the protests' widespread nature and the growing international concern and condemnation. On February 20, 2011, Gaddafi threatened the population with a "severe lesson", warning that he would cleanse "every Libyan house" from "the enemies" "with no mercy" (BBC News, 2011a). But such declarations, only exposed the regime's cruelty, pushing more Libyans towards opposition. From a realist perspective, Gaddafi's rhetoric and violent reaction are symbolic of his efforts to preserve state sovereignty and consolidate power in the face of existential threats to his regime. His framing of the uprising as a terrorist conspiracy reflects a calculated strategy to delegitimize protesters and justify violence under the pretext of ensuring national unity. However, constructivist analysis highlights how this narrative clashes with emerging international norms, particularly the Responsibility to Protect (R2P) and the redefined sovereignty as responsibility, which emphasizes the international community's role in preventing mass atrocities and protecting civilians. The dehumanization of dissenting voices as "cockroaches" echoes language used in previous atrocities, such as the Rwandan genocide (Nahlawi, 2019).

As the conflict persisted, Gaddafi attempted to manipulate public perception through state-controlled media, portraying himself as a defender of national unity against “terrorists” aiming to destabilize the country (Al Jazeera, 2011a).

Despite international pressures and widespread calls for his resignation, Gaddafi resisted. He offered superficial concessions but did not engage in implementing any meaningful political reforms (The Guardian, 2011). This refusal not only prolonged the conflict but also sustained a cycle of violence that further destabilized the nation. Gaddafi’s absolute authoritarianism ultimately left a legacy of violence and missed opportunities for a peaceful democratic transition, the effects of which continue to plague Libya’s path towards stability and reconstruction until today.

3.3.3 International Reactions to the Libyan Uprising (February 15 - 26, 2011)

Between February 15 and 26, 2011, the international response to the Libyan crisis demonstrated different levels of diplomatic, economic, and political involvement across multiple dimensions of global governance. International bodies and countries expressed a range of positions from strong disapproval to careful diplomacy, highlighting the complexity of geopolitical relationships and strategic interests impacted by the uprising. This section examines the positions and actions of the selected actors in shaping the international response: regional organizations with geographic proximity and cultural legitimacy (the African Union, Arab League, Organization of Islamic Conference, and Gulf Cooperation Council); the United Nations in general and Security Council in particular as the primary body authorized to sanction the use of force, including intervention, under international law; global powers possessing both the military capability to enforce protective measures and permanent Security Council membership enabling legal authorization (the United States, United Kingdom, France, China, and Russia); and two additional European states whose positions reveal divergence within NATO: Germany, due to its post-WWII pacifist principles and domestic political considerations; and Italy, due to colonial legacy, common treaties, and energy dependencies.

African Union (AU)

On February 23, 2011, the Peace and Security Council of the African Union convened to address the escalating crisis in Libya. In its communiqué, the Council strongly condemned the Libyan government's use of force against protesters, describing it as "indiscriminate and excessive", and a violation of human rights and international humanitarian law (African Union PSC, 2011a). The statement urged Libyan officials to "ensure the protection and security of the citizens" (Ibid). Demonstrating its commitment to an "African solution" to the African crisis, the African Union established a High-Level Ad Hoc Committee on Libya tasked with engaging all parties to pursue dialogue and political reforms (African Union PSC, 2011b). The AU relies greatly on mediation, as evident from its response towards the crisis in Libya.

At the height of violence, the AU issued multiple statements emphasizing dialogue and peaceful resolution. It called on Libyan authorities to cease military operations and prioritize the protection of civilians (African Union PSC, 2011a; African Union PSC, 2011b).

The AU's approach to the Libyan crisis was shaped by several factors. First, its reliance on mediation highlighted its preference for peaceful resolutions over military interventions. However, the AU's political commitment to the principle of non-interference may have overshadowed the urgency of decisive action in response to the humanitarian crisis. Critics argue that the AU's emphasis on dialogue, while rooted in a commitment to sovereignty and non-interference, was ultimately insufficient in preventing widespread atrocities in Libya (Mlambo & Dlamini, 2019). Additionally, the fall of Gaddafi was feared by many African leaders, who wondered whether their regimes might be next in line for similar uprisings, reflecting their concerns about regime security in the context of regional instability. This concern likely influenced the AU's cautious approach, as leaders sought to avoid endorsing actions that could set a precedent for external intervention in their own countries (Anghie, 2005). Zambakari (2022) points out that this hesitancy left a vacuum that foreign powers quickly exploited. Behind the AU's measured response lay deeper political and strategic motives. Gaddafi had been one of the AU's most significant financial contributors and a strong advocate for African unity and underscored his vision of a self-reliant Africa, free from Western exploitation and interference (PeaceLink, 2005). His financial support sustained the AU's operations, making many African leaders reluctant to take a stance that

could alienate or destabilize their benefactor (Vines, 2013). Some African leaders considered Gaddafi an essential ally, while others sought to distance themselves from his regime (Vines, 2013). This lack of unity delayed decisive action and undermined the AU's credibility as a conflict mediator, allowing the Libyan situation to deteriorate (Al Jazeera, 2011e).

The League of Arab States (LAS)

Initially, Amr Moussa, Secretary-General of the Arab League, expressed significant concern regarding the unrest in Libya and called for an immediate cessation of violence (Channel 4 News, 2011). This stance was reinforced following an emergency meeting on February 22, when the Arab League, in an unprecedented move, suspended Libya from participating in council meetings. Moussa strongly condemned the "crimes against the current peaceful popular protests and demonstrations in several Libyan cities" signaling a clear rejection of the violence perpetrated by Gaddafi's regime (Reuters, 2011a). This suspension marked the first time the Arab League had acted against a member state for internal violence, highlighting its acknowledgment of the gravity of the Libyan crisis (Nahlawi, 2019). The Arab League's response can be interpreted as both a humanitarian effort and a strategic maneuver. While the denunciation of Gaddafi's actions projected an alignment with international norms of human rights, the decision also reflected broader geopolitical considerations. By distancing itself from Gaddafi, the Arab League sought to demonstrate responsiveness to the growing wave of Arab Spring uprisings while pleasing Western powers increasingly critical of the regime. The League's endorsement of a no-fly zone over Libya later solidified its alignment with international intervention efforts, positioning its member states as part of the global consensus against Gaddafi (Adler-Nissen & Pouliot, 2014).

One may question the motivations behind the Arab League's reaction, and the answer lies in a complex interplay of humanitarian, political, and strategic considerations. The League's condemnation of Gaddafi's actions aligned with broader efforts to prevent domestic instability from spreading to its member states. Many Arab governments feared that popular uprisings might inspire similar movements within their borders. This concern was particularly relevant for authoritarian regimes facing their own internal challenges, such as Egypt and Saudi Arabia (Cheikh, 2013). By supporting international action, including Western intervention, the Arab League hoped to channel regional unrest toward a controlled

outcome that would safeguard their own political and economic interests (Adler-Nissen & Pouliot, 2014). The League's suspension of Libya and support of Western solutions and intervention is a strategic recalibration of its external relationships to maintain its relevance and interests in international politics (Nahlawi, 2019).

The Organization of Islamic Conference (OIC)

The Organization of Islamic Conference (OIC) expressed strong condemnation of the excessive force used against civilians in Libya during the 2011 uprising. In a statement issued on February 22, 2011, the OIC described the situation as a “humanitarian disaster incompatible with Islamic and human values” and called for an immediate cessation of violence (Organization of Islamic Conference, 2011). Further, the organization also called for an immediate cessation of violence and emphasized the need for peaceful dialogue, presenting itself as both a moral authority and a mediator in the face of escalating conflict (UN Human Rights Council, 2011).

The OIC reacted to the Libyan crisis with a mixture of moral imperatives, institutional mandates, and geopolitical considerations. By framing the situation as not only a matter of Islamic principles but also a violation of universally recognized human rights, the OIC aimed to maintain credibility among Muslim-majority states and align itself with international condemnation of Gaddafi's regime while avoiding overt alignment with Western interventionist policies. Critics argue that the OIC's reliance on moral influence, without tangible support for civilian protection, limited its effectiveness in addressing the escalating humanitarian crisis (Cheikh, 2013). With several member states struggling with their own political unrest during the Arab Spring, the OIC's calls for peaceful solutions likely reflected concerns about preserving regional stability and avoiding precedents for intervention in domestic affairs.

Gulf Cooperation Council (GCC)

On March 8, 2011, the Gulf Cooperation Council (GCC) formally called upon the United Nations Security Council to establish a no-fly zone over Libya as a measure to protect civilians (Gulf Cooperation Council, 2011). This appeal, made during a joint statement with Australia, signaled the GCC's alignment with international efforts to address the

humanitarian crisis in Libya while showcasing its capacity to act decisively on regional issues (ibid). While the GCC framed this move as a humanitarian effort, its motivations were also deeply rooted in geopolitical and strategic considerations. From a governmental perspective, the GCC sought to assert its influence in Middle Eastern and North African politics, positioning itself as a critical actor in managing regional crises. Leading members, particularly Saudi Arabia and Qatar, played prominent roles in shaping this response, choosing their actions to reinforce their relevance in global politics and strengthen regional influence and strategic partnerships with Western powers, particularly the United States and European powers (Cheikh, 2013).

Critics also argue that the GCC's alignment also highlighted its pragmatic interest in curbing the spread of uprisings that could threaten authoritarian regimes within its own member states. By supporting the no-fly zone, the GCC effectively positioned itself as both a proponent of civilian protection and a defender of regional stability (Falk, 2011).

Despite its active role, the GCC's reliance on Western-led solutions highlighted a dependency on external powers rather than fostering self-sufficient regional mechanisms for conflict resolution. Furthermore, the GCC faced criticism for inconsistency, as it emphasized intervention in Libya while maintaining muted responses to crises in Bahrain and Yemen, raising questions about the selective application of humanitarian principles (Adler-Nissen & Pouliot, 2014; Wehrey, 2014). This pattern of selective application was not unique to the GCC but reflected a broader regional dynamic that scholars had identified even as events were evolving. Mahdavi (2012), writing as the Arab Spring was transforming the region, questioned whether reactions to atrocities in the Middle East and North Africa had been consistent and fair. His analysis concluded that the variation in international responses across the region, from decisive intervention in Libya to diplomatic hesitation in Bahrain, Yemen, and Syria, exposed the strategic calculations of powerful states rather than a consistent commitment to civilian protection.

The United Nations (UN)

The United Nations' (UN) initial response to the escalating crisis in Libya reflected the varied roles and responsibilities of its organs and agencies, each acting within its respective

mandates, encompassing diplomacy, humanitarian advocacy, and adherence to international norms.

On February 21, the UN Secretary-General's spokesperson confirmed that Ban Ki-moon was directly engaged in discussions with Colonel Gaddafi, as well as leaders from Yemen and Bahrain, to address the worsening situation in Libya. These diplomatic efforts aimed to encourage a peaceful resolution to the crisis while also addressing broader concerns about regional instability amid the Middle East North Africa uprisings (UN News, 2011a).

On February 22, the UN Secretary-General's Special Advisor on the Prevention of Genocide, Francis Deng, along with the Special Advisor on the Responsibility to Protect, Edward Luck, released a joint statement urging the Libyan Government to uphold its duty to protect its citizens from atrocities (ReliefWeb, 2011a). They referenced principles outlined in the 2005 World Summit Outcome Document without explicitly invoking the term "Responsibility to Protect". This statement reflected the advisory role of these UN officials in emphasizing humanitarian principles and urging Libya to address its internal issues without external interference. However, it also revealed a recurring critique of the UN: its reliance on declarations without the capacity to enforce compliance, especially during rapidly evolving crises.

The Security Council followed with a press statement demanding that the Libyan Government fulfill its protective responsibilities toward its population (United Nations Security Council, 2011a). Shortly after, the Human Rights Council issued a declaration with a similar call for the Libyan Government to ensure the protection of its people (United Nations Human Rights Council, 2011a), a move praised for its alignment with human rights norms but criticized for lacking actionable mechanisms. Furthermore, Navi Pillay, the High Commissioner for Human Rights, highlighted the urgent need for effective protection measures and cessation of the violence in Libya, warning that violations of international law were likely taking place (Global Center for the Responsibility to Protect, 2011). These coordinated responses undeniably marked a critical moment in asserting international concern, but the absence of concrete enforcement measures reflected systemic limitations in the UN's early-stage interventions.

Simultaneously, the UNHCR highlighted that the humanitarian crisis escalating from the conflict in Libya posed significant geopolitical and logistical challenges facing neighboring Mediterranean nations. On February 22, the UNHCR expressed alarm over the risks faced by civilians, including asylum-seekers and refugees, urging neighboring countries to accommodate those escaping the unrest (UNHCR, 2011c). These statements marked a significant moment in international humanitarian diplomacy, setting the ground for greater multilateral intervention and acting as a catalyst for further global engagement, framing the crisis as a shared regional responsibility. The following day, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that approximately 5,000 individuals had reached the Tunisian border and about 15,000 had arrived at the Egyptian border, seeking refuge (UN News Service, 2011).

On February 25, the UNHCR released recommendations aimed at safeguarding those escaping the conflict in Libya. The agency praised Tunisia's inclusive policy of welcoming all individuals fleeing from Libya and highlighted Egypt's commitment to allowing Libyan nationals and other third-country nationals to enter its borders. The UNHCR also called all governments in North Africa and Southern Europe to keep their borders accessible by land, air, and sea for refugees fleeing Libya (UNHCR, 2011). Nevertheless, the European Union was notably less receptive to refugees coming from Libya, revealing inconsistencies in humanitarian commitments. Reports from February 21st indicated that European officials in Brussels were concerned about the potential influx of as many as 750,000 migrants (The Telegraph, 2011), a number they feared could overwhelm European asylum systems and intensify existing political tensions around immigration. This imbalance undermined the principle of shared responsibility and highlighted the UNHCR's limitations in mobilizing international cooperation during the early stages of the crisis. While the UNHCR did rely on neighboring countries as the frontline hosts for refugees, it actively supported these efforts through logistical assistance, funding appeals, and coordination with international agencies (UNHCR, 2011). However, its ability to compel broader international cooperation, particularly from European nations, was limited, reflecting a structural challenge in the global humanitarian system and raising important questions about the extent to which international humanitarian frameworks can be effectively implemented when political calculations dominate the decision-making process.

Ban Ki-moon, the UN Secretary-General, addressed the Security Council on February 25, stressing the critical need for decisive protective actions in Libya. He described the violence as a potential severe breach of international humanitarian law, stating that it would be condemned in “the most forceful terms” (United Nations, 2011b). However, critics argue that Ban’s statements, while morally compelling, highlighted the UN’s inability to transition from rhetoric to tangible actions during critical early phases of the crisis. The absence of coordinated enforcement or preventive measures allowed the violence to escalate, further weakening confidence in the UN’s ability to operationalize its normative frameworks, including R2P (Keränen, 2016).

This period of UN engagement in Libya demonstrated its normative commitment to civilian protection and adherence to international law. However, it also exposed persistent challenges, including a reliance on non-binding resolutions, a lack of enforcement mechanisms, and the inability to address geopolitical divergences among member states, highlighting the limitations of the UN response capacity as a central actor in preventing and addressing mass atrocities.

The United States of America (USA)

On February 21, Philip Crowley, the U.S. State Department spokesman, expressed that the U.S. opposed to Libyan authorities, including Foreign Minister Musa Kusa, regarding the use of force against protesters (Fox News, 2011). Following this, on February 22, Secretary of State Hillary Clinton called for an immediate cessation of the violence, stressing that “Now is the time to stop this unacceptable bloodshed” (CNN, 2011a). Crowley further clarified on February 24 that neither President Obama nor Secretary Clinton had been in direct contact with Gaddafi, but Secretary of State William Burns had communicated with Moussa Koussa, Minister of Foreign Affairs at the time, twice (Reuters, 2011b). Meanwhile, National Security Adviser Samantha Power remarked that despite efforts to encourage restraint, Gaddafi had chosen from the start “the non-Tunisia choice” (Mann, 2012). On February 25, as the situation in Libya worsened, the Obama administration decisively ended the rapprochement with Libya, a policy initiated by President George W. Bush in 2003 and culminating in full diplomatic relations by 2008. The reversal was announced shortly after a plane carrying the last Americans departed from Tripoli and closed with the U.S. Embassy there (Wehrey,

2018). The United States also froze \$30 billion in assets of the Libyan government under Executive Order 13566 issued on February 25, 2011 (National Archive, 2011). Following the establishment of an opposition government in Benghazi, President Obama and Secretary of State Clinton called for Gaddafi's resignation, asserting the United States' commitment for extensive support to groups challenging his regime (The Huffington Post, 2011).

The United States' approach to Libya during the initial stages of the 2011 uprising reflects a significant shift in American foreign policy, from diplomatic prudence to action.

The U.S. response to Libya's crisis was not solely humanitarian but also deeply rooted in strategic considerations. Libya's vast oil reserves and its geopolitical position in North Africa made stability in the country a key concern for Washington (Gilpin, 2011). The Obama administration sought to align itself with the broader democratic aspirations of the Arab Spring while simultaneously ensuring that U.S. interests in the region were preserved.

Critics have highlighted inconsistencies in U.S. foreign policy during this period. While the Obama administration swiftly advocated for regime change in Libya, it adopted a more restrained approach toward uprisings in Bahrain and Yemen, where longstanding strategic alliances were at play (Tovar, 2017). This disparity underscores the selective nature of U.S. interventionism, driven by strategic interests such as energy security and regional influence, rather than purely humanitarian principles (Chomsky, 2012).

Moreover, the U.S. decision to support the Libyan opposition carried significant risks, as it set a precedent for external intervention in domestic uprisings. While the asset freeze and diplomatic break were clear measures to isolate Gaddafi, calling for his resignation and supporting opposition groups arguably exposed U.S. interventionism as a calculated move of regime change as an American-led objective.

The United Kingdom (UK)

The United Kingdom took an active role in the Libyan crisis from its early stages. On February 23, British Prime Minister David Cameron noted that sanctions might be considered if the violence continued. Simultaneously, Lord Owen, a former British Foreign Secretary, advocated for a no-fly zone recalling Chapter VII of the UN Charter, and referring to Gaddafi

as “one of the most egregious tyrants in recent history” (The Guardian, 2011b). These statements indicate that the UK is ready to take both diplomatic and economic measures.

Diplomatic efforts to mediate and prompt reforms were evident when the British Foreign Secretary William Hague reached out to Gaddafi’s son, Saif al-Islam, urging him to address the demands of the protestors and make reforms to avoid further escalation (Fox News, 2011). On February 25, reports by the British press revealed that former Prime Minister Tony Blair had tried to contact Gaddafi, advising him to step down and align with the international community’s calls, but Gaddafi remained in denial about the gravity of the situation (The Times, 2011). These diplomatic efforts revealed early British attempts to de-escalate tensions before considering more forceful measures.

Prime Minister David Cameron publicly criticized Libya’s handling of the protests, describing it as “unacceptable, counterproductive and wrong”. This stance was supported by Foreign Secretary William Hague, who condemned Libya’s governmental actions and urged for international condemnation (Phillips, 2011). These diplomatic efforts not bringing any results, opened the door for more decisive and punitive actions from the UK.

In a proactive measure to prevent further conflict escalation, the UK government took economic sanctions and froze £20 billion worth of assets owned by Gaddafi and his associates (NewsCore, 2011) as well as revoked certain arms export licenses (NewsCore, 2011). On February 26, the United Kingdom declared the temporary closure of its embassy in Libya and the evacuation of its diplomatic staff from the country. The following day, the UK government officially terminated the diplomatic protection granted to Gaddafi and his family (The Guardian, 2011e). This move symbolized the end of diplomatic engagement with the Gaddafi regime and a significant shift toward supporting international isolation of Libya

Critics argue that The UK’s advocacy for a no-fly zone and sanctions may have been influenced as much by strategic interests as humanitarian concerns (House of Commons Foreign Affairs Committee, 2016). Libya’s substantial oil reserves and its importance as a gateway for migration to Europe (House of Commons Foreign Affairs Committee, 2016) likely played a role in shaping the UK’s response. Critics also highlight the UK’s historical arms deals with Gaddafi’s regime, which enabled the Libyan leader to maintain his military strength for years prior to the uprising. Indeed, between 2000 and 2010, the UK supplied

Gaddafi with £161 million worth of arms, including armored vehicles, machine guns, small arms ammunition, tear gas, and crowd-control ammunition (Campaign Against Arms Trade, 2021). In the months immediately prior to the 2011 Libyan uprising, UK government export licences and promotional activities included efforts to sell or demonstrate sniper rifles and other military equipment to Gaddafi's regime, and Libya had been designated a priority market for UK defence exports since sanctions were lifted (UK Parliament, 2010). The revocation of arms export licenses came only after violence erupted, raising questions about the UK's consistency in promoting human rights and its motives for intervention.

Moreover, while the UK positioned itself as an advocate for democracy in Libya, its selective engagement across the region drew criticism. In Bahrain, where protests were met with violent repression, the UK adopted a far more restrained approach due to its strong diplomatic and military ties to the Gulf monarchy (House of Commons Foreign Affairs Committee, 2013). This inconsistency highlighted the geopolitical calculations underlying British foreign policy during the Arab Spring, casting doubt on its humanitarian narrative (Birmingham Policy Commission, 2013).

France

On February 23, French President Nicolas Sarkozy was the first leader to publicly advocate for sanctions against Libya, emphasizing that the violence must end. He also urged for a no-fly zone over Libya to prevent the Libyan Air Force from targeting protesters (The Guardian, 2011b). Subsequently, on February 26, France, following the UK's example, shut down its embassy in the Libyan capital (Permanent Mission of France to the United Nations, 2011).

France's early action not only reinforced its role as a leader in global humanitarian interventions but also revealed deeper strategic motivations tied to its interests in North Africa.

Its early advocacy for sanctions and a no-fly zone reflected its attempt to position itself as a moral leader during the Arab Spring. However, critics argue that this stance was not purely humanitarian. France's historical ties to North Africa, rooted in its colonial legacy, and its strategic economic interests in the region likely shaped its response to the Libyan crisis. Libya's proximity to France and its critical role in migration routes, energy security, and

regional stability made the crisis a direct concern for Paris. These considerations highlight the complex interplay between humanitarian rhetoric and geopolitical interests in France's approach. Critics have questioned whether France's early interventionist rhetoric aimed to secure its interests in Libya's post-Gaddafi future, particularly through its energy giant TotalEnergies, which has long maintained stakes in Libya's lucrative oil reserves. TotalEnergies held significant shares in key oil fields, including the Waha and Mabruk oil fields, underscoring the economic stakes tied to France's involvement in the conflict (TotalEnergies, n.d). France's immediate advocacy for military measures contrasted sharply with its hesitancy in other Arab Spring contexts, such as in Bahrain, where it adopted a more restrained approach due to strategic alliances in the Gulf. Gaddafi's unpredictability and increasing openness to partnerships with non-Western states, particularly China, posed risks to French and European energy interests. Libya's vast oil and gas reserves, the largest in Africa with 48.4 billion barrels of proven reserves, positioned the country as a critical energy hub (Statista, 2021). Gaddafi's control over these resources amplified his influence, making his regime very challenging for Western powers who saw the regime as both a threat and an opportunity to secure stable access to these resources under post-Gaddafi leadership. Overthrowing Gaddafi and supporting a post-Gaddafi government aligned with Western powers offered France an opportunity to secure access to Libyan resources under more stable conditions (Minbar Libya, 2020).

The influence of personal political interests on France's decision to intervene became particularly clear during the later legal proceedings against Sarkozy. In 2018, Sarkozy was placed under formal investigation for allegedly receiving €50 million in illegal campaign financing from Gaddafi's regime for his 2007 presidential campaign (Willsher, 2018). The investigation, which lasted nearly a decade, culminated in October 2025 when Sarkozy was convicted of passive corruption, illegal campaign financing, and criminal association, receiving a five-year prison sentence with three years suspended (Le Monde with AP & AFP, 2025). These proceedings revealed that the Franco-Libyan financial relationship predated the 2011 crisis, raising profound questions about the extent to which Sarkozy's early and aggressive advocacy for intervention was shaped by concerns that Gaddafi might expose their relationship. Although Sarkozy has consistently denied the allegations and appealed the

verdict, the case highlights the complex interplay between personal, political, and financial interests that may have shaped France's stance toward the Libyan regime.

People's Republic of China

China's policy on the Libyan crisis served as a great example of its strategy of maintaining neutrality while safeguarding its economic interests. Foreign Ministry spokesperson Ma Zhaoxu expressed China's aspiration for the quick restoration of "social stability and normalcy in Libya". He also highlighted the urge to safeguard Chinese citizens and the enormous investments in the country (The Associated Press, 2011). At the time, Libya was home to over 30,000 Chinese people working in diverse sectors from the oil industry to retail, reflecting China's significant economic presence in the region (Qin & Ai, 2011). In response to the crisis, China prioritized the mass evacuation of its citizens, emphasizing the protection of economic interests and nationals over involvement in the political or humanitarian aspects of the conflict. This response aligns with China's long-standing policy of non-interference, where national security and economic interests are prioritized over humanitarian considerations (Duchâtel, Bräuner, & Zhou, 2014).

While it refrained from taking a strong stance on the conflict's political and humanitarian dimensions, its actions were deeply informed by self-interest. Libya, as a major oil producer, held strategic significance for China. Before the uprising, China had significant involvement in Libya's oil sector, with companies like CNPC signing agreements for exploration and production with Libya's National Oil Corporation, underscoring China's interest in the country as part of its energy security strategy (Reuters, 2024). By safeguarding its economic interests and focusing on evacuation, China avoided siding with Gaddafi's regime or the opposition forces, preserving its long-term access to Libya's resources regardless of the conflict's outcome.

This strategy, while effective in safeguarding national interests, has been criticized for sidelining the principles of Responsibility to Protect (R2P), highlighting tensions between China's growing economic power and its limited willingness to embrace global humanitarian norms (Teitt, 2011). This is particularly noteworthy because, as a permanent member of the UN Security Council, China's reluctance to support more proactive measures to address

urgent humanitarian crises raises questions about its commitment to global stability and human rights.

Russia

Russia's response to the Libyan crisis reflected its long-standing foreign policy principles, emphasizing state sovereignty and non-intervention. The government strongly opposed the acts of violence undertaken against civilians, emphasizing that Libya is obligated to respect human rights and international law (Reuters, 2011c). At the same time, Russian officials avoided explicitly criticizing Muammar Gaddafi, signaling Moscow's cautious approach to the situation (Polat, 2020). Russia's relationship with Libya has been shaped by a mix of historical, political, economic, and strategic interests. During the Soviet era, Moscow maintained strong ties with Gaddafi's regime, supplying Libya with weapons and military training in exchange for economic cooperation, particularly in the oil and energy sectors (Hilal, 2011). These ties were renewed in the 2000s as Russia sought to reassert its global influence (Hilal, 2011). By 2011, Russian companies, including Gazprom and Tatneft, held substantial energy contracts in Libya, and Russia had signed arms deals worth approximately \$4 billion (Johnson's Russia List, 2011). This deep economic involvement made Russia cautious about its stance during the Libyan crisis, as taking a definitive position risked undermining key agreements and alienating a long-standing ally in North Africa, particularly in the face of increasing Western and U.S. influence in the region (Polat, 2020). It might be safe to say that this neutral positioning allowed Russia to maintain diplomatic flexibility, ensuring that it could navigate relations with both Gaddafi's regime and any potential post-Gaddafi government.

Additionally, Russia's reluctance to adopt a stronger stance against Gaddafi reflected its broader foreign policy concerns. Moscow was careful to support any actions that could potentially set a precedent for foreign intervention, particularly in authoritarian states where Russia had strategic influence, such as Syria or Belarus (Allison, 2013). This selective approach reinforced the view of Russia as a self-interested player in the international stage, primarily concerned with countering Western influence and maintaining its strategic position in key regions.

Germany

Germany issued a travel advisory warning against travel to Libya, reflecting its concern over the deteriorating security situation (Deutsche Welle, 2011). Werner Hoyer, Germany's State Secretary for EU Affairs, expressed both outrage and deep concern over the violence committed by government forces in Libya and other nations, framing the crisis as a violation of fundamental human rights (Phillips, 2011). Germany's response, although more restrained compared to other countries, demonstrated its cautious approach to international conflicts. Germany reflected its reluctance to engage in military operations, with Foreign Minister Guido Westerwelle arguing that military intervention risked escalating the conflict and prolonging violence. Instead, Berlin proposed alternative humanitarian and diplomatic measures to address the crisis (DW, 2011).

Germany's position is deeply rooted in its historical post-World War II foreign policy, emphasizing multilateralism, conflict prevention, humanitarian aid, and promoting stability through diplomacy (Brummer & Oppermann, 2016).

This measured response allowed Germany to maintain its global standing while avoiding direct engagement in the conflict. However, it faced criticism from European allies, particularly France and the UK, and the United States, who perceived Germany's stance as a lack of solidarity in addressing an urgent humanitarian crisis (Ibid).

Italy

Italy's response to the Libyan crisis in early 2011 revealed the tension between its strategic interests and humanitarian responsibilities. On February 19, Italian Prime Minister Silvio Berlusconi expressed reluctance to contact Colonel Gadhafi, citing that he did not want "to disturb" him during this sensitive time (Krause-Jackson, 2011). Italy's reluctance to get involved in the crisis was predictable, given its significant economic ties to Gaddafi's regime, particularly in the energy sector (Bordonaro, 2021), as well as a long-standing political partnership in controlling illegal migration across the Mediterranean (Bordonaro, 2021). Libya was a critical energy supplier for Italy, providing approximately 28% of its oil and natural gas imports (U.S. Energy Information Administration, 2011). Italian companies, most notably ENI (Ente Nazionale Idrocarburi), held substantial stakes in Libyan energy infrastructure, creating a dependency that rendered early criticism of the Gaddafi regime politically and economically risky (Clingendael Institute, 2019). This dependency was

further reinforced by the 2008 Treaty of Friendship, Partnership, and Cooperation, under which Libya agreed to curb illegal migration in exchange for significant economic aid and political support from Italy (Paoletti, 2011). This close partnership made Italy cautious about supporting measures that might destabilize the regime or disrupt bilateral agreements critical to its domestic political and economic stability (Paoletti, 2011). Italy's initial reluctance to denounce Gaddafi's actions revealed the extent to which economic and political ties constrained its foreign policy. The crisis also exposed Italy's vulnerability to regional instability, particularly concerning migration, which remains a defining issue in its foreign policy towards North Africa.

As the Libyan crisis escalated, Italy's position evolved. Prime minister Berlusconi eventually criticized the Libyan regime for using force, calling it "unacceptable" and urged collective actions to avoid further escalation into a civil war and regional instability. However, Italy refrained from explicitly endorsing sanctions or military intervention. Instead, Berlusconi emphasized diplomatic measures aimed at maintaining peace and stability, a stance reflecting Italy's attempt to balance its humanitarian commitments with its strategic priorities (Phillips, 2011a). This cautious approach drew criticism from European allies like France and the UK, who advocated for more decisive action (Menon, 2011). Italy's reluctance to disrupt its agreements with Libya also raised questions about the ethical implications of maintaining partnerships with authoritarian regimes, especially when those regimes commit widespread violence against their own citizens.

On February 21, Italian Foreign Minister Franco Frattini voiced significant concerns about the impact of regional instability on migration patterns across the southern Mediterranean as "Italy is the closest neighbor of both Tunisia and Libya" (Phillips, 2011a). Italy's early concerns about migration reflected the country's strategic interest in maintaining stability in the Mediterranean region. The fear of mass migration from Libya and Tunisia was not only a humanitarian concern but also tied to domestic political and economic challenges, given Italy's fragile economic situation and rising anti-immigration sentiment (Bordonaro, 2021).

The Prelude to Action

As the situation in Libya did not improve, global concern intensified. On February 25, several high level international forums were held to reflect on the escalating crisis and the appropriate

international response including an informal meeting of EU Defense ministers in Gödöllő (Hungary); an urgent session of the North Atlantic Council of NATO in Brussels; a special meeting of the UN Human Rights Council in Geneva; and a Security Council session in New York (Wester, 2020). The decision to hold these high-level forums reflected the international community's growing alarm at the situation in Libya and the recognition that a collective response is needed. During the meeting of EU Defense ministers, Catherine Ashton, the EU High Representative for Foreign Affairs and Security Policy, emphasized the importance of imposing sanctions against Libya, clarifying that the deployment of EU military forces was not considered (The Guardian, 2011c). The EU's emphasis on sanctions over military action allowed member states to avoid immediate entanglement in a conflict that could destabilize European economic interests, particularly those tied to Libyan oil and gas exports. Libya was a key energy supplier for several EU nations, and sanctions served as a controlled response that demonstrated accountability without jeopardizing energy security (UNESCA, 2024). Therefore, the underlying motives reveal strategic calculations tied to maintaining regional stability and Western influence in North Africa.

Meanwhile, NATO Secretary General Anders Fogh Rasmussen expressed that priority should be given to evacuation and humanitarian assistance (NATO, 2011a). NATO released a statement confirming its commitment to closely monitor the ongoing situation in Libya in coordination with other international organizations and to remain prepared for any necessary actions (NATO, 2011a). While this might be framed as a humanitarian response, it also concealed strategic interests in controlling migration and maintaining the Mediterranean as a stable buffer zone. Scholars have argued that NATO's reluctance to engage militarily in the initial stages was partly influenced by member states' divergent priorities.

The Human Rights Council in Geneva passed a resolution and strongly condemned the extensive, widespread, and systematic human rights abuses occurring in Libya. The Council urged the Libyan Government to fulfil its obligation to safeguard its citizens and allocated an international commission of inquiry to investigate all violations of international human rights law. Additionally, it proposed that the UN General Assembly consider suspending Libya's membership in the Human Rights Council, a resolution unanimously adopted "by consensus" without a vote (United Nations Human Rights Council, 2011d). Though

symbolically significant, this action exposed the limitations of the council's ability to enforce meaningful actions.

High Commissioner for Human Rights, Navi Pillay, invoked the principle of the responsibility to protect, highlighting its relevance to the Libyan situation (United Nations Human Rights Office of the High Commissioner, 2011). Invoking R2P coincided with increasing discussions among Western nations about regime change, raising concerns that humanitarian rhetoric was being used to pave the way for broader political objectives (Thakur, 2016). Critics argue that the HRC's response was influenced by political calculations, particularly the interests of powerful member states in framing Gaddafi's regime as a pariah. Libya's role as a significant oil exporter and its strategic importance in North Africa drew substantial international attention, with Western nations eager to weaken Gaddafi's influence while securing their geopolitical and energy interests (Campbell, 2013). This selective application of R2P contrasted sharply with the muted international response to similar atrocities in Yemen and Bahrain during the Arab Spring (Chomsky, 2012). Such inconsistencies highlight the challenges of implementing R2P as a universal standard when its application depends heavily on political priorities and the interests of influential actors within the international system (Nahlawi, 2019).

At the same time, the Security Council held a session attended by Ambassador Abdel Rahman Shalgam, Libya's then Permanent Representative to the UN. Although Shalgam was officially present as the envoy of the Libyan Arab Jamahiriya, he was no longer aligned with the regime but with the opposition. During his speech to the Council, Shalgam compared Gaddafi's actions to those of Hitler (United Nations Security Council, 2011b). He concluded his remarks with an appeal: "Libya was established by a resolution of the United Nations. Please, United Nations, save Libya" (The Guardian, 2011d). This narrative reinforced Western powers' emerging justification for intervention, potentially redirecting the UN's response toward regime change rather than comprehensive conflict resolution (Thakur, 2016).

Without awaiting a resolution from the Security Council, the United States proceeded independently, implementing unilateral sanctions against Libya. On February 25, President Obama enacted Executive Order 13566 imposing specific financial sanctions on Gaddafi and

his various other Libyan officials and seizing their assets within the jurisdiction of the United States (The White House, 2011a). By acting independently, the U.S. demonstrated its strategic interest in isolating Gaddafi and preventing further destabilization of a region critical to global energy supplies. By bypassing the Security Council, the United States projected an image of decisive leadership but also set a precedent of acting independently when its strategic interests are at stake (Weiss et al., 2011). This approach risks undermining the legitimacy of international institutions and reinforced critiques of selective U.S. engagement, particularly given its hesitance to impose similar measures on authoritarian allies in the region. This inconsistency suggests that Washington's decisions were less about humanitarian principles and more about maintaining its geopolitical dominance in a strategically vital region (Kuperman, 2013).

CHAPTER 4

*“The world has spoken with one voice.
The government of Libya must meet
its responsibility to protect its people”
UN Secretary-General Ban Ki-moon*

4.1 R2P ON THE SPOTLIGHT: A PRINCIPLE ON TRIAL

4.1.1 The Responsibility to Prevent

Major international players publicly denounced the violence committed by Gaddafi’s forces in the early stages of the Libyan uprising, but many were hesitant to take direct action. This early hesitancy was a result of an attempt to find a balance between stopping violations of human rights and avoiding direct military involvement in yet another conflict in the Middle East.

Russia, China, and Germany spoke out most to urge caution against intervention. These nations worried that backing military action might create a risky example for future conflicts about the idea of state sovereignty. Russia and China, both facing claims of human rights violations at home, expressed concerns that endorsing intervention in Libya could set a precedent for similar actions being taken against them or their allied states in the future (Bellamy & Williams, 2011a). Their global interests, rooted in a policy of non-interference in the internal affairs of sovereign states, led them to view Libya as a potential test case for how the international community might respond to future uprisings or conflicts in other regions (Weiss et al., 2011).

4.1.1.1 Trigger for Global Action: From Political Conflict to Humanitarian Emergency

There was growing international pressure for a more forceful response as the violence in Libya worsened and the number of civilian casualties rose. Reports from media outlets and humanitarian organizations described extensive atrocities committed by Gaddafi’s forces, including random bombings and mass executions. The revolution brought to light the government’s long-standing human rights violations, leading to the reopening of numerous past cases and the exposure of previously concealed abuses. Libya became the focal point of international attention as the regime’s misconduct was revealed to the world. As violence

against civilians intensified in February 2011, the international community began to take serious notice. This escalation served as the catalyst for broader international engagement as the crisis was increasingly framed as a humanitarian emergency requiring urgent global intervention. Both the United Nations and the European Union shifted their approach, emphasizing the need for an immediate and coordinated international response (Office of the High Commissioner for Human Rights, 2011).

The growing protests, along with reports from organizations such as the United Nations Human Rights Council (UNHRC) and the International Federation for Human Rights (FIDH), prompted governments to reassess their initial hesitation to intervene (International Federation for Human Rights, 2011). This shift led to increased support for more decisive measures aimed at protecting civilian populations and addressing the escalating violence. By February 25, representatives from the United Nations, the European Union (EU), and NATO convened to discuss potential responses, laying the groundwork for subsequent actions (United Nations, 2011a, February 26). While the meeting underscored the urgency of the situation, it also highlighted the inherent challenges in formulating a unified and cohesive strategy (Pillay, 2011).

4.1.1.2 The Emergence of R2P - Resolution 1970

The global conversation about Libya took a sharp turn when the United Nations Human Rights Council (UNHRC) met on February 25, 2011. During this meeting, Navi Pillay, the United Nations High Commissioner for Human Rights, painted the picture as a moral duty and global obligation for the world to step in, pointing straight to the principles of the Responsibility to Protect (Pillay, 2012). Pillay's remarks resonated strongly with many Western nations as violence kept escalating in Libya (United Nations, 2011b). Western leaders reinforced the narrative that Gaddafi's forces were systematically violating human rights. For instance, U.S. President Barack Obama condemned the violence, describing the suffering and bloodshed as "outrageous and unacceptable", and pledged that the United States would collaborate with other nations to prevent further attacks on civilians (The White House, 2011).

In reaction to the growing violence in Libya, the United Nations Security Council (UNSC) passed Resolution 1970 on February 26, 2011. The resolution aimed to tackle the

humanitarian crisis caused by Muammar Gaddafi's regime and its actions against civilians, representing a key moment in the international effort to address the situation (United Nations, 2011b)

4.1.1.3 Early reactions

The United Nations Security Council, through Resolution 1970, imposed a comprehensive arms embargo on Libya with the objective of preventing the flow of weapons and military support to Muammar Gaddafi's regime (United Nations, 2011b). The embargo specifically targeted all factions loyal to Gaddafi, including the Libyan Armed Forces and associated militias. It prohibited the export, sale, and supply of arms, ammunition, military vehicles, and related equipment. Additionally, the resolution banned the provision of technical assistance, training, financial resources, and services associated with military operations. This measure sought to limit the regime's capacity to continue its violent repression of civilians, signaling a strong international stand against mass atrocities (United Nations, 2011b). The comprehensive nature of the embargo, encompassing all land, sea, and air routes into Libya, was enforced globally (CBC, 2011). Member states were tasked with inspecting cargo suspected of containing prohibited items, both in transit and at points of entry (CBC, 2011). NATO and the European Union played significant roles in monitoring Libyan waters and intercepting vessels potentially carrying arms (Council of the European Union, 2020). Additionally, neighboring countries, Egypt and Tunisia, assumed the responsibilities of overseeing shipments entering Libya via their borders, further strengthening regional efforts to enforce the embargo (EgyptToday, 2024).

Although concrete statistics on the exact amount of arms trafficking stopped or Libya's military losses due to the embargo are difficult to isolate, it is known that the arms embargo, along with NATO's maritime operations, intercepted several shipments of military equipment intended for Gaddafi's regime (Stockholm International Peace Research Institute, 2012).

Nevertheless, countries such as the United Arab Emirates and Qatar openly supplied arms to various factions involved in the conflict, highlighting the geopolitical interests that overshadowed the neutrality of the arms embargo (GIS Reports Online, 2020). This selective adherence weakened the legitimacy of the international strategy, as arms continued to flow not only to opposition groups but to Gaddafi-aligned forces as well (IEMed, 2012). Not to

mention that the enforcement relied heavily on Western military alliances like NATO, which critics argue reinforced perceptions of a Western-dominated intervention rather than a joint international effort.

UN Security Council Resolution 1970 also introduced several other measures aimed at protecting civilians and addressing the escalating violence in Libya during the early stages of the civil unrest. Among these was the imposition of travel bans targeting Gaddafi, his family, and key high-ranking officials (United Nations, 2011b). The objective of this action was to diplomatically isolate Gaddafi and his inner circle, including senior security, military, and diplomatic personnel, in an effort to limit their international influence and ability to coordinate efforts to sustain the regime, i.e., accessing global networks that could enable them to acquire arms, forge foreign alliances, or secure financial resources to suppress opposition forces (United Nations, 2011a). The travel bans represented a critical measure within the broader framework of the Responsibility to Prevent, signaling the international community's strong disapproval of Gaddafi's regime and its violent repression of civilians.

These sanctions conveyed a strong message that such actions would not be tolerated and that individuals involved in human rights violations would face direct consequences, reinforcing the principle of accountability. By targeting key figures within the regime, the travel bans were intended to disrupt their ability to operate internationally, demonstrate the commitment to prevent further escalation of violence, and pressure Libya's leadership to cease violence against civilians.

Other sanctions included a comprehensive asset freeze on Libyan state assets held abroad, impacting billions of dollars in financial resources and significantly restricting the regime's access to vital economic assets (United Nations, 2011b). The primary aim of this measure was to prevent the Libyan government from utilizing its financial resources to fund military operations and suppress the rebellion. By freezing the assets, including foreign bank accounts and properties, the resolution significantly limited the regime's ability to secure financial support. The resolution mandated that all member states report any frozen assets to the UN and ensure that these assets remained inaccessible to the regime (United Nations Security Council, n.d.). To ensure transparency and accountability, each member state was required to submit regular reports on the status of the frozen assets to the UN. For example, by March 2011, estimates suggested that approximately \$30 billion in Libyan assets had been frozen

globally (U.S. Department of the Treasury, 2011). This was a significant blow to the regime, which relied heavily on these resources to finance its military operations and maintain its grip on power.

Nevertheless, compliance with the asset freeze has been inconsistent across countries, with varying degrees of adherence to the imposed sanctions. Several reports have highlighted discrepancies in the enforcement of these measures, particularly among European Union member states. Notably, Belgium was found to have permitted the assets to gain interest and investment profits on frozen Libyan accounts (Marks, 2018). This weakened the overall impact of the sanctions and posed significant obstacles to achieving the broader objectives of isolating the regime and cutting off its financial support.

Additionally, the sanctions prohibited the export of military equipment and dual-use goods that could be utilized for military purposes. These restrictions aimed to cripple the regime's military capabilities and limit its ability to wage a war against opposition forces (United Nations, 2011b).

Another critical element of Resolution 1970 was the decision to refer the Libyan crisis to the International Criminal Court (ICC) (International Criminal Court, n.d.). Indeed, the UN Security Council requested the ICC to investigate potential war crimes and crimes against humanity committed by the Libyan government. This referral was significant as it marked the first time the Security Council had unanimously referred a case to the ICC, emphasizing the gravity of the situation in Libya and signaling a global consensus on the importance of holding Gaddafi's regime accountable for its actions (United Nations Security Council, 2011). The unanimous nature of the referral reflected the international community's unified stance on the need for justice and accountability in the face of widespread human rights violations.

However, this referral raised concerns regarding the independence of the ICC. Resolution 1970 included an annex listing individuals subject to travel bans and asset freezes, such as Muammar Gaddafi, his family members, and key officials in the regime (United Nations, 2011d). While the sanctions were intended to restrict their ability to continue violence, this overlap between the UNSC's measures and the ICC referral introduced implicit pressure on the Court to prioritize the prosecution of those listed, potentially compromising its impartiality (Bosco, 2014). This intertwining of political and judicial mechanisms risked

blurring the boundaries between the ICC as an independent judicial body and the Security Council as a political entity.

Critics argue that such overlaps between UNSC sanctions and ICC investigations could position the Court as an enforcement tool of the Security Council, threatening its legitimacy in other contexts (Bosco, 2014). The political implications of this overlap extend beyond the Libyan context. Scholars have noted that the selectivity of UNSC referrals, often limited to weaker states, reinforces perceptions of double standards in the application of international law (Bosco, 2014). This undermines the broader normative goals of the ICC and fosters skepticism, particularly among Global South nations, regarding the Court's impartiality and effectiveness.

The resolution further demanded that the Gaddafi government lift restrictions on the media, facilitating the free flow of information into and out of Libya (United Nations, 2011b). The objective was to challenge the narrative propagated by state-controlled media, which was actively suppressing reports of violence and downplaying the severity of the crisis (United Nations, 2011b). By ensuring the continuation of independent journalism, the resolution aimed to provide the international community with an accurate account of the situation on the ground for more effective responses to the escalating conflict. The enforcement of this demand relied on a combination of diplomatic pressure and practical measures to support the work of independent journalists and media outlets. However, the Gaddafi government largely failed to comply with this demand despite international pressure.

Instead, the regime continued to control the narrative, restrict social media, limit reporters' movements, and arrest journalists, hindering the effective implementation of these measures (International Federation of Journalists, 2011; Media Landscapes, n.d.). This suppression of the media was part of Gaddafi's broader strategy to maintain control over public perception and obscure the realities of the conflict. This failure highlights a wider flaw in the Responsibility to Prevent, as efforts dependent on state compliance frequently fail in authoritarian regimes.

Despite the regime's persistent suppression of media, international media outlets such as Al Jazeera and CNN played a crucial role in broadcasting footage of demonstrations and violence. Much of this material was obtained through reports and videos that Libyan citizens smuggled out of the country, offering the world a glimpse into the Libyan crisis (Human

Rights Watch, 2015). This grassroots reporting proved invaluable in countering the regime's propaganda and underscored the critical role of citizen journalism during conflicts where traditional media is censored.

As media suppression continued, foreign countries prioritized evacuating their citizens from Libya. The escalating severity of the conflict was highlighted by the coordination of large-scale air and sea evacuation efforts by nations such as the United States, the United Kingdom, France, and Italy (Jerusalem Post, 2011). These efforts revealed both the international community's growing concern for the safety of foreign nationals and the broader instability in Libya (Weiss et al., 2011).

4.1.1.4 Resolution 1970: Humanitarian Intent and Political Challenges

The adoption of Resolution 1970 under the Responsibility to Protect (R2P) framework represented a pivotal moment in the international response to humanitarian crises. The resolution demonstrated strong humanitarian intent by imposing arms embargoes, travel bans, asset freezes, and advocating for media freedom to limit the Gaddafi regime's ability to repress civilians and maintain its grip on power. These measures aimed to weaken the regime diplomatically, economically, and operationally while signaling international condemnation of human rights abuses. However, the implementation of these measures revealed significant challenges. While the arms embargo disrupted some military shipments, inconsistencies in enforcement and violations by external actors undermined its overall impact. Similarly, travel bans and asset freezes, though symbolically powerful, were weakened by uneven compliance, allowing the regime to keep limited international influence and resources. Efforts to ensure media freedom were further hindered by the regime's suppression of independent reporting. These shortcomings underscored the limitations of preventive measures when confronting authoritarian regimes.

Resolution 1970 focused on non-military measures designed to stop the escalating violence in Libya and to hold the Gaddafi regime accountable for its actions. Ultimately, as the conflict intensified, it became increasingly clear that preventive approaches were insufficient, highlighting the urgent need for more robust enforcement mechanisms.

4.1.2 The Responsibility to Protect

4.1.2.1 Resolution 1973

On March 17, 2011, the United Nations Security Council (UNSC) adopted Resolution 1973 in reaction to the escalating conflict in Libya, marking the first time the “Responsibility to Protect” (R2P) is invoked to justify military intervention in a sovereign state. Referring to Chapter VII of the United Nations Charter, the Security Council granted authorization to member states “to take all necessary measures” to safeguard civilians and civilian-populated areas facing the threat of attack in the Libyan Arab Jamahiriya (United Nations, n.d.). Military operations began on 19 March 2011 under a coalition led by France, the United States, and the United Kingdom, before transitioning to NATO command under Operation Unified Protector on 31 March 2011 (NATO, 2011c). This represented a landmark moment in international relations, as it demonstrated a global commitment to preventing atrocities against civilians, within the borders of a sovereign state.

The resolution was passed with ten countries in favor, namely the United States, the United Kingdom, France, Bosnia and Herzegovina, Colombia, Gabon, Lebanon, Nigeria, Portugal, and South Africa. Five nations, Brazil, Germany, India, China, and Russia, chose to abstain from the vote, while none voted against the resolution (United Nations Security Council, 2011c). This split decision highlights diverse interpretations of international law and sovereignty, reflecting differing geopolitical priorities and concerns across regions and political alliances.

For the abstaining states, the resolution’s language, particularly its authorization of “all necessary measures”, was viewed as excessively broad and potentially prone to abuse (Nahlawi, 2019). This phrase, while intended to provide flexibility, created ambiguity about the limits of military intervention, raising concerns that it could be exploited for objectives beyond civilian protection. Such language effectively blurs the lines between humanitarian protection and militarized enforcement, leaving the doctrine vulnerable to manipulation by powerful states for strategic ends.

China and Russia, both permanent members of the Security Council, feared that the resolution could set a dangerous precedent for future international interference in domestic affairs, potentially opening the door for similar actions in other sovereign states (United Nations Security Council, 2011c).

China's decision to abstain Resolution 1973 was rooted in its long-standing foreign policy principles of non-interference and respect for national sovereignty. This commitment was underscored by then-President Jiang Zemin during the UN Millennium Summit in 2000, where he emphasized that every nation should have the right to handle its internal affairs without external interference (United Nations Security Council, 2011c). China's cautious stance in abstaining reflected concerns about setting a precedent that could justify future international military interventions in its domestic affairs under the guise of humanitarian protection (Bellamy, 2011b; Nahlawi, 2019). As a nation confronting sensitive internal issues such as unrest in Tibet, governance policies in Xinjiang, and tensions over Taiwan, China feared that such precedents could be invoked to justify foreign interference in its own domestic affairs (Anghie, 2006).

Germany's abstention, meanwhile, was driven by concerns over becoming entangled in a new protracted conflict in the Middle East, as well as concerns about military intervention potentially violating Libya's sovereignty (United Nations Security Council, 2011c). The German government, led by Chancellor Angela Merkel and Foreign Minister Guido Westerwelle, prioritized diplomatic measures and sanctions over military involvement. This cautious approach was shaped by Germany's internal political climate, particularly with upcoming state elections at the time. Additionally, Germany expressed concerns about the potential risks of military intervention (United Nations Security Council, 2011c). However, this decision also led to criticism from international allies, who perceived Germany's position as a lack of solidarity in addressing the humanitarian crisis in Libya (Erlanger & Smale, 2011).

Skepticism toward NATO-led interventions also played a significant role. For countries like Brazil and India, NATO's dominance in implementing Resolution 1973 reflected a Western-centric operational framework that marginalized alternative approaches (Thakur, 2011a; Bellamy, 2011b). As Nahlawi (2019) notes, the exclusion of regional organizations like the African Union (AU) from leadership roles in managing the crisis symbolized the structural inequities in global governance. These nations questioned whether the intervention genuinely prioritized Libyan civilians or served as a platform for advancing NATO's strategic interests in North Africa (Thakur, 2016).

Yet, given the immediate threat to Benghazi by Gaddafi's forces, the international community ruled military intervention as necessary to prevent mass atrocities. Despite the military campaign, diplomatic efforts persisted, with the League of Arab States (LAS) and the African Union (AU), arguably better equipped to address the root causes of conflict and avoid the neo-colonial dynamics, advocating for negotiations and ceasefires. However, their voices were marginalized as NATO-led intervention dominated the response framework, reflecting the hierarchical power dynamics in global governance.

From the perspective of the Third World Approach to International Law (TWAIL), international law has been historically shaped by colonial and imperial legacies. Nesiah (2004) criticizes the Responsibility to Protect (R2P) doctrine, arguing that it may often serve as a tool for neo-imperialism, enabling Western powers to pursue their geopolitical interests under the pretext of humanitarian intervention. Hay et al. (2020) elaborate on this, asserting that R2P creates a hierarchy of intervention that privileges the perspectives and interests of powerful Western states over the lived realities of the Global South. TWAIL scholars like Anghie (2006) highlight that the evolution of sovereignty in international law is asymmetrical, granting Western powers the flexibility to intervene while constraining the autonomy of post-colonial states. By framing interventions as morally and legally justified through the lens of R2P, powerful states marginalize the voices and agency of Third World nations, reinforcing the colonial dynamics that international law claims to address.

In this specific case of Libya, Gaddafi's ambition to unify Africa under a single currency backed by gold and his advocacy for African autonomy threatened Western economic and political dominance on the continent (Campbell, 2013). Gaddafi's independent foreign policy and refusal to bow and submit to Western influence contrasted sharply with other regional leaders who remained aligned with U.S. interests, further escalating tensions. Libya's importance as a geo-strategic energy hub and its history of defying Western hegemony made Gaddafi's regime a prime target for elimination. Regime change aligned with Western objectives of reshaping the region's political landscape to favor Western dominance while suppressing any push for independent African political or economic unity.

4.1.2.2 The Military Intervention in Libya

The United States, France, and the United Kingdom were the main leaders of the coalition of states that initially led the military intervention in Libya. In an effort to stop the regime's attacks on civilians, these nations were the first to impose the no-fly zone and launch airstrikes targeting Muammar Gaddafi's military installations (BBC News, 2011). The swift action taken by this coalition was crucial in the early stages of the intervention, particularly after the adoption of UNSC Resolution 1973, as it aimed to prevent Gaddafi's forces from capturing Benghazi and other opposition-controlled areas (Daalder & Stavridis, 2012). This coalition of states launched Operation Odyssey Dawn on March 19, 2011 (CBS News, 2011). Airstrikes targeted Gaddafi's military installations, enforcing the no-fly zone and impeding the advance of Gaddafi's forces toward the opposition-held city of Benghazi. Public declarations, such as President Barack Obama's speech on March 18, 2011, emphasized the need to protect civilians from mass atrocities, framing the intervention as a moral obligation (Obama, 2011). However, skeptics suggest that such narratives often conceal geopolitical considerations, including overthrowing the government, securing energy resources and maintaining influence in the region (Nahlawi, 2019; Washington Institute, 2011).

The United States played a crucial role, launching the first strikes alongside France and the United Kingdom, with tactical support from other countries like Denmark and Canada (Gonzalez, 2012). By conducting extensive military actions, including the destruction of tanks and artillery systems, the coalition effectively blunted Gaddafi's offensive capabilities in the region. One significant strike destroyed around seventy combat and support vehicles (Washington Institute, 2011), which severely impacted Gaddafi's ability to project power toward the east.

However, the coalition of willing states that had initiated the military operations in Libya soon faced numerous logistical and political challenges. Several participating states struggled to maintain their military involvement over time due to resource constraints. For example, Italy and Denmark, although active in air operations, lacked the extensive military capabilities of larger powers like the United States. This placed considerable strain on their ability to sustain long-term contributions to the mission (Greenleaf, 2013).

Despite some early successes, the conflict intensified, increasing the pressure on national militaries to coordinate their efforts more effectively. Although the U.S. led initial airstrikes,

President Obama's administration expressed a reluctance to engage in a prolonged campaign, emphasizing that America's role would be limited to supporting efforts by NATO and regional partners (Obama, 2011). This reluctance could potentially highlight broader geopolitical calculations, as the U.S. sought to balance its leadership role without appearing as the primary aggressor, a common criticism of past interventions (Nahlawi, 2019).

This uncertainty about the mission's direction led Secretary of Defense Robert Gates to raise concerns about potential overreach, advocating for greater NATO involvement (Gates, 2011). Key NATO allies, such as Germany and Turkey, were hesitant to commit troops to Libya due to concerns over becoming involved in yet another prolonged conflict in the Middle East (Carpenter, 2020). Concerns regarding the sustainability of the mission and the involvement of non-Western states, such as Qatar and the United Arab Emirates, complicated coordination. The inclusion of these regional actors was intended to broaden the coalition's legitimacy, but they often had different objectives. Qatar provided military and financial support to specific Libyan rebel factions, including groups with Islamist leanings, aligning with its broader regional ambitions. Reports confirmed Qatar's supply of anti-tank weapons, financial backing, and even provided training to Islamist-aligned groups, reflecting its intention to shape Libya's political landscape post-intervention (Kaim, 2011). Similarly, the United Arab Emirates pursued its strategic interest in countering Islamist influence by supporting factions opposed to Islamist groups, further complicating the coordination of coalition efforts (Wehrey & Lacher, 2014).

In response to these challenges, NATO assumed command of the mission, allowing for increased participation from member nations reluctant to engage directly. Operation Odyssey Dawn concluded on March 31, 2011, when command of air operations transitioned from the U.S. Africa Command to NATO under Operation Unified Protector (Gonzalez, 2012).

Three officially declared objectives guided Operation Unified Protector: keeping the arms embargo in place to stop the flow of weapons into Libya, safeguarding civilians from Gaddafi's forces, and enforcing the no-fly zone (NATO, 2011c); reflecting the provisions of UNSC Resolution 1973.

The scale and reach of Operation Unified Protector's intervention in Libya were greatly increased by NATO's involvement. The strong military presence of the alliance made it

possible to carry out continuous and persistent efforts to undermine Gaddafi's military capabilities and uphold UN Security Council Resolution 1973. NATO forces carried out over 26,000 sorties between March and October 2011, of which approximately 10,000 were precision airstrikes directed against military targets such as bases, command centers, and weapons depots (Human Rights Watch, 2012). The cities of Tripoli, Sirte, and Misrata were frequently targeted due to their strategic importance. Sirte, in particular, was heavily bombarded as it was Gaddafi's final stronghold (BBC News, 2011b).

While NATO maintained that efforts were made to avoid civilian casualties, estimates from Human Rights organizations suggest significant collateral damage. The militia support and the intensity of NATO's air campaign raised concerns about the impact on civilians and the Libyan infrastructure. Human Rights Watch documented incidents where civilian buildings were struck, including homes, schools, and health facilities, leading to hundreds of unintended civilian deaths (Human Rights Watch, 2012). Such incidents called into question NATO's claims of precision and proportionality in its airstrikes, which are key principles under international humanitarian law. Critics argued that the extensive damage to civilian infrastructure and the loss of civilian lives demonstrated a failure to adhere to these principles, undermining the legitimacy of the intervention (Bellamy, 2012). A mission initiated under the banner of the Responsibility to Protect (R2P), intended to save lives and protect civilians, ended up causing significant civilian casualties itself. This paradox highlights the inherent risks and contradictions of military interventions justified on humanitarian grounds. The destruction of vital infrastructure and the deaths of non-combatants undermine NATO's moral authority and the R2P doctrine. Critics further argued that these outcomes reflect the intervention's escalation beyond its original mandate of civilian protection, suggesting that NATO prioritized military objectives over humanitarian considerations, with devastating consequences for the very people it sought to protect (Nahlawi, 2019; Thakur, 2016a; Human Rights Watch, 2012).

Beyond airstrikes, NATO worked to weaken Gaddafi's command and control infrastructure. Targeted attacks on communication centers and military installations effectively disrupted the regime's ability to coordinate attacks on rebel-held areas (NATO, 2011d). These actions

severely undermined Gaddafi's ability to launch coordinated offensives, allowing rebel forces to make significant territorial gains.

NATO's all-encompassing strategy, which included ceaseless airstrikes, maritime interdiction, and targeted operations against Gaddafi's primary military installations, proved the alliance's capacity to carry out a well-coordinated, extensive intervention (NATO, 2011d). NATO demonstrated a strong commitment to preventing the flow of weapons into Libya. NATO ships watched the Mediterranean Sea, intercepting vessels suspected of carrying arms to Libya's military. By the end of the operation, over 3,000 ships had been monitored, and nearly 300 of them were searched (NATO, 2011d). However, critics argue that the robust enforcement of arms embargos against Gaddafi's forces contrasted sharply with the lack of control on the weapons flowing to opposition factions supported by Western and regional actors, highlighting selective applications of international norms (Nahlawi, 2019). For example, France took unilateral action by airdropping weapons to rebels in the Western Mountains in June 2011, citing urgent humanitarian needs in areas under significant pressure from Gaddafi's forces (MacAskill & Beaumont, 2011). However, this move was criticized for intensifying divisions among rebel factions, as various nations armed different groups with conflicting ideologies and objectives, sowing the seeds for an even more complicated post-intervention reality.

As Gaddafi's regime weakened, opposition forces made significant advances. Operation Unified Protector continued, and with the help of NATO air support, rebel forces took control of important cities and drove Gaddafi's forces back (Airwars, n.d.). Gaddafi lost control over most of the country as the opposition decisively gained the upper hand in the power struggle (NATO, 2011d).

4.1.2.3 The End of an Era: The Death of Muammar Gaddafi

Muammar Gaddafi's capture and subsequent death on October 20, 2011, marked a pivotal moment in the Libyan conflict, symbolizing the definitive collapse of his regime. After months of intense fighting, Gaddafi was found hiding in a drainage tunnel in his hometown of Sirte (Stewart, 2011). His final days were characterized by desperate attempts to maintain power, but the military pressure from the opposition forces, backed by NATO airstrikes, gradually led to the collapse of his regime (Al Jazeera, 2011b).

On the same day, Gaddafi attempted to flee Sirte with a convoy of vehicles. NATO aircraft conducted an airstrike on the convoy, destroying several vehicles and forcing the remaining members, including Gaddafi, to abandon their escape and seek refuge nearby (BBC News, 2011c). Gaddafi, along with a small group of loyalists, hid in a drainage pipe, where they were discovered and intercepted by rebel fighters (BBC News, 2011c). Video footage that emerged shortly after his capture revealed shocking scenes of violence: Gaddafi, bloodied and disoriented, was beaten and reportedly subjected to torture before being fatally shot (Al Jazeera, 2011d).

The violent circumstances of Gaddafi's death raise profound questions about accountability, transitional justice, and the rule of law in post-conflict settings. His extrajudicial killing and the absence of a trial deprived Libya and the international community of an opportunity to hold Gaddafi accountable through legal proceedings for war crimes and crimes against humanity, as outlined in the United Nations Security Council Resolution 1970. The resolution referred the Libyan situation to the International Criminal Court (ICC), to uphold international justice mechanisms (Kendall & Nouwen, 2013). However, his death highlights the difficulties of enforcing such frameworks during the chaos of conflict and the conflicting priorities of local and international actors.

From an international legal perspective, Gaddafi's extrajudicial killing represents a missed opportunity to reinforce the ICC mandate and demonstrate the impartial application of transitional justice in Libya. Scholars have long emphasized that trials for overthrown leaders play a crucial role in transitional justice by not only holding perpetrators accountable but also creating an official historical record of their actions (Ainley, 2015). Ainley (2015) highlights that legal proceedings offer an opportunity to demonstrate the impartiality of justice systems, providing societies with a framework for addressing past wrongs and fostering reconciliation. Similarly, Sikkink (2011) argues that judicial accountability mechanisms contribute to the legitimacy of transitional justice, serving as a deterrent to future crimes and strengthening the rule of law. In Gaddafi's case, the lack of a trial not only denied this process but also perpetuated a cycle of impunity. As Kendall and Nouwen (2013) observe, "Gaddafi's death robbed Libya of a legal process to address his regime's crimes, undermining the potential for a shared narrative of justice and accountability".

This absence of formal legal proceedings may have perpetuated a lasting cycle of vengeance and impunity, as observed in Libya's post-2011 landscape, where armed groups and militias have continued to operate with little accountability. Instead of fostering reconciliation or establishing the rule of law, Gaddafi's death has deepened societal divisions and empowered armed groups to operate with little to no accountability, further fragmenting the state. This outcome highlights "the fragile balance between international justice mandates and the chaotic realities of conflict zones" (Kendall & Nouwen, 2013), underscoring the challenges of enforcing justice in such contexts.

In the immediate aftermath of Gaddafi's death, numerous appeals were made by the international community urging NATO to remain in Libya to support stabilization, restore order, and assist in the transition to a functional government (Baker & Brown, 2011). The African Union also voiced concerns, warning of the destabilizing vacuum left in the wake of Gaddafi's removal and warning that without sustained international engagement, Libya faced the imminent threat of descending into chaos (Baker & Brown, 2011). Ignoring the AU calls reflects a dismissive attitude toward African-led approaches and reinforces perceptions of the intervention as a neocolonialism (Mbeki, 2011; IEMed, 2012).

Despite these calls, international consensus began to weaken. Key powers, notably Russia and China, voiced strong opposition to an extended NATO presence, citing concerns over state sovereignty and the risk of NATO evolving into a de facto occupying force (Kendall-Taylor, 2020; Shraibman, 2020). Both nations criticized that NATO had already exceeded its original mandate, which was restricted to civilian protection under Resolution 1973, and expressed concerns that further involvement could establish a dangerous precedent for future military interventions under the guise of humanitarianism. Sergey Lavrov, Russia's foreign minister, stated, "The Libyan operation is a stark reminder of the dangers of humanitarian intervention being manipulated for geopolitical purposes" (Lavrov, 2011).

NATO intervention in Libya officially concluded on October 31, 2011, with the formal termination of Operation Unified Protector (Gonzalez, 2012). This marked the termination and withdrawal of the military phase of the international community's involvement in Libya following the collapse of Muammar Gaddafi's regime. While the operation was credited with stopping large-scale atrocities, NATO's role in Libya remains a subject of intense debate.

Although NATO justified the mission as a humanitarian intervention, it became apparent that regime change was a central objective. Every airstrike, every building destroyed, and every civilian life lost pointed to a reality that the intervention was more about reshaping the political landscape than it was about saving lives (Kuperman, 2013).

From a geopolitical perspective, these actions also align with Western interests in securing access to Libya's oil and maintaining influence in North Africa, objectives that were rarely acknowledged in official discourse (Pack, 2019). During the intervention, there were reports suggesting that several pipelines and refineries were safeguarded (Fernandes, 2013), though the extent and intentionality of such protection remain a subject of debate. This focus on oil infrastructure appeared to align with the economic interests of several NATO states, particularly France and the United Kingdom, whose energy companies had significant stakes in Libyan oil production (Kuperman, 2013).

The sudden withdrawal following Gaddafi's death and the absence of a rebuilding strategy reveal the true motivation behind the show of humanitarian concerns, exposing a gap between the humanitarian rhetoric and the underlying objectives. Former NATO Secretary General Anders Fogh Rasmussen described the 2011 intervention in Libya as "a great success", emphasizing that NATO "prevented a massacre and saved countless lives" (Al Jazeera, 2011f), while French President Nicolas Sarkozy and British Prime Minister David Cameron celebrated Gaddafi's removal as a victory for democracy (The World, 2016). These statements fueled allegations that the intervention, far from being driven by humanitarian concerns, was motivated by geopolitical objectives.

Western states, particularly the United States, France, and the United Kingdom, were reluctant to engage in a protracted nation-building effort in Libya, fearing the financial and political costs associated with prolonged involvement in a deeply fractured state. This reluctance reflects the challenges of balancing short-term military objectives with the long-term commitments necessary for post-conflict stabilization (Kuperman, 2013). Without a post-conflict strategy, Libya was vulnerable to fragmentation, armed conflict, and lawlessness.

The lack of a robust post-conflict plan highlights a recurring pattern in Western interventions of prioritizing immediate strategic gains over sustainable outcomes. As Chorin (2013) and

Pack & Barfi (2012) argue, the focus on overthrowing Gaddafi overshadowed the planning and resources required to address Libya's fragmented post-war reality.

CHAPTER 5

*A failed reconstruction
is not a failure of the state alone.
It is a failure of the international community
that intervened without a sustained commitment
to peace.*

5.1 THE RESPONSIBILITY TO REBUILD

The Responsibility to Rebuild (R2R) was outlined as part of the broader Responsibility to Protect (R2P) framework to capture the international community's duty to help restore security, institutions, and economic stability in post-atrocity and post-intervention contexts. Additionally, it focuses on addressing the needs of the population and fostering social cohesion to ensure long-term stability (Ibid). While the 2005 World Summit Outcome Document emphasized the necessity of sustained and coordinated international engagement in post-conflict contexts, highlighting the shared responsibilities of national authorities, the United Nations system, regional organizations, and international financial institutions in supporting recovery, institution-building, and the consolidation of sustainable peace (UNGA, 2005, para. 97). The normative and operational contours of post-conflict assistance subsequently evolved through ongoing UN debates, Secretary-General reports, and General Assembly dialogues on R2P implementation.

While the framework outlines the responsibilities of external actors in supporting post-conflict recovery, it does not establish clear robust mechanisms to ensure that these actors fulfill their commitments or operate in a manner that prioritizes the interests of the local population (Kuperman, 2013). This lack of accountability can lead to fragmented and inconsistent efforts, undermining the effectiveness of rebuilding initiatives.

Recognizing these challenges, the international community has redirected its efforts towards supporting the Responsibility to Rebuild framework, acknowledging that stability in Libya was vital for broader regional and international security, combating terrorism, and managing

migration from North Africa (Kuperman, 2015a). This shift led to the implementation of various initiatives, international and local engagement, aimed at Libya's construction.

This chapter examines these reconstruction efforts. First, the analysis begins by assessing United Nations and UN-supported initiatives for post-conflict reconstruction. Second, it explores local initiatives that emerged from within Libyan society. Third, the chapter examines international conferences and peace talks that sought to mediate between competing factions and establish governance structures. Fourth, it evaluates economic reconstruction initiatives aimed at restoring Libya's financial stability. Fifth, it assesses the European Union involvement revealing the intersection of humanitarian and strategic interests. Last but not least, the chapter examines contributions from other regional actors, state-led initiatives, NGOs, humanitarian organizations, and the emerging local civil society, highlighting both the proliferation of actors and the coordination challenges it created.

Following this comprehensive assessment of rebuilding initiatives, the chapter then shifts to analyzing Libya's current situation across three critical dimensions: economic conditions, governance and political landscape, and human rights concerns. As outlined in Chapter 1, the success of an intervention under R2P relies on adherence to all three pillars and their objectives, as articulated in the 2001 ICISS report and the 2005 World Summit Outcome Document, alongside the principle of proportionality (assessed through indicators in the same dimensions). For the Responsibility to Rebuild specifically, success requires progress toward political stability, effective governance, economic recovery, and the protection of human rights; crucially, reconstruction should enable the gradual restoration of sovereignty. The comparative analysis that follows examines the same key indicators to compare Libya's situation pre and post 2011 intervention. Based on this, the conclusion of this study will be drawn, revealing the extent to which the intervention and subsequent reconstruction efforts succeeded or failed in improving Libya's overall situation.

5.1.1 United Nations and UN-Supported Initiatives

- **UNSMIL:** The United Nations Support Mission in Libya (UNSMIL) was established on September 16, 2011, by UN Security Council Resolution 2009, following the overthrow of Muammar Gaddafi. UNSMIL mandate was to support the transitional government and facilitate the political process, with primary duties including upholding human rights,

strengthening democracy, as well as fostering dialogue among the various factions in the country, working towards a peaceful resolution to the ongoing conflict (United Nations Security Council, 2011e).

However, UNSMIL failed to facilitate a transition towards Libyan independence and sovereignty. This is evident in the mission's continuous annual mandate renewal for the past fourteen years (and counting) reflecting institutional stagnation rather than construction success. What was designed as transitional support has become a permanent presence, contradicting the very purpose of R2R, which envisions reconstruction as a path toward restored sovereignty and not indefinite international management.

Nevertheless, UNSMIL did achieve significant outcomes; notably its role in facilitating the creation of the Government of National Accord (GNA) in 2015. The United Nations mediated the Skhirat Agreement in December 2015 in an effort to address the political fragmentation in Libya after Gaddafi's fall (United Nations Security Council, 2015). This agreement paved the way to the formation of the Government of National Accord (GNA) under the Libyan Political Agreement (LPA), which was intended to serve as a unity government, aiming to reconcile the divided factions and restore political stability (United Nations Support Mission in Libya, 2015). The GNA was established to stabilize Libya, with the support of key global actors such as the United Nations, the United States, the European Union, and several nations, including Turkey, Italy, Qatar, and the United Kingdom (United Nations, 2015). However, the agreement failed to bring about lasting peace (Eljarh, 2021).

UNSMIL provided essential mediation and support throughout the negotiations, helping to bridge divides between rival factions. Despite these efforts, the Skhirat Agreement has been widely criticized for its top-down approach, which failed to address the underlying causes of Libya's political fragmentation. This top-down approach reflects a broader tendency in international reconstruction efforts to prioritize elite-level agreements, which are evaluated by visible diplomatic outcomes such as signed agreements, formed governments, conducted elections, over grassroots level agreements for societal reconciliation. Critics argue that the mission's focus on high-level political negotiations often neglected grassroots reconciliation and the inclusion of local communities, which are essential for sustainable peace (Hammady, 2022).

As the International Crisis Group (2016) highlights, the agreement was largely driven by international actors, with limited input from Libyan stakeholders, leading to a lack of local ownership and legitimacy. This lack of inclusivity and domestic foundations is undeniably a key reason for the agreement's failure to achieve lasting peace.

Despite international recognition of the GNA, it struggled to have full control over the country. First, the Libyan National Army (LNA), led by General Khalifa Haftar, and factions in the eastern regions refused to recognize the GNA, resulting in a fractured governance landscape (Eljarh, 2021). Second, countries such as Russia, Turkey, Egypt, and the UAE backed different groups in Libya, and their continued military support for these factions often reversed any progress achieved through diplomatic talks (Eljarh, 2021). As the United Nations Security Council (2025) highlights, the competing interests of regional and global actors have turned Libya into a proxy battleground, undermining the UN's efforts to promote peace and stability. The failure of the GNA highlights the limitations of international efforts to impose political solutions in highly fragmented societies. This was not a coordination failure. It reflects the absence of any mechanism within R2R to align the divergent interests of intervening states or to hold them accountable for actions that undermine stated reconstruction objectives. R2R, as currently constituted, assumes a unified international community that does not exist in practice.

- **UN Peacebuilding Fund: Joint Civic Education and Dialogue Project:** The UN Peacebuilding Fund launched the Joint Civic Education and Dialogue Project in April 2012 to assist Libya in its transition to democracy (United Nations Peacebuilding Fund, 2013). This initiative aimed to promote civic engagement and facilitate dialogue among Libyan citizens during the first post-Gaddafi elections. The project focused on raising awareness about democratic processes and encouraging greater participation in governance through educational campaigns conducted across various regions (United Nations Development Programme, 2012). These efforts included organizing forums and workshops that brought together people from diverse backgrounds to discuss governance issues and the electoral process (United Nations Development Programme, 2012).

The project successfully increased public awareness and engagement in the electoral process, resulting in higher voter turnout during Libya's first democratic elections on July 7, 2012 (United Nations Peacebuilding Fund, 2013). With 62% of registered voters

participating, approximately 1.7 million out of 2.8 million registered voters cast their ballots, marking a significant milestone in Libya's transition towards democracy (The Carter Center, 2012). However, it is important to note that while the voter turnout was a positive indicator of public engagement in the 2012 elections, subsequent elections faced challenges, with declining participation rates as political instability grew. For example, the turnout for the 2014 parliamentary elections dropped to about 18% (Carter Center, 2014), illustrating the significant decline in public confidence and participation amid ongoing conflict and political fragmentation. This collapse within two years does not necessarily reflect that "instability grew". The 2012 elections were held in a moment of optimism, when Libyans believed their participation would shape a new political order. By 2014, the elected General National Congress had failed to establish effective governance, armed groups had consolidated power outside state structures, and the promised constitutional process did not happen. Citizens thus concluded that electoral participation would not produce meaningful change. It becomes evident that initiatives in Libya have focused too narrowly on short-term goals, such as voter turnout, without addressing deeper structural issues that undermine democratic governance, including the lack of trust in political institutions and the dominance of armed militias. Civic education programs often fail to achieve sustainable results in post-conflict settings unless they are accompanied by broader institutional reforms and efforts to build trust in governance structures (Gould, 2011). In the Libyan case, not only were civic education efforts insufficient, but they were also counterproductive because they raised expectations that the political system could not fulfill, leading to a deeper democratic disillusionment that makes future reconstruction efforts more difficult.

- **The arms embargo failure:** Around June 2014, the international community became increasingly aware of the deteriorating situation in Libya and the imminent risk of renewed conflict. The UN envoy to Libya, Bernardino León, called for strict adherence to the UN arms embargo, warning that continued arms shipments were pushing the country further into anarchy, chaos, and negative peace (Al Arabiya, 2014). Despite these warnings, foreign interference persisted, with different factions continuing to receive external assistance. As Wehrey (2014) argues, the international community's failure to adhere and enforce the arms embargo effectively for over than a decade undermined its credibility and

contributed to the prolongation of the conflict. Resolution 1970 (2011), which initiated international engagement with Libya, included a comprehensive arms embargo precisely because the Security Council recognized that weapons flows would fuel violence. More resolutions strengthened embargo provisions; yet throughout this period, the embargo was repeatedly violated by the same permanent Security Council members that authorized intervention to protect Libyan civilians and their allies. The UN Panel of Experts reports have documented violations by Russia, the UAE, Turkey, and others, (United Nations Security Council, 2021) not through ignorance of consequences, but in a calculated pursuit of influence.

- **UNSC Resolutions:** Post-2011 period witnessed continuous UN Security Council engagement with Libya, seen through the sixty resolutions adopted since the intervention (Security Council Report, 2026) addressing various dimensions of the country's stabilization. Among the most significant of these resolutions:

Resolution 2009 (September 16, 2011) established the United Nations Support Mission in Libya (UNSMIL) to facilitate the political transition and support post-conflict reconstruction efforts (United Nations Security Council, 2011e). Merely six months later, **Resolution 2040** (March 12, 2012) marked the Council's first mandate extension for UNSMIL and the Panel of Experts, suggesting early recognition that Libya's reconstruction requires continued international presence (United Nations Security Council, 2012). **Resolution 2146** (March 19, 2014) authorized member states to conduct maritime inspections to prevent illicit oil exports from Libya, establishing external oversight for Libya's economic resources (United Nations Security Council, 2014a). On August 27, 2014, the UN Security Council adopted **Resolution 2174** in an attempt to stop the escalating violence. The resolution called for an immediate end to hostilities, the start of an inclusive political dialogue, and advance notice of any arms transfers to Libya. Moreover, it expanded the penalties imposed on the perpetrators of the violence (United Nations Security Council, 2014b). Nine years post intervention, **Resolution 2542** (September 15, 2020) fundamentally reformulated UNSMIL's core mandate to focus on the political process rather than broader reconstruction, recognizing that political settlement "is the way out" as a prerequisite for any reconstruction efforts (United Nations Security Council, 2020) that had not materialized in nine years. **Resolution 2701** (October

19, 2023) extended measures against illicit petroleum exports and renewed the mandate of the Panel of Experts, indicating that Libya has not achieved economic governance yet twelve years after the intervention (United Nations Security Council, 2023). Subsequent resolutions only demonstrate declining effectiveness. **Resolution 2769** (January 16, 2025) extended once again the mandate of the Panel of Experts and measures against illicit petroleum exports until May 2026 (United Nations Security Council, 2025a), indicating continuous economic destabilization. **Resolution 2780** (May 29, 2025) renewed maritime enforcement for the arms embargo for an additional six months, revealing persistent security sector inability to prevent or control weapons smuggling (United Nations Security Council, 2025b). Significantly, **Resolution 2796** (October 31, 2025, and the most recent adopted at the time of this writing) extended UNSMIL's mandate for another twelve months, marking fourteen consecutive years of operation (United Nations Security Council, 2025c), contradicting the principle and goals of R2P leading to Libyan sovereignty and autonomy.

The accumulation of sixty resolutions over fourteen years invites us to reflect on what has been achieved. Be that as it may, the resolutions demonstrate sustained international attention to Libya, however, the same mechanisms are renewed, extended, and violated repeatedly, with no alternative strategy. The economic, political, and security situations are evidence of the systematic failure of the third pillar of the Responsibility to protect. As Shanahan (2011) observes, UN resolutions often lack the enforcement mechanisms needed to address the realities of fragmented societies and political rivalries, where armed groups gained significant power and external actors pursue competing agendas. In the case of Libya, the continuous adoption and extension of resolutions fourteen years after the intervention is a recognition that reconstruction efforts remain insufficient and incomplete.

- **UNDP Stabilization Facility for Libya:** The UNDP Stabilization Facility for Libya (SFL), launched in 2016, was designed to provide rapid support for rebuilding infrastructure, restoring basic services, and strengthening governance in conflict-affected areas (United Nations Development Programme, 2019). Key projects under this initiative included the rehabilitation of critical infrastructure such as hospitals, schools, water networks, and municipal facilities (Arab Urban Development Institute, n.d.). For example, the Support to Local Governance project worked to enhance the capacity of local councils

to deliver essential services (United Nations Development Programme, 2018). Notable accomplishments included the restoration of Tripoli Central Hospital and the reopening of Misrata Power Plant, which improved access to electricity for thousands of citizens (World Bank, 2021a). This initiative played a vital role in stabilizing communities and restoring basic services in areas devastated by conflict. Although challenges persist, such as the ongoing political instability, these projects provided essential support for local governance and helped improve living conditions in specific regions (United Nations Development Programme, 2022). Nevertheless, the Stabilization Facility often prioritized short-term, visible outcomes over long-term sustainability. An independent evaluation of the SFL highlighted that while the facility engaged with communities and led stabilization activities, it did not focus directly on enhancing the capacity and performance of local municipalities, leading to missed opportunities to reinforce local governance legitimacy (United Nations Development Programme, 2019). In Libya, the absence of a unified government and the persistence of armed militias have limited the long-term impact of these initiatives, as restored facilities often become targets of renewed conflict. Infrastructure requires security to be sustained, otherwise there would only be a limited durability and repeated reconstruction.

- **International Organization for Migration (IOM) Psychosocial Support:** The IOM plays a pivotal role in global migration governance, particularly in humanitarian crises due to ongoing conflict and instability. In response to the situation in Libya, the IOM has implemented a range of community-based initiatives designed to support individuals affected by the trauma of war, displacement, and loss (International Organization for Migration, 2024). These initiatives included the Mental Health and Psychosocial Support (MHPSS) program, which provides counseling services, mental health workshops, and targeted support for vulnerable groups, particularly women and children (International Organization for Migration, 2023). In conflict zones like Benghazi and Tripoli, the IOM's psychosocial teams provided assistance to families living in temporary shelters and helped reintegrate internally displaced persons back into their communities. This support has been critical in promoting social cohesion and improving mental health (IOM Libya, 2021). In 2021, the IOM reported that they provided psychosocial support to 397 migrants, consisting of 237 men, 104 women, 43 boys, and 13 girls, through activities in urban centers and

health facilities across Libya (IOM, 2021, p. 5). These efforts included individual counseling, group therapy, recreational activities, and creative workshops designed to help individuals cope with their traumatic experiences and promote mental well-being (International Organization for Migration, 2021). However, these efforts remain insufficient. The International Organization for Migration's own data indicates that hundreds of thousands of people have been displaced within Libya since 2011, with displacement continuing to this day (International Organization for Migration, 2023). The gap between need and response is not a criticism of the IOM, which operates within limited resources; rather, it reveals the scale of humanitarian consequence that reconstruction was meant to prevent. Additionally, the IOM emphasized the importance of community engagement by training local health workers and civil society actors in psychosocial support methodologies. This capacity-building approach aims to empower local communities to address mental health needs sustainably. While specific statistics detailing the overall impact of these initiatives on mental health outcomes are limited, the IOM's reports suggest that these services have contributed significantly to improving the psychosocial well-being of participants, promoting social cohesion, and aiding in the reintegration of Internally Displaced Persons (IDPs). However, with the ongoing conflict, psychosocial support initiatives risk becoming temporary fixes rather than lasting solutions to the mental health crisis in Libya.

5.1.2 Local Initiatives

- **National Transitional Council (NTC):** The formation of the National Transitional Council (NTC) aimed to restore stability in Libya following Gaddafi's removal from power. One of its first actions was the creation of the Supreme Security Committee (SSC) on October 5, 2011, following Order No. 20 (National Transitional Council, 2011), to function as an auxiliary police force under the Ministry of the Interior and was primarily composed of former rebel fighters who had played a pivotal role in the revolution (El Mayet, 2012). To provide an additional military force, the NTC also established the Libyan Shield Forces under the Ministry of Defense (Council on Foreign Relations, 2011). However, these initiatives faced significant challenges from the start. Both the SSC and the Libyan Shield Forces had inadequate training and oversight, a consequence of their rapid recruitment processes. These groups operated more like fragmented militia than unified security forces, largely due to the

lack of a centralized command structure, insufficient training, and the prioritization of tribal and regional loyalties over national unity. This fragmentation undermined the NTC's attempts to create a stable government and highlighted the difficulties of transitioning from a revolutionary movement to a unified state in a chaotic post-intervention period. The lack of cohesion not only weakened the NTC's authority but also contributed to the rise of militias and extremist groups in the post-intervention period, further destabilizing the country. As Ramesh Thakur (2011a) notes, "the ruins of Libya's political infrastructure and parlous state of its coffers mean that the international responsibility to rebuild will also come into play" (p. 14). However, the international community's failure to provide adequate support for these local initiatives exacerbated these challenges, leaving the NTC to navigate a complex and volatile post-conflict environment with limited resources. The international community proved willing to provide the military force necessary to remove Gaddafi but unwilling to provide the sustained state-building support necessary to construct a viable alternative. This contradiction represents one of the defining failures of R2R in Libya.

Local rebuilding initiatives by the NTC involved collaborating with international organizations to obtain funding and expertise for reconstruction projects (Carnegie Endowment for International Peace, 2013). The NTC, working alongside international donors and organizations such as the World Bank, initiated projects aimed at rebuilding essential infrastructure in cities like Benghazi, which suffered significant damage during the conflict. A particular focus was placed on rehabilitating the main roads that connect to and from Benghazi, ensuring the safe movement of goods, medical supplies, and civilians (Amnesty International, 2011a). The NTC also obtained financial support and technical help from international partners to restore and reopen hospitals and healthcare facilities, including the Benghazi Medical Center (Amnesty International, 2011a). This allowed medical services, which were urgently needed after the conflict, to resume operations for treating both injured civilians and regular health patients.

- **House of Representatives (HoR):** The primary legislative body in Libya is the House of Representatives (HoR), which was established following the June 2014 elections (Inter-Parliamentary Union, n.d.). The HoR, which has its headquarters in Tobruk, eastern Libya, has played a significant role in negotiating peace agreements and overseeing governance in the area (United Nations Support Mission in Libya, n.d.). The HoR has attempted to

legitimize its authority and participated in numerous peace talks. However, despite international recognition, it has been struggling to achieve political stability. It frequently struggles to maintain unity while handling internal conflicts and external pressure from other groups, reflecting the deep divisions within Libya's political landscape.

In terms of safety and reconstruction, the House of Representatives (HoR) has supported the Libyan National Army (LNA), led by General Khalifa Haftar, in defending eastern and southern Libya (Government of the Netherlands, 2020). Although, this partnership has given the HoR a say in security matters in those regions, it became aligned with a military commander whose campaigns against rival factions deepened Libya's fragmentation.

Recognizing that stability is key to progress, the HoR has also participated in programs to boost security, rebuild infrastructure, and stimulate local economies. In addition, the HoR has taken part in multiple rounds of UN-led peace talks, despite its differences with the GNA. This participation demonstrates the HoR's recognition of the critical importance of fostering dialogue and collaboration for achieving sustainable peace and reconstruction. However, its inability to reconcile with rival factions and its reliance on military alliances have limited its effectiveness in fostering long-term stability. This highlights the challenges of achieving political cohesion in a fragmented post-conflict environment, where competing interests and power struggles often take precedence over national unity. This trajectory illustrates a phenomenon that recurred throughout Libya's post-intervention period where institutions created to unify the country become instruments of division.

- **Local Municipal Councils:** Local municipal councils have played a vital role in restoring basic services and infrastructure in various cities, particularly in Tripoli, Benghazi, and Misrata (United Nations Development Programme, n.d.). These councils have taken the initiative to address the needs of their communities in the aftermath of conflict. For example, municipal councils in Misrata have focused on rebuilding essential services such as water supply, electricity, and waste management systems (United Nations Development Programme, n.d). In Tripoli, local governance efforts have included the restoration of schools and hospitals, aiming to provide citizens with access to education and healthcare (International Crisis Group, 2021). These local governance initiatives have played a vital role in addressing the immediate needs of their communities, despite facing significant challenges due to ongoing political instability and the influence of armed groups. Operating with limited

resources and authority, local councils often struggle to implement long-term development strategies; yet, their efforts have had a tangible impact, improving the quality of life for residents in some areas where they have been able to function effectively (International Crisis Group, 2021). The lack of a unified national framework for reconstruction has led to uneven progress across different regions, with some areas receiving more resources than others. This disparity highlights the challenges of relying on local governance structures in the absence of a national strategy for post-conflict rebuilding (IEMed, 2023; Betelmal, 2016). In many cases, armed groups exert control over infrastructure, resources and decision-making processes, undermining the effectiveness of local governance structures and undermining peace (DCAF, 2018; Clingendael Institute, 2017). This dependence on conditions beyond local control suggests that while local governance is necessary for reconstruction, it is not sufficient. Effective R2R requires both local capacity and the national and international frameworks that enable local actors to function.

- **The National Oil Corporation (NOC):** Established in 1970 and responsible for finding, producing, and selling gas and oil (National Oil Corporation, n.d.), NOC plays a pivotal role in Libya's recovery by maintaining oil production and exports, which are the overwhelming majority of Libya's state income and the country's economic revitalization (International Crisis Group, 2017). Recognizing the critical role of the oil industry in the country's recovery (and international energy security), the NOC has implemented measures to safeguard its oil facilities and maintain production despite attacks by armed groups (International Crisis Group, n.d.). This involves close collaboration with local authorities and police to secure key areas, fostering a sense of security essential for smooth operations (Ali & Harvie, 2013). The NOC's capacity to sustain oil production even amid ongoing conflict has been vital for the country's economy. Theoretically, this revenue not only supports government operations but also aids broader reconstruction efforts, highlighting the NOC's significance in the recovery process (Ali & Harvie, 2013). However, analysts raised concerns about the National Oil Corporation's (NOC) close ties to political factions, particularly regarding transparency and governance. Critics argued that the corporation's operations were influenced by competing political interests, leading to corruption. The competition for oil revenues intensified political fragmentation, as rival governments and factions sought control over the resources necessary to sustain their operations. Oil wealth, which should fund reconstruction became a fuel for

continued conflict. In addition, the NOC's reliance on militias for protection reinforced the power of non-state armed groups, further complicating efforts to establish a stable and unified government (Lacher, 2023). Militias provided protection that enabled oil production and oil revenues funded the militias. Reports of mismanagement and the diversion of oil revenues to fund militias undermined public trust in the NOC's ability to act as a neutral actor in Libya's recovery (Reuters, 2011d; Chatham House, 2019). Significantly, the international engagement with Libya's oil sector reproduced patterns in which African resources flow outward to meet global demand while the recovery and rebuilding needs of local populations remain inadequately addressed.

5.1.3 International Conferences, Peace Talks

- **Skhirat Talks:** On January 14, 2015, the United Nations initiated peace negotiations, attempting to address Libya's fractured political landscape and promote stability in the aftermath of the 2011 revolution (Sadeq Institute, 2020). By this point, nearly four years after the intervention, Libya had fragmented into competing power centers, and the international community at last recognized that political settlement was a prerequisite for any meaningful reconstruction. On July 12, 2015, during the **Skhirat Talks in Morocco**, key factions reached a consensus that outlined a framework for peace, which included provisions for disarmament, the drafting of a new constitution, and the unified control over vital infrastructure (Sadeq Institute, 2020). The agreement culminated in the formation of the Government of National Accord (GNA), which was intended to serve as a unity government and bridge the divide between Libya's rival political blocs (United Nations Support Mission in Libya, 2015). Despite its ambitious goals, the Skhirat Agreement faced significant challenges. One of the most critical shortcomings was the absence of the General National Congress (GNC), the internationally recognized government based in Tripoli, and its allied Libya Dawn militia, which controlled significant portions of western Libya (United Nations Security Council, 2015). Their exclusion left a substantial segment of Libya's political and military landscape unrepresented, undermining the legitimacy and inclusivity of the agreement, which sought to unite Libya under the Government of National Accord (GNA) (United Nations Support Mission in Libya, 2015). The exclusion is the result of international mediators, operating under pressure to produce an agreement,

proceeded without actors whose participation would have complicated. The result was an agreement that satisfied international stakeholders but lacked the domestic foundations necessary for implementation. This weakened the GNA's ability to enforce its authority and implement the terms of the agreement, particularly in regions controlled by rival factions, leading to its rapid loss of momentum (Fernández-Molina, 2023). As a consequence, the Government of National Accord (GNA), although recognized by the UN, faced significant challenges in extending its authority beyond Tripoli because it was not widely accepted domestically. Rival factions, notably the Tobruk-based House of Representatives (HoR) and General Khalifa Haftar's Libyan National Army (LNA), refused to acknowledge the GNA's legitimacy (Wehrey, 2018). This political division was intensified by the ongoing influence of armed groups that took advantage of the power vacuum to strengthen their hold over various regions and resources (Lacher, 2023). The absence of domestic acceptance despite international backing made the agreement largely ineffective. Critics argue that the Skhirat Agreement underestimated Libya's complex political landscape and overestimated the willingness of opposing factions to reach a compromise (International Crisis Group, 2016). The agreement's inability to establish a unified security force further weakened its effectiveness, leading to continued violence and instability throughout the nation.

- **The Paris Summits:** The Paris Summits for Libya, held on July 25, 2017, and May 29, 2018, were presented as significant diplomatic initiatives aimed at addressing the ongoing political crisis in the country (Human Rights Watch, 2018). Hosted by France, these summits brought together key Libyan stakeholders, including rival factions, international actors, and regional powers, to facilitate dialogue and promote a unified approach to governance and stability.

The 2017 summit included prominent figures such as Faiez al-Sarraj, head of the Government of National Accord (GNA); Khalifa Haftar, commander of the Libyan National Army (LNA); and Aguila Saleh, Speaker of the House of Representatives (HoR) ("Libya's Sarraj, Haftar Agree to Ceasefire", 2017). The main goals were to strengthen political dialogue among rival factions, establish a framework for holding national elections, and promote national reconciliation in a divided political landscape (United Nations Support Mission in Libya [UNSMIL], 2015). The summit concluded with a joint

declaration emphasizing commitments to hold national elections by the end of 2017, an immediate ceasefire, and support for the GNA as the legitimate government (United Nations Support Mission in Libya, 2015). However, the actual implementation of these agreements faced significant challenges, as the political situation in Libya remained volatile, with various factions continuing to vie for power. None of these commitments materialized. Elections did not occur in 2017; the ceasefire did not hold; and the GNA's authority remained confined to a shrinking portion of Libyan territory.

Critics argue that the 2017 Paris Summit, while symbolically significant, failed to address the structural issues of Libya's political fragmentation. The summit's emphasis on elections as a solution to Libya's crisis overlooked the deep mistrust between rival factions and the absence of a unified security necessary to ensure free and fair elections (International Crisis Group, 2018a). Additionally, the lack of mechanisms to ensure compliance with the ceasefire and election timeline weakened the credibility of the agreements (UNSMIL, 2018). As subsequent reports noted, the summit's outcomes were largely aspirational, with limited tangible progress on the ground.

The 2018 summit reiterated these objectives and was attended by the same key Libyan leaders and international stakeholders (Crisis Group, 2023). It focused on reinforcing the political dialogue and preparing for the elections scheduled for December 2018. The joint declaration from this summit reaffirmed the commitment to conduct national elections, unify Libyan institutions, and uphold the principle of Libyan ownership in the political process (Crisis Group, 2023). This pattern of commitment, non-implementation, renewed commitment would characterize international diplomatic engagement in Libya throughout the post-intervention period.

Like the 2017 summit, the 2018 summit faced criticism for its inability to translate diplomatic commitments into concrete actions and for its disconnection from the realities of power on the ground. The elections scheduled for December 2018 were repeatedly postponed due to disagreements over electoral laws, security concerns, and the lack of consensus among rival factions (France24, 2018). By early 2019, the diplomatic framework constructed through the Paris process had collapsed entirely. Haftar launched a military offensive against Tripoli, seeking through force what he had been unable to achieve through negotiation and years of diplomatic engagement.

The summits' focus on high-level political negotiations often neglected grassroots and socio-economic challenges that fuel Libya's conflict. The exclusion of civil society representatives and local communities from the dialogue process further limited the legitimacy and inclusivity of the agreements (Amnesty International, 2021). Additionally, the summits' reliance on international actors, particularly France, raised concerns about potential external interference and the prioritization of foreign interests over Libyan sovereignty (International Crisis Group, 2018). France's prominent interests in Libyan oil, migration control, and regional influence shaped its approach to mediation, creating mistrust about whose interests the process served.

- **Berlin Conference:** The 2020 Berlin Conference was initially celebrated as an initiative to ease tensions in the Libyan conflict situation by gathering important global actors to discuss ways to minimize outside involvement in Libyan internal conflict (United Nations Support Mission in Libya, 2020). This was an acknowledgment that foreign intervention had become a primary driver of Libya's conflict, nearly a decade after the original intervention was justified as protecting Libyans from their own government. Attendees included heads of state and representatives from various countries, such as Germany, Turkey, Russia, the United States, and the European Union, as well as regional actors like Egypt and the United Arab Emirates (International Crisis Group, 2020a). The conference was facilitated by Germany, which sought to mediate between the conflicting parties in Libya and promote a unified international approach (International Crisis Group, 2020a). The discussions revolved around key issues such as enforcing a ceasefire, respecting Libya's sovereignty, and promoting an inclusive political process. A central outcome was the reaffirmation of the arms embargo imposed by the United Nations and a commitment to support the United Nations-led political dialogue (United Nations Support Mission in Libya, 2020). The need to "reaffirm" once again an arms embargo that had been in place since 2011 exposed the extent of its violation. However, despite these diplomatic efforts, the effectiveness of the conference was undermined by ongoing support for various factions. Many countries continued to engage in military and financial backing of their preferred groups, thus perpetuating the conflict and highlighting the challenges of achieving lasting peace (International Crisis Group, 2020a). Paradoxically, the same governments that met to commit to non-interference were, in many cases, actively

interfering. Turkey, which signed the Berlin communiqué, had deployed military forces and Syrian mercenaries to support the GNA. Russia, also a signatory, had deployed Wagner Group mercenaries to support Haftar. The UAE and Egypt, present at Berlin, continued to provide military support to the LNA (UN Security Council, 2021). The conference thus represented a collective exercise in geopolitical competition among external powers. The Berlin Conference was presented as a significant step toward resolving Libya's conflict; however, its impact remained limited. The lack of enforcement mechanisms to hold violators accountable casts doubt on the effectiveness of such diplomatic initiatives (International Crisis Group, 2020a).

The conference's focus on high-level diplomacy overlooked Libya's internal realities, including the role of local militias and tribal dynamics driving the conflict. Its top-down approach failed to engage meaningfully with Libyan civil society, local leaders, and marginalized communities, whose inclusion is vital for a sustainable peace process (Amnesty International, 2020; Lacher, 2020), therefore limiting the conference's ability to foster reconciliation and long-term peace and stability. More fundamentally, the conference treated Libya's conflict and future as a problem to be managed by external powers rather than resolved by Libyans. While international mediation can provide support, the dominance of foreign powers has often undermined Libya's sovereignty. As Wehrey (2020) notes, competing regional and international interests have frequently deepened divisions in the country, fueling proxy wars instead of fostering peace. The conference did little to change this reality, as foreign actors continued to put their own strategic goals ahead of Libya's long-term stability (International Crisis Group, 2020a). That this cycle continued nine years after intervention, with no end until the moment present, suggests that the diplomatic frameworks employed were inadequate to the task, unable to align the interests of external actors with the requirements of Libyan reconstruction.

5.1.4 Economic Initiatives

- **Unfreezing of Libyan assets:** The United Nations' decision to unfreeze over \$15 billion in Libyan assets was seen as a big move to help rebuild Libya (LibyaReview, 2022). These funds were meant to support the new Government of National Accord (GNA) in making the country stable again and fixing its damaged infrastructure (LibyaReview, 2022).

However, as Alan Kuperman (2013) explains, this money was badly managed, often going to local armed groups, powerful leaders, and dishonest officials, severely undermining their intended purpose, which is rebuilding the country. This misallocation not only failed to address Libya's pressing economic needs but also intensified existing tensions, as rival factions competed for control over the funds, causing more conflict and instability than building peace.

The lack of oversight and accountability in managing Libya's financial resources created opportunities for corruption. The absence of a unified central authority and the fragmentation of Libya's political landscape created an environment where financial resources were easily exploited for personal or factional gain.

This highlights a critical flaw in the international community's approach. Indeed, while unfreezing assets was a necessary step, failing to implement strong governance structures severely limited their impact. The international community's failure to address these governance issues has facilitated corruption practices within Libya's financial management systems.

- **Funds:** On October 25, 2012, the United Nations Peacebuilding Fund approved a \$1.9 million initiative known as the Joint Civic Education and Dialogue Project to support Libya during its first elections after the fall of Gaddafi's regime. The project aimed to foster civic engagement and promote development initiatives, helping to lay the groundwork for a democratic transition in the post-conflict environment (UN Peacebuilding Fund, 2012). This initiative was a crucial component of the rebuilding efforts, as it sought to establish the foundations for effective governance and societal stability by empowering citizens to engage in the democratic process and fostering political dialogue among diverse groups, which is essential for long-term peacebuilding and national unity. While the Joint Civic Education and Dialogue Project was a positive step toward promoting democratic values and civic participation, its impact was limited by Libya's political and security challenges. The project's focus on civic education and dialogue, though important, was insufficient to address deep-rooted structural issues such as the lack of a unified security system, the proliferation of armed groups, and the absence of a national identity. Furthermore, the relatively "modest" budget of \$1.9 million raised questions about its capacity to bring meaningful change in a country as vast and complex as Libya (United Nations Peacebuilding Fund, 2013a). It

becomes evident that such initiatives often prioritize short-term symbolic gains over long-term systemic reforms, reflecting a broader tendency in international peacebuilding efforts to favor quick fixes over sustainable solutions.

- **The World Bank** has committed significant financial and technical resources to support Libya's recovery, focusing on rebuilding critical infrastructure and implementing economic reforms. By 2021, the World Bank provided over \$1 billion in loans and grants aimed at supporting infrastructure projects, economic recovery, and governance reforms (World Bank, 2021a). Notable outcomes include the restoration of essential services such as electricity and water supply systems in major cities like Tripoli and Benghazi. The World Bank's assistance has also facilitated the development of local governance structures to better manage these resources helping to promote decentralized governance and more effective service delivery (World Bank, 2021a). However, the efforts of the World Bank in Libya have faced criticism for their limited impact in addressing the root causes of the country's economic challenges. While the restoration of basic services in urban centers is a positive development, the projects often failed to reach rural and marginalized communities, intensifying regional disparities and reproducing the same conditions that led to the 2011 uprising. The absence of a cohesive national strategy and the persistent influence of armed groups have undermined the sustainability of these initiatives. For instance, infrastructure projects have frequently been delayed or disrupted due to security concerns, highlighting the limitations of economic interventions in the absence of a stable political and security environment (International Crisis Group, 2021a). Once again, political stability, state capacity, and security are a fundamental for economic activity to proliferate.

- **IMF Advisory Role:** The International Monetary Fund (IMF) has played a crucial advisory role in Libya, focusing on economic stabilization and structural reforms to support long-term reconstruction (International Monetary Fund [IMF], 2023). The IMF has provided crucial guidance on fiscal consolidation, emphasizing the importance of reducing the budget deficit and improving public financial management. Its advice included public sector reforms aimed at enhancing efficiency and transparency, alongside strategies for reviving the oil sector, which is vital for Libya's economy. By laying out these frameworks, the IMF's involvement supports the creation of a more resilient economy, which is necessary for sustained reconstruction and stability. While the IMF's recommendations have provided a framework

for reform, the political fragmentation and security challenges in Libya have hindered their effective implementation (International Monetary Fund [IMF], 2023). At the time, Libya did not have a government capable of receiving advice and implementing reforms. Competing authorities claimed legitimacy and none possessed the capacity to execute economic reforms. IMF's approach prioritized macroeconomic stability over the immediate socio-economic needs of the population. The emphasis on fiscal austerity and public sector reforms has been criticized for worsening unemployment and social inequality in the short term (Vandewalle, 2012).

- **Oil Sector Revitalization:** The World Bank and the International Monetary Fund (IMF) have also committed substantial funds to revitalize Libya's vital oil infrastructure, recognizing the central role of oil revenues in the country's economic recovery. Prior to the conflict, 95 percent of the country's export earnings came from oil revenues, which also accounted for approximately 70 percent of government revenues and 60 percent of GDP (World Bank, 2012). These resources were considered vital for post-conflict rebuilding efforts as the restoration of oil production was essential not only for economic stabilization but also for generating the revenue needed to fund other reconstruction efforts, including infrastructure repair, governance reforms, and the rebuilding of public services.

Despite efforts to revitalize Libya's oil sector, security challenges and political instability continue to delay progress. Frequent attacks on oil facilities by armed groups, with the absence of a unified national authority to oversee the sector, have led to disruptions in production and export activities, limiting potential economic benefits. For instance, clashes between militias have resulted in significant damage to key oil infrastructure, further destabilizing the industry (Associated Press, 2024). Instability disrupts oil production and reduced oil revenues limit state capacity.

Moreover, Libya's heavy reliance on oil revenues perpetuates its vulnerability to global price fluctuations, underscoring the urgent need for economic diversification. This being said, the international community's focus on restoring oil production, while necessary, has overshadowed efforts to develop alternative sectors and reduce Libya's dependence on hydrocarbons, a point also backed by literature (Lacher, 2020; United Nations Development Programme [UNDP], 2024).

5.1.5 European Union (EU) Initiatives

- The **EU Border Assistance Mission in Libya (EUBAM Libya)**, established in 2013, played a crucial role in Libya's post-conflict reconstruction efforts, particularly in border management and security of the country's land, sea, and air (Council of the European Union, 2013). The mission has focused on enhancing the capabilities of Libyan security forces through training programs and technical assistance. It has invested over €84.85 million toward various initiatives, including training customs officers, improving border infrastructure, and strengthening counter-smuggling operations (European External Action Service [EEAS], 2023). EUBAM has reported successes in improving border security, curbing illicit trafficking and controlling the flow of weapons, although challenges remain due to the ongoing influence of armed groups in border areas, undermining security efforts (International Crisis Group, 2021c). This emphasis on border security as a reconstruction priority reflects a clear European concern about migration and security.

Despite these efforts, EUBAM's impact has been limited by Libya's broader political and security instability. The mission's focus on capacity-building and technical assistance has often been overshadowed by the absence of a unified national authority to enforce security policies. As Lacher (2020) points out, Libya's political fragmentation and the dominance of armed groups have severely constrained the effectiveness of EU-led initiatives. Furthermore, the mission's reliance on local security partners, many of whom are aligned with competing factions, raises concerns about the potential reinforcement of power imbalances rather than fostering a neutral security system. International actors must work with local partners, but the available partners are themselves the agents of Libya's fragmentation, making the situation even more complex. Training and equipping security forces aligned with particular factions does not build national capacity; it intensifies the very conflicts that reconstruction is meant to resolve.

- **EU Emergency Trust Fund for Africa (EUTF):** The EU has committed €266 million to Libya's stabilization efforts through the EU Emergency Trust Fund for Africa (EUTF), which supports initiatives related to economic development, governance, and migration management (European Commission, 2018). Initiatives funded under this trust include projects aimed at improving basic services and enhancing the capacity of local governance structures, aligning with the Responsibility to Rebuild (Ceccorulli, 2021). The results have

included enhanced community resilience and improved service delivery, but the effectiveness of these programs has been hindered by the overarching political fragmentation, proliferation of armed groups, and instability in Libya (European Court of Auditors, 2021). Additionally, the EUTF's strong focus on migration management has been criticized for prioritizing the EU's geopolitical interests over Libya's long-term recovery (Ibid). The name itself "Trust Fund for Africa", not a fund for Libyan reconstruction specifically reveals that the framework is designed primarily to address migration from Africa to Europe, addressing donor priorities rather than recipient needs.

- **EU Training Missions (EUTM):** The EU has also provided technical assistance and training to hundreds of Libyan security forces, emphasizing border management, law enforcement, and public security (Skeppström, Wiklund, & Jonsson, 2014). These missions are designed to enhance the operational capabilities of Libyan forces in border management, law enforcement, and counterterrorism to promote effective governance. While there have been successes in building the capacity of some security institutions, the overall impact has been limited by persistent political divisions and the lack of a unified command structure (Stollenwerk, 2021). In reality, the training mission model assumes a coherent security sector that does not exist in Libya. Moreover, the fragmented nature of Libya's security sector poses risks to EU-led training efforts. As Wehrey (2018a) highlights, training security forces in an environment dominated by local militias risks widening divisions rather than fostering a unified national force. People trained do not return to a national army but to factional forces and non-state armed groups. Additionally, the lack of post-training oversight and institutional reforms raises concerns about the long-term sustainability of these capacity-building efforts. It becomes evident that EU investment, although existent, lacks the necessary institutional and governance conditions to ensure sustainable and meaningful outcomes

5.1.6 Other initiatives

- **African Union (AU) Initiatives:** The African Union (AU) has played a crucial role in Libya's post-conflict rebuilding by engaging in diplomatic efforts aimed at mediating between Libya's political factions and promoting national reconciliation. The AU's Peace and Security Council (PSC) has organized several meetings and initiatives to encourage

cooperation between rival groups (African Union Commission, n.d.). For instance, the AU convened over 20 high-level meetings between 2011 and 2020 to address Libya's internal divisions (ACCORD, 2012). The PSC continues to work on Libya's stabilization, as evidenced by its 1150th meeting on 18 April 2023 and 1244th meeting on 12 November 2024, which continue to emphasize the importance of national reconciliation and the need for a unified political framework to achieve lasting peace (African Union, 2023; African Union, 2024).

The AU's Post-Conflict Reconstruction and Development (PCRD) framework provided guidelines for stabilizing post-conflict societies, focusing on governance, economic recovery, and human rights protection (African Union, 2020). The PCRD framework has been useful in guiding interventions in Libya, particularly for institution-building, re-establishing rule of law, and economic stabilization (African Union, 2020). The AU's efforts to organize dialogue forums between local actors and its promotion of regional cooperation have made progress, but the lack of a unified government has significantly impacted the success of these rebuilding.

Despite its proactive role, the African Union (AU) has faced significant challenges. The organization's limited financial and logistical resources have constrained its ability to implement large-scale reconstruction programs. Additionally, the AU's reliance on diplomatic engagement and dialogue has often been undermined by the lack of political will among Libyan factions to compromise and by the persistent influence of external actors. The AU's approach, while well-intentioned, has lacked the necessary leverage to enforce agreements and ensure compliance, highlighting the limitations of regional organizations in addressing complex conflicts. Also, the AU's marginalization in favor of Western powers and Gulf states, with greater resources and strategic interests, dominated Libya's post-intervention landscape, leaving the AU (which opposed the 2011 intervention) with limited influence over outcomes.

- **Arab League:** The Arab League has supported peace negotiations and efforts to promote regional stabilization. It has facilitated multiple high-level meetings, including a meeting in Cairo with foreign ministers from Libya's neighboring countries that resulted in The Cairo Declaration calling for the cessation of armed confrontations and respect for the political

process (United Nations Press, 2014), reinforcing its position as an influential diplomatic actor in regional and international affairs.

Despite organizing several regional summits aimed at fostering political dialogue and national unity, Libya's various factions and external interference have limited the League's effectiveness in advancing long-term rebuilding initiatives. In addition, the different interests of the League's member states, many of which have supported opposing factions in Libya's conflict, have undermined the League's credibility as a neutral mediator and limited its ability to reach meaningful agreements (Wehrey, 2018) Qatar, the UAE, and Egypt, all League members, backed different Libyan factions, making the League a forum for competing interests. Moreover, the League's focus on high-level diplomacy has often overlooked the dynamics driving the conflict, such as tribal rivalries and local grievances (International Crisis Group, 2021b).

- **States-Led Initiatives:** Western countries such as the United States, United Kingdom, and France played a significant role in Libya's post-conflict landscape, primarily focusing on security training and capacity-building for Libyan forces. These initiatives have aimed to enhance Libya's internal security system and stabilize the nation's institutions. For example, the U.S. and U.K. have trained hundreds of Libyan military personnel since 2012, focusing on counterterrorism and border security (Wehrey, 2018). However, the impact of these programs has been limited by the lack of a unified national command structure and the persistent influence of armed groups outside state control (Lacher, 2020). Regional powers, by contrast, have provided military, financial, and logistical support to various Libyan factions, often contributing to the complexity of the conflict. Turkey has played a vital role as an ally of the Government of National Accord (GNA) in Libya, offering significant military support that greatly boosts the GNA's operational strength (International Crisis Group, 2019). Reports suggest that Turkey has provided drones and military personnel, with estimates indicating that around 4,000 Syrian mercenaries have been sent to assist the GNA since late 2019. Meanwhile, the UAE has supported General Khalifa Haftar's forces in eastern Libya, providing substantial military assistance (Al Jazeera, 2020; The Libya Observer, 2020). This external involvement has intensified internal divisions, with several nations supplying advanced military equipment and financial backing to rival factions, further complicating efforts for peace. The influx of foreign fighters and advanced weaponry

has not only prolonged the conflict but also deepened political and military divides, making it increasingly difficult to achieve a negotiated settlement. As Mezran (2024) argues, the fragmented approach of the international community has often prioritized short-term geopolitical gains over long-term stability, undermining prospects for a comprehensive resolution to the conflict.

5.1.7 Non-Governmental Organizations (NGOs) and Humanitarian Actors

International NGOs have played a crucial role in Libya's post-conflict recovery, especially following the 2011 NATO intervention, providing essential services and addressing urgent humanitarian needs. Organizations such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF), and the Norwegian Refugee Council (NRC) have focused on delivering humanitarian aid, medical care, and food security to displaced populations, particularly during periods of heightened conflict.

The International Committee of the Red Cross (ICRC) has been pivotal in delivering humanitarian assistance in Libya, establishing a permanent presence in the country to address the escalating humanitarian needs since 2011. According to ICRC reports, by 2015, the organization had over 100 Libyan staff with operational offices in Tripoli, Benghazi, Misrata, and Sabha, making it one of the few international organizations still active in the country at that time (International Committee of the Red Cross [ICRC], 2015).

Their efforts included providing emergency health services, water and sanitation support, and family reunification services, all of which are crucial during times of conflict and displacement (International Committee of the Red Cross, 2022). Through its Protection of Family Links (PFL) program, the International Committee of the Red Cross (ICRC) has worked hard to reunite separated family members, particularly those who were apart because of war, violence, or migration (Ibid). In 2020, they reported reaching over 300,000 individuals with food, medical aid, and emergency relief services (International Committee of the Red Cross [ICRC], 2022). Additionally, the ICRC supports capacity-building for the Libyan Red Crescent Society (LRCS), enhancing their ability to provide support (ibid). In 2023, the ICRC reported conducting over 1.19 million medical consultations across 76 supported health facilities in various parts of Libya, serving men, women, and children, including migrants (International Committee of the Red Cross [ICRC], 2023). The trajectory

from 300,000 individuals reached in 2020 to 1.19 million medical consultations in 2023 suggests a worsening rebuilding situation. Until today, their efforts include ensuring access to vital services for communities affected by conflict and natural disasters (ICRC, 2025).

Médecins Sans Frontières (Doctors Without Borders - MSF) has been active in Libya, offering medical care in detention centers, providing trauma care for conflict-related injuries, and addressing mental health needs. In 2011, MSF teams supported medical facilities in many cities, providing assistance and training to health staff, and offering mental health care services (Doctors Without Borders, 2011). In Benghazi, MSF teams distributed food and provided medical consultations to over 100,000 displaced people in partnership with local NGOs (MSF, 2014). In the following years, as the conflict persisted, MSF expanded its operations to address the conditions faced by migrants and refugees held in overcrowded detention centers. By late 2017, international organizations estimated that there were more than 400,000 migrants in Libya, among whom some 45,000 were registered as refugees or asylum seekers (Global Detention Project, 2017). This is one of the humanitarian consequences of Libya's state collapse and of European migration policies that have relied on Libyan actors to prevent Mediterranean crossings.

In 2023, MSF offered essential healthcare services to thousands of individuals, addressing needs ranging from trauma care for conflict-related injuries to mental health support (Médecins Sans Frontières, 2023).

The Norwegian Refugee Council (NRC) commenced its operations in Libya in 2017, focusing on delivering essential services to internally displaced persons (IDPs), returnees, host communities, migrants, refugees, and asylum seekers. By 2020, NRC had expanded its support, assisting over 65,000 individuals through programs in education, shelter, water, sanitation, general hygiene, and protection across various regions (Norwegian Refugee Council, 2022). In 2023, NRC's efforts continued, benefiting thousands through their education, food security, and shelter programs (Norwegian Refugee Council, 2023). These initiatives have been vital in aiding displaced populations to rebuild their lives and regain stability amidst ongoing conflict and displacement.

While these organizations have been instrumental in alleviating the immediate impacts of the humanitarian crisis, their efforts are often limited by the unstable security environment and unavailable resources. The ongoing political fragmentation and lack of a unified government

in Libya have made it difficult for NGOs to operate effectively and deliver sustained support. Organizations had to navigate issues related to independence of action, access, acceptance, and limitations on the response they can provide to people's needs (Médecins Sans Frontières, 2017). These challenges underscore the complexities humanitarian organizations face in conflict and post conflict zones. Furthermore, the reliance on international funding and the absence of long-term development strategies have raised concerns about the sustainability of these humanitarian interventions (Weiss & Kuele, 2011).

5.1.8 Local NGOs and Agencies in Post-Gaddafi Libya

Local NGOs and agencies have assumed increasingly significant roles in promoting reconciliation, peacebuilding, and human rights advocacy in post-Gaddafi Libya. These entities have become integral to the nation's recovery and rebuilding efforts. Their grassroots initiatives are integral to the nation's recovery, fostering social cohesion, advancing human rights, and engaging youth in peace initiatives. The emergence of local civil society represents one of the positive developments in post-intervention Libya.

Notably, the Libya Humanitarian Relief Agency (LibAid), a state-funded entity, has been instrumental in providing critical assistance to internally displaced persons (IDPs) and populations affected by ongoing conflict. LibAid's programs, which include the provision of food, healthcare, and shelter, address immediate humanitarian needs while contributing to the long-term recovery and stabilization of the country (Libya: Protect Vulnerable Minorities & Assist Civilians Harmed, 2011). By focusing on both emergency relief and sustainable development, LibAid has helped bridge the gap between short-term humanitarian aid and long-term reconstruction efforts.

Another key player is Together We Build It (TWBI), an intergenerational, non-profit organization founded in 2011 to support a peaceful democratic transition. TWBI focuses on community-driven reconstruction efforts, working closely with local residents to support joint rebuilding projects and actively involving community members in the planning and execution of these initiatives (Together We Build It, n.d.), therefore encouraging a sense of responsibility and control among locals. For instance, in 2019, TWBI launched the HUMAN awareness campaign, addressing human security from a contextualized perspective, thereby promoting dialogue among various community groups and ensuring diverse viewpoints are

considered throughout the rebuilding process (Together We Build It, n.d.a). This collaborative grassroots approach not only helps in physical reconstruction but also strengthens social reintegration and allows entities to address the specific needs of communities. It has context-sensitive programming, community ownership, and attention to social dimensions of recovery that international actors often overlook. Yet such organizations operate with limited resources compared to the international initiatives documented.

In summary, the collective efforts of international, regional, state, and local actors reflect a broad and varied approach to stabilizing and rebuilding Libya. However, despite these efforts, ongoing political fragmentation and external interference persist and continue to significantly undermine the overall effectiveness of these rebuilding initiatives, reflecting the limitations of the R2P framework. These initiatives reveal a coordination gap, where multiple actors pursue different objectives; a commitment gap, where actors prioritize short term outcomes; a local ownership gap, where external agendas consistently overrode Libyan priorities and agency; and most fundamentally, a political and security gap that made all other efforts unsustainable. From a realist perspective, this pattern reflects the divergence between humanitarian rhetoric and strategic interests. From a constructivist perspective, it reveals R2R's weakness as an emerging norm that states invoke without any rebuilding obligations. From a TWAIL perspective, it reveals how humanitarian intervention still echo older forms of colonial powers and external domination. In Libya, the lack of a unified government and the ongoing influence of armed groups have created a complex operating environment for different national and international initiatives and stakeholders, limiting their ability to deliver sustained assistance.

5.2 LIBYA TODAY

This section examines the current state of Libya, analyzing its economic, political, and social landscape in the aftermath of the 2011 intervention. By establishing a comparative framework with the previous section, *The Gaddafi Era – Libya Pre-2011*, the analysis will explore whether the situation has improved or deteriorated, ultimately questioning the successful application of R2P.

5.2.1 Economic Governance

Compared to Gaddafi's era, Libya's post 2011 economic performance is significantly unstable, highlighting the profound impact of conflict and governance issues on national wealth. While Gaddafi's era maintained a centralized economic model with steady growth, albeit with corruption and mismanagement, the post-2011 landscape is characterized by economic fragmentation and severe decline in key economic indicators that exposes the theoretical tensions between intervention rhetoric and rebuilding practice.

By 2010, oil revenues accounted for 73% of GDP, 95% of export earnings and about 93% of public revenues (UNFPA, 2019). The state used these resources to provide cheap water, electricity, and fuel, helping maintain relatively high living standards, even though inequality and corruption remained widespread (World Bank, 2013).

The immediate economic collapse following Gaddafi's overthrow provides empirical evidence for realist critiques of humanitarian intervention (Kuperman, 2013). The World Bank reports that the Libyan economy deteriorated drastically, with GDP sharply falling by 61.4% in 2011 due to the outbreak of civil war and the near-total shutdown of the oil sector (World Bank, 2021a). Oil production dropped from pre-war levels of around 1.6 million barrels per day (bpd) to just 22,000 bpd by August 2011 (IMF, 2015c). Paradoxically, authoritarian stability, however unjust, provided economic predictability that post-intervention governance has failed to replicate.

A brief recovery followed in 2012, as GDP surged by 104.5% with the partial resumption of oil exports (IMF, 2015c). However, subsequent years have seen recurrent contractions. Continued violence and the emergence of multiple competing governments disrupted oil production, leading to recurrent economic contractions, including a 13.6% GDP decline in 2013 (World Bank, n.d.e).

The outbreak of the second civil war in 2014 further destabilized the economy, with oil output averaging just 480,000 bpd in 2014 and declining to below 400,000 bpd by 2016 (U.S. Energy Information Administration [EIA], n.d.). In 2020, armed groups shut down key oil export terminals, causing production to decline to 100,000 bpd between February and September and resulting in a GDP contraction to \$46.58 billion that year and 35.22\$ billion the next year, far below the pre-2011 level of approximately \$90 billion (World Bank, 2021a).

The shift from centralized state control to militia-dominated resource extraction represents a fundamental governance transformation with theoretical implications. Compared to the Gaddafi era, where the state maintained tight control over oil resources, post 2011 Libya has witnessed frequent militia blockades of oil fields and export terminals, thus undermining the government's ability to generate stable revenues (Reuters, 2024). This pattern reflects the "resource curse" in post-intervention reality: external actors who overthrew the authoritarian regime failed to establish alternative institutional mechanisms for resource governance, creating what Hehir (2019) identifies as "protection without accountability".

Libya's oil sector continued to dominate its economy. Despite challenges such as internal conflict and fluctuating oil prices, Libya's hydrocarbon sector continues to dominate the economy. In 2023, the oil and gas sector represented 60% of GDP, 94% of exports, and 97% of government revenues (World Bank, 2024). Despite this wealth, Libya's lack of economic diversification continues to hinder sustainable growth, making the economy vulnerable to price shocks, production disruptions, and political instability.

Although oil revenues account for 97% of government income, their allocation has been distributed unevenly across its regions, exacerbating economic and political disparities and revealing the transformation from centralized authoritarianism to fragmented governance (African Development Bank Group, n.d.). Contrary to the centralized economic model of the Gaddafi era, post-2011 Libya fragmented governance has resulted in unequal distribution of state resources, exacerbating regional disparities that fuel continued conflict (Mezran & Varvelli, 2023). Tripolitania, historically dominant, receives a disproportionate share of government spending, estimated at 55%-60%, while Cyrenaica, despite housing most of Libya's oil reserves, receives only 30%-35% (Wehrey, 2018). Fezzan, the most marginalized region, receives as little as 5%-6%, despite hosting significant oil fields like Sharara (Laessing, 2014). This uneven allocation has fueled regional grievances, particularly in Cyrenaica, where oil revenues have done little to improve living conditions, contributing to long-standing demands for greater autonomy (Wehrey, 2012). Despite efforts to establish a fair revenue-sharing mechanism, Libya's financial system remains opaque, benefiting Tripoli-based elites and their loyal allied groups or militias rather than being equitably allocated to meet the needs of all regions or citizens, promote public welfare, and support

sustainable economic development (Chatham House, 2019). In 2022, only 1% of public expenditure was allocated to development, while nearly 48% went to salaries, including payments to militia groups (Zaptia, 2022).

During Gaddafi's rule, Libya's economic model relied almost entirely on oil revenues, allowing the government to provide extensive subsidies while keeping taxation minimal (World Bank, 2020). However, post-2011, declining oil revenues forced Libya to consider alternative revenue sources. Nevertheless, Libya continued to implement social support initiatives, including extensive subsidies for essential goods like water, electricity, and petrol, reducing economic hardships (World Bank Group, 2015). However, the deteriorating political and economic situation significantly impacted the government's ability to sustain such programs effectively. In 2012, post-Gaddafi Libya allocated 13.8% of GDP to subsidies, in 2015 Government expenditure on subsidies and price stabilization were approximately 7.2 billion Libyan dinars, but by 2020, this had dropped significantly to 5.6 billion Libyan dinars, reflecting the government's reduced fiscal capacity (World Bank, n.d.g). In 2024, the Libyan government attempted to introduce a tax on dollar purchases under Resolution No. 15 of 2024, but legal disputes delayed its enforcement (The Libya Observer, 2024). Meanwhile, the eastern parliament approved an additional 88 billion Libyan dinars (approximately \$18.3 billion) for government spending in July 2024, highlighting ongoing financial difficulties (U.S. News & World report, 2024).

Consequently, Libya's Human Development Index (HDI) has also experienced extreme instability since 2011. Between 1990 and 2010, Libya ranked consistently among Africa's top three countries in HDI, rising from 0.666 (42nd globally, third in Africa) in 1990 to 0.739 (66th globally, first in Africa) by 2010 through state investments in education, healthcare, and infrastructure (UNDP, 2024a; US Department of State, 2010; Country Economy, n.d.). Significantly, these achievements occurred under authoritarian rule, complicating assumptions that democratic intervention automatically improves human welfare. The 2011 intervention triggered immediate HDI collapse: Libya dropped to 89th globally and from third to eighth place in Africa (UNDP, 2024a) and further to 92nd globally by 2022. Life expectancy, which had increased over six years to reach 74.5 years by 2010, declined two years during 2011-2015 (Country Economy, n.d.). This period was marked by continued

armed conflicts, divided governance, and disruptions in basic services, leading to worsening living conditions (Pack, 2019). A gradual recovery followed from 2016 to 2022, as relative stability in certain regions allowed for limited economic rebuilding efforts (UNDP, 2024a), but progress remained limited compared to pre-2011 trends (Country Economy, n.d.). This decline demonstrates how intervention without reconstruction commitment creates human development reversal rather than humanitarian protection, reflecting what Pack (2019) characterizes as “arrested development”, where conflict disruption creates structural problems that need comprehensive rebuilding efforts.

Similarly, Libya’s literacy rates rose from 86.1% in 2004 to 91.39% by 2015. However, political instability and the absence of a centralized administration have disrupted education, leaving long-term gaps in human capital development and made consistent data collection more challenging (Country Economy, n.d.a). Libya’s education system has been destabilized. Armed conflict led to the closure of hundreds of schools, and shortages of qualified teachers, with many children unable to access formal education.

In terms of standard of living, Libya’s Gross National Income (GNI) per capita (PPP) rose steadily under Gaddafi, reaching \$11,560 in 2010 due to stable oil revenues, constituting the backbone of Libya’s economy (World Bank, n.d.k). However, the civil war caused a sharp decline to \$6,230 in 2011, as oil production and exports collapsed due to the war and subsequent institutional collapse (World Bank, n.d.k). Despite temporary 2012 recovery to \$14,020, economic mismanagement and renewed conflict drove decline to \$7,570 by 2023, a 35% reduction from pre-intervention levels that highlights the fragile state of Libya’s economy and contradicts claims of successful intervention (World Bank, n.d.k). This deterioration validates Hehir’s (2019) argument that R2P interventions frequently prioritize regime change over sustainable human security.

Unemployment rates also expose the consequences of the intervention on the labor market. Between 1995 and 2010, the unemployment rate fell from 19.48% to 13.5%, supported by extensive public-sector employment (World Bank, n.d.f). This decline coincided with Libya’s efforts to reintegrate into the global economy following the lifting of sanctions, which stimulated oil exports and created job opportunities (Vandewalle, 2006; BBC News,

2003). However, from 2011 onward, job losses escalated due to conflict-related disruptions (World Bank, n.d.f). Unemployment rates rose sharply post 2011, peaking at 19% by 2012 with 48% of youth unemployment. As of 2023, unemployment remained high at around 19%, reflecting the devastating impact of the civil war and reoccurrence of the conflict on economic activity and labor market dysfunction.

This economic analysis reveals the failure of the Responsibility to Rebuild, demonstrating how the absence of sustained international commitment leads to instability rather than recovery. The evidence supports realist skepticism about humanitarian intervention and actors' strategic interests overriding humanitarian commitment, while also supporting constructivist arguments that institutional frameworks do not automatically emerge post intervention but need to be established. From a TWAIL perspective, post-2011 Libya exemplifies how external military action can reproduce colonial patterns of resource extraction rather than domestic development, with oil revenues flowing outward while education systems collapse, healthcare deteriorates, and regional inequalities deepen. The evidence clearly reveals that intervening powers possess neither the political will nor the institutional mechanisms to fulfill their rebuilding obligations.

5.2.2 Governance and political landscape

The fall of Muammar Gaddafi in 2011 did not bring the awaited transition to stability and democratic governance, instead it exposed the challenges of post-intervention rebuilding under R2P. Libya plunged into a prolonged period of political fragmentation and insecurity. Unlike Gaddafi's centralized control, where power was monopolized within a rigid authoritarian system, the post-revolution period has been marked by the absence of a unified state (Reuters, 2024a). Gaddafi's suppression of political opposition left Libya without the necessary foundations for a smooth transition. The result was a political vacuum that various factions, militias, and external actors exploited, deepening national divisions (Vandewalle, 2012). This outcome exposes the gap between the normative commitment of intervention under R2P and the practical failure of sustained international commitment to rebuilding core governance institutions.

Initially, the National Transitional Council (NTC) attempted to establish a democratic framework, culminating in the General National Congress (GNC) elections in 2012, Libya's first free election in sixty years. The elections saw high voter participation, with approximately 62% of registered voters casting their ballots, reflecting initial public optimism (U.S. Department of State, 2013). However, growing political dissatisfaction and increased complications soon led to declining voter turnout in subsequent elections, such as the 2014 House of Representatives (HoR) elections, where participation dropped to 42% (Inter-Parliamentary Union, n.d.). Discontent was clearer with several Libyan towns and cities, including Misrata, Khoms, Zliten, Emsalata, Nalut, Kabaw, and Tarhuna, declaring boycotts against the newly established HoR (Libya Herald, 2014).

The 2014 elections caused a constitutional legitimacy crisis that remains unresolved. The electoral disputes and political fragmentation following these elections led to the establishment of two competing administrations: the internationally recognized House of Representatives (HoR) in Tobruk and the General National Congress (GNC) in Tripoli (United Nations Support Mission in Libya, 2015). This division of state authority represents what scholars of post-conflict governance call "parallel state structures", which are competing institutions each claiming sovereign legitimacy over the same territory (Lacher, 2020).

This fragmentation had constitutional consequences. The HoR was established under the Seventh Amendment to the Constitutional Declaration, which designated Benghazi as its seat. However, with escalating violence in August 2014, the HoR met instead in Tobruk with 158 of 188 elected members present (Atlantic Council, 2014). On November 6, 2014, the Tripoli-based Supreme Court (Libyan Supreme Court) ruled in Case No. 17/61 that Paragraph 11 of the Seventh Amendment was unconstitutional, effectively invalidating the legal basis for the HoR's establishment and declaring its sessions void (Libyan Supreme Court, 2014). The HoR rejected this ruling, arguing that the court operated under threat from armed militias controlling Tripoli. This claim demonstrates how Libya's fragmentation has destroyed judicial independence and constitutional order (Pack, 2019).

This created a fundamental paradox between domestic constitutional order and international state recognition. Despite the Supreme Court ruling, the international community, including

the United Nations Security Council and Western governments, continued to recognize the HoR as Libya's legitimate legislative authority (United Nations Security Council, 2014b). This recognition was reaffirmed by UN Special Representative Bernardino León, who stated that the HoR constituted "the sole legislative authority in the country" (Atlantic Council, 2014). This created a legitimacy crisis. The HoR held international recognition but faced domestic legal challenges, while the Tripoli-based GNC claimed constitutional authority but lacked external support, paralyzing effective governance.

In 2015, the Government of National Accord (GNA) was created through the UN-brokered Libyan Political Agreement (LPA) signed in Skhirat, Morocco, and was meant to end the dual government crisis between the HoR in Tobruk and the GNC in Tripoli. However, the HoR and its military backers continued to oppose it (United Nations Support Mission in Libya, 2015). The LPA attempted to resolve the legitimacy crisis by establishing a Presidency Council as the executive authority and reconfiguring the General National Congress (GNC) into the High Council of State (HCS) as an advisory upper chamber. Under this framework, the HoR would become the recognized legislature, with major decisions requiring consultation between both chambers (United Nations Support Mission in Libya, 2015). However, the HoR never formally endorsed the GNA.

Contrary to the Gaddafi era, where power was centralized within a single-party state, post-2011 Libya has experienced significant foreign influence. Turkey and Qatar support the Tripoli-based GNA, while Egypt, the UAE, Russia, and occasionally France back the Tobruk-based HoR, which controls the east and key oil installations (Wehrey, 2020; International Crisis Group, 2019a). This support from external actors has not only prolonged conflicts but also deepened divisions and disputes over domestic constitutional legitimacy, thereby complicating efforts to achieve national reconciliation and maintain a unified government (Freedom House, 2023).

Furthermore, Libya's fragmented political landscape has posed substantial challenges to holding national elections, with repeated postponements due to ongoing disputes and security concerns. The latest attempt to conduct elections in December 2021 was indefinitely delayed, contributing to continued political uncertainty with no definitive elections scheduled by early 2026. Without an agreed constitutional framework, consensus on electoral rules, candidate

eligibility criteria, and most fundamentally, which institutions possess the authority to establish such rules, elections would not be able to resolve Libya's governance crisis.

The drafting of a new constitution, which was tasked to the Constitution Drafting Assembly (CDA) elected in 2014, illustrates the complexities involved in reconciling conflicting interests within Libya. The CDA itself faced legitimacy challenges. The Amazigh, Tebu, and Tuareg communities boycotted the initial CDA elections, objecting to inadequate representation of Libya's cultural and linguistic minorities (Cairo Institute for Human Rights Studies, 2019). A subsequent amendment to the Constitutional Declaration attempted to address these concerns, convincing some minority representatives to participate in supplementary elections, though the Amazigh maintained their boycott (Konrad Adenauer Stiftung, 2021). Despite its efforts, the CDA faced numerous challenges, including the boycotts from minorities, disagreements over the inclusivity and representativeness of the proposed constitutional provisions, showcasing the deep-seated divisions within Libyan society (Cairo Institute for Human Rights Studies, 2019). Although the draft constitution was completed and approved by the CDA in 2017, it has not been ratified through a public referendum as of January 2026 (Libya Herald, 2026). The draft itself remains contested: critics have challenged provisions relating to the distribution of power between regions, the role of Islamic law, and the representation of minority communities. The HoR and HCS have subsequently proposed constitutional amendments as alternative pathways to elections, but these too have failed to achieve consensus (Al Jazeera, 2023). The ongoing political disputes, security issues, and disagreements over key constitutional provisions have continually delayed the referendum process. This prolonged transitional period has caused the nation to operate under the 2011 Constitutional Declaration and its amendments, an interim framework never intended to govern Libya for over a decade, resulting in continued political and institutional ambiguity (United Nations, 2024a).

This lack of a stable unified state authority has also contributed to systemic corruption. Indeed, Libya has consistently ranked as one of the most corrupt countries worldwide since 2011, according to Transparency International Corruption Perceptions Index (CPI). The post-2011 period did not bring the expected improvements in governance. Libya's CPI score deteriorated from 22 out of 100 in 2010, ranking 146th of 178, to 13 for 2023, 2024, and 2025, ranking among the world's most corrupt countries at 173rd (Libya, Transparency

International, 2026), and the country has since remained trapped in a cycle of poor governance.

These indicators directly contradict R2R's goals that post-intervention reconstruction should establish effective governance. The ICISS report identified "a functioning government" and "sustainable development" as core R2R objectives (ICISS, 2001, p. 44); however, Libya's governance trajectory demonstrates the opposite. Persistent corruption has undermined public trust in institutions. Government officials and militia groups have been repeatedly accused of exploiting state resources with little accountability, particularly in the oil sector, which remains the backbone of the Libyan economy (Freedom House, 2022). Moreover, international organizations have highlighted the misuse of public funds, including foreign aid meant for reconstruction, as a major impediment to rebuilding efforts (United Nations Development Programme, 2021). As mentioned in the previous section, the \$15 billion in unfrozen Libyan assets became a source of factional dispute and rivalry rather than reconstruction funding.

A comparison with pre-2011 corruption trends reveal a significant structural transformation. Under Gaddafi, corruption was institutionalized but controlled within state structures. In contrast, post-2011 Libya has seen corruption become decentralized and opportunistic, with various factions exploiting state resources (Transparency International, 2015; Freedom House, 2022). Such fragmented corruption is particularly resistant to reform because no single authority possesses the capacity to impose accountability.

The security dimension of governance failure is equally significant. This environment has been further deteriorated by the proliferation of militias and revolutionary fighters who, due to inadequate disarmament and integration into a unified security apparatus, have significantly contributed to the nation's ongoing instability and insecurity. The failure to achieve security sector reform (SSR), a very important component in post-conflict reconstruction, represents one of the clearest gaps between R2R and the reality in Libya.

During Gaddafi's rule, opposition groups were suppressed through a vast security infrastructure; however, after 2011, they gained significant autonomy, often acting beyond government control and controlling vast territories (Reuters, 2024a). As a result, rival armed groups, such as the Zintan Brigades and Misrata Brigades, initially celebrated as revolution heroes, engaged in violent power struggles, further destabilizing the country, obscuring any

law enforcement, and undermining any progress toward state authority, national stability, or any reconstruction efforts (Wehrey, 2018). In 2011, the Zintan Brigades took control of Tripoli International Airport, using it to generate substantial revenue by managing the flow of goods and passengers. This control lasted until 2014 when the Libya Dawn coalition, composed of several Islamist militias, launched an offensive resulting in the Zintan Brigades' retreat from the airport in August after intense fighting (UNSMIL, 2014). Earlier that year, in May, forces led by General Khalifa Haftar, including Zintani militias, attacked the Libyan parliament, indicating the depth of military involvement in political affairs. This event was part of Haftar's broader campaign against Islamist factions within the government (The Guardian, 2014).

Furthermore, by 2017, the situation escalated as militias linked to Haftar kidnapped judges and lawyers in eastern Libya, exposing the severe vulnerabilities within the judiciary and public security sectors (Amnesty International, 2018).

In August 2023, rising tensions between the Government of National Unity (GNU) and the Central Bank of Libya (CBL) culminated in armed forces, under GNU orders, storming the CBL headquarters (Atlantic Council, 2024). These instances show how government administrations face challenges in asserting authority over these militias yet continue to depend on them for protection, exposing the power vacuum created post-2011. This vacuum has facilitated the emergence and persistence of extremist organizations. For instance, the Islamic State (IS) notably seized Sirte in 2015 (Reuters, 2024a). Although a U.S-backed military campaign by Misrata forces aligned with the GNA reclaimed it in 2016, IS continues to operate in small cells, exploiting weak state and smuggling routes (Almukhtar, 2016).

Furthermore, the dissolution of Ansar al-Sharia in 2017, following intense military pressure from Haftar's LNA, did not eliminate the influence of extremist ideologies in the region. As of 2024, reports from Freedom House and the Counter Extremism Project indicate that hard-line Salafi groups still have considerable influence in eastern Libya, contributing to ongoing security challenges (Freedom House, 2024; Counter Extremism Project, n.d.). The persistence of extremist elements fourteen years after intervention once again contradicts R2P's foundational premise that military action would protect civilian populations; instead, state collapse created conditions in which new threats to civilian security emerged.

As a result of ongoing governance failures, Libya has experienced recurrent waves of civil unrest. Since 2011, protests have erupted over corruption, poor governance, and declining public services, often met with violent militia crackdowns. In January 2012, significant unrest erupted in Benghazi as individuals protested the National Transitional Council (NTC), criticizing its slow pace of reforms and lack of transparency. Protesters broke into the NTC headquarters, showing discontent with the interim government's effectiveness (Aljazeera, 2012). This pattern of discontent continued into the next decade; in August 2020, protests spread across Tripoli and eastern Libya, where citizens voiced their frustrations over corruption, inadequate public services, and deteriorating living standards (Human Rights Watch, 2020). These protests were often met with violent crackdowns, including kidnappings and assaults by armed groups (Amnesty International, 2021). The situation escalated further in 2023 when local protesters partially shut down the Sharara oil field, Libya's largest, demanding better economic conditions and highlighting the issue of political marginalization (Reuters, 2024b). As of January 2025, violent clashes in many cities still happen and continue to affect daily life in the city (AP News, 2024; Libya Herald, 2025a).

This governance analysis reveals the profound failure of the Responsibility to Rebuild in its most fundamental dimension, which is the establishment of legitimate and effective state authority. From a realist perspective, the proliferation of armed actors pursuing self-interest in the absence of a legitimate authority was predictable; from a constructivist perspective, the failure to establish shared constitutional norms left Libya without the institutional framework necessary for political order; and from a TWAIL perspective, the pattern of international recognition that is different from domestic legitimacy reproduced external management over Libyan self-determination. Libya's governance trajectory illustrates how intervention without genuine commitment to rebuilding state capacity can descend into anarchy.

5.2.3 Human Rights Concerns

The protection of human rights constitutes a foundational justification for the Responsibility to Protect and the Responsibility to Rebuild. The ICISS report explicitly states that R2P aims to protect populations and that post-intervention reconstruction must establish better conditions (ICISS, 2001). Yet the evidence documented in this section

raise uncomfortable questions about the relationship between R2P and the protection of civilians.

Fragmented Governance and the collapse of central authority

The fall of Muammar Gaddafi in 2011 led to a fractured and unstable political environment, characterized by competing authorities and the proliferation of armed groups. Unlike Gaddafi's centralized authoritarian rule, post-2011 Libya has been dominated by rival factions, including the UN-backed Government of National Unity (GNU) in Tripoli, the House of Representatives (HoR) in the East, and various militias operating with near-total impunity (Council on Foreign Relations, 2023). This absence of a strong central authority has fostered an environment where armed groups dictate governance, often using violence to exert control over populations and resources. This decline is reflected in Libya's ranking on the Fragile States Index (FSI). In 2010, Libya ranked 111th out of 177 countries with a score of 69.1 (Fund for Peace, 2010), indicating a relatively stable governance structure under Gaddafi. However, by 2014, Libya had dropped to 50th with a score of 87.8 (Fund for Peace, 2014), marking it as one of the most fragile states. As of 2023, Libya remains one of the most unstable states globally, ranking 17th out of 179 with a score of 96.1 on the Fragile States Index (Fund for Peace, 2023). This trajectory provides confirmation of the governance collapse.

While Gaddafi maintained power through strict laws, security apparatus, and support of loyal tribes, today's Libya is governed by a decentralized system of militias that function outside any legal framework, continuing the discriminatory practices of the Gaddafi regime. These armed factions not only undermine national stability but also continue to commit human rights violations, with no effective judicial or governmental oversight to hold perpetrators accountable (Amnesty International, 2021).

Under Gaddafi, repression was centralized, hierarchical, and enforced through legal instruments; in post-2011 however, it has become more fragmented and unpredictable, increasing insecurity for civilians (Wilson Center, 2023).

Suppression of Political Dissent and Targeted Repression

Following the collapse of Gaddafi's regime, political repression has continued in different forms. Militias affiliated with both the GNU and HoR engage in widespread arbitrary arrests, enforced disappearances, and intimidation of activists, journalists, and perceived political opponents (OHCHR, 2023). Political detentions are frequently linked to regional or tribal affiliations, as both sides of the conflict use accusations of political loyalty to justify unlawful imprisonment (Human Rights Watch, 2024; Amnesty International, 2020a). In militia-controlled territories, thousands of detainees, including journalists and civil society members, remain imprisoned without trial or access to legal representation (Human Rights Watch, 2024). Reports indicate that those suspected of supporting rival factions or expressing dissenting opinions are subjected to extrajudicial detention and torture (OHCHR, 2023).

Under Gaddafi's rule, Libya consistently received very lowest Political Rights Scores from Freedom House, ranking 7 (Least Free) in 2010, indicating an authoritarian system with no political pluralism or democratic participation (Freedom House, 2010). Following the 2011 revolution, the country initially saw an improvement, with its Political Rights Score rising to 4 in 2012, reflecting increased electoral participation and political engagement (Freedom House, 2012). However, this progress was short-lived as Libya descended into civil war. Since 2016, Libya's Political Rights Score stands at 7 again, underscoring the near-total collapse of political freedoms (Statista, 2024). Despite post-intervention rebuilding mechanisms and reform initiatives, political repression has returned to pre-intervention levels, undermining the legitimacy of the intervention.

Arbitrary Arrests, Torture, and Detention Conditions

Arbitrary arrests and torture remained rampant in post-Gaddafi Libya, often based on political, tribal, or regional basis, particularly in detention centers run by militias. Several reports by the Office of the High Commissioner for Human Rights (OHCHR) and Amnesty International have documented cases where individuals suspected of supporting rival factions or expressing dissenting opinions were subjected to extrajudicial detention and torture in Libya, similar to Gaddafi era (OHCHR, 2023; Amnesty International, 2024).

According to the U.S. Department of State's 2022 Human Rights Report on Libya, over 8,000 people have been arbitrarily detained in militia-controlled overcrowded prisons without formal charges or trials. They have been subject to inhumane conditions, electric shocks,

extreme beatings, mock executions, and sexual violence (U.S. Department of State, 2022), inadequate food, medical neglect, and denial of legal representation (OHCHR, 2023). As of May 5, 2023, Libya's Justice Ministry acknowledged that more than 19,000 detainees, including hundreds of women, were being held in official prisons. Many of these detainees had not been charged with any crime. Additionally, numerous others are held in prolonged detention without trial in facilities operated by militias, which are only formally under governmental control (World Prison Brief, 2024).

In 2024, forces allied with Khalifa Haftar's Libyan Arab Armed Forces (LAAF) in eastern Libya have detained individuals suspected of supporting opposing factions, frequently targeting journalists, activists, and civilians believed to be loyal to Tripoli's Government of National Unity (GNU) (Amnesty International, 2024). On 13 July 2024, Ahmed Abdel Moneim Al-Zawi, 44, passed away in an Internal Security Agency (ISA) detention center in Ajdabiya. He was arrested on July 10 while visiting his imprisoned brother. While ISA officially claimed his death was a suicide, witnesses reported a bruise on the back of his head, suggesting he suffered a significant impact (Amnesty International, 2024).

Although arbitrary detention and torture were systemic under Gaddafi, these violations have escalated in the post-2011 era due to the decentralized control, exposing the continued use of politically motivated imprisonment.

Extrajudicial Killings and Enforced Disappearances

Since 2011, extrajudicial executions and enforced disappearances have dramatically increased, perpetrated by militia groups acting as de facto authorities in various regions (International Commission of Jurists, 2021). Significant incidents include the Kaniyat Militia atrocities in Tarhuna and mass executions following the Battle of Sirte. From 2015 to 2020, the Kaniyat militia, led by the Kani brothers, controlled Tarhuna and was responsible for multiple executions and enforced disappearances. Following their expulsion in 2020, mass graves containing over 200 bodies, including women and children, were discovered (ICC, 2024).

Similarly, following the Battle of Sirte in 2011, reports emerged of large-scale executions of loyalist prisoners and civilians suspected of supporting the former Gaddafi's regime. Human Rights Watch (2011) documented the execution of 53 Gaddafi supporters, whose decaying

bodies were found at the Mahari Hotel. Additionally, 10 more bodies were discovered in a water reservoir, and by late October 2011, around 267 executed loyalists were found buried in mass graves across the city (Human Rights Watch, 2011).

Critically, these atrocities occurred in the immediate aftermath of NATO's intervention, when international actors still maintained significant presence and influence in Libya. The failure to prevent or at least adequately investigate these killings exposed the gap between R2P's mandate and the international community's commitment to post-intervention accountability.

Judicial System Breakdown and Lack of Accountability

Prior to 2011, Libya's judicial system operated under tight state control, with limited adherence to the rule of law. While the system lacked independence, it maintained a degree of order through centralized enforcement (Human Rights Watch, 2011a). However, following Gaddafi's overthrow, the judicial system largely collapsed, resulting in widespread lawlessness and leaving civilians and detainees without effective legal protections (Human Rights Watch, 2019). In 2012, Libya's National Transitional Council passed Law No. 38, granting immunity to revolutionaries for acts committed during the 2011 uprising including war crimes and torture. While the measure was framed as a necessary step toward national stability, this legislation effectively institutionalized impunity, undermining efforts toward transitional justice and accountability. Human Rights Watch (2012b) and legal scholars criticized the law for institutionalizing impunity, undermining the rule of law, and violating Libya's international obligations to prosecute grave human rights violations (Hashemi & Nordin, 2019). The adoption of Law 38 ultimately contradicted the principle of human rights for transitional justice.

In March 2023, The UN Independent Fact-Finding Mission on Libya reported that both government security forces and armed militia factions have committed war crimes and crimes against humanity, leaving victims without means for justice (United Nations Office of the High Commissioner for Human Rights [OHCHR], 2023). A notable case is that of Mahmoud al-Werfalli, a Libyan military commander affiliated with the Al-Saiqa Brigade, an elite unit within the Libyan National Army (LNA). Despite his indictment by the International Criminal Court for the murders of 33 individuals, he was promoted to lieutenant in the Saiqa

Brigade under the Libyan Arab Armed Forces (LAAF), led by Khalifa Haftar and aligned with the House of Representatives (HoR) (Amnesty International, 2021; International Criminal Court, 2017). In a 2018 incident, Al-Werfalli allegedly executed 10 individuals in public, reinforcing concerns over impunity and the normalization of extrajudicial killings (Amnesty International, 2021; International Criminal Court, 2018). The absence of accountability has further established lawlessness in post-Gaddafi Libya. Armed groups seeking territorial control have forcibly displaced civilians from their homes (Amnesty International, 2021). Meanwhile, judicial staff, including judges and prosecutors, frequently face threats, kidnappings, and targeted attacks by militia groups, severely undermining judicial independence and access to justice (OHCHR, 2023).

Despite the International Criminal Court (ICC) issuing arrest warrants against high-profile militia leaders for war crimes, including the Kaniyat militia and Mahmoud al-Werfalli, Libya fragmented authorities have failed to cooperate, making enforcement nearly impossible (ICC, 2024). This lack of judicial oversight has perpetuated a culture of impunity, allowing armed groups to operate without fear of prosecution. This is a clear and predictable result of R2R's failure to treat judicial reconstruction as a foundational component of post-intervention governance.

Freedom of Expression and Press Freedom

Under Muammar Gaddafi's regime, Libya's media landscape was characterized by strong state control, with no private press permitted for over 25 years. All publishing and press organizations were nationalized, effectively eliminating independent journalism (Media Landscapes, n.d.). The government's tight grip on information led to Libya being ranked among the most censored countries globally. Reporters Without Borders' World Press Freedom Index consistently ranked Libya among the most censored countries in the Middle East and North Africa during Muammar Gaddafi's rule. In 2009, Libya was ranked 156th out of 175 countries, with a score of 64.50 (Reporters Without Borders, 2009). State media functioned solely as a propaganda tool, reinforcing the regime's ideologies while suppressing dissent. Any form of criticism of Gaddafi, discussions on political corruption, or ethnic identity issues were strictly prohibited, with journalists facing harsh punishments, including imprisonment and assassination.

Following Gaddafi's overthrow, there was a brief period of optimism for press freedom. By the 2011 - 2012 Index, Libya's ranking had slightly improved to 154, although specific scores for that year are not available (Reporters Without Borders, 2012). Numerous media outlets emerged, and journalists experienced newfound liberties. However, this freedom was short-lived as the country descended into political fragmentation and militia rule. Armed groups quickly assumed control over media entities, often resorting to violence and intimidation to control narratives (RSF, 2022). Journalists found themselves targeted, threatened, and silenced; leading to a climate of fear and self-censorship (Reporters Without Borders, 2022; Human Rights Watch, 2015).

Between 2013 and 2024, numerous attacks on media professionals have been documented. From March 2013 to August 2014, Human Rights Watch recorded 26 attacks on radio and television stations in Tripoli, Benghazi, and Misrata, primarily carried out by militias seeking to suppress independent reporting (Human Rights Watch, 2015). More recently, since 2021, journalists have been increasingly detained, tortured, and forcibly disappeared for reporting on corruption and militia activity (Reporters Without Borders, 2022).

For instance, on June 19, 2019, Agence France-Presse (AFP) freelance journalist Hamza Turkia was shot in the hand and leg while documenting clashes between forces aligned with Libya's internationally recognized government and the Libyan National Army (Committee to Protect Journalists, 2019). In March 2022, journalist Ali al-Rifawi was detained by Libya's Internal Security Agency after covering corruption; he remained forcibly disappeared for weeks until his location was revealed (Committee to Protect Journalists, 2022). More recently, on July 11, 2024, TV host Ahmed al-Sanussi was arrested in Tripoli after reporting on government corruption, with authorities refusing to disclose his location, sparking condemnation from press freedom advocates (Committee to Protect Journalists, 2024).

Libya's press freedom rankings also reflect the severity of the situation. According to Reporters Without Borders' World Press Freedom Index, Libya was ranked 162 out of 180 countries in 2018, with a score of 42.41, indicating a highly restrictive environment for the press (Reporters Without Borders, 2018). The situation worsened in 2020, when Libya dropped to 164 with a score of 42.44 (Reporters Without Borders, 2020), and further deteriorated in 2021 to 165, its lowest position to date, with a score of 40.88 (Reporters Without Borders, 2021). This decline between 2018 and 2021 coincides with the second civil

war and its aftermath, reinforcing the link between political fragmentation and press freedoms. In 2023, Libya ranked 149 out of 180 countries, with a score of 49.91, placing it last among Maghreb nations (Reporters Without Borders, 2023). While Libya improved to 143 in 2024, it remained the lowest-ranked Maghreb country, underscoring persistent threats to journalists and press freedom (Reporters Without Borders, 2024). The Freedom House report noted that Libya has been “sinking into a deep crisis” since 2011, with journalists being co-opted to serve political actors “at the expense of editorial independence” (Freedom House, 2023a).

Human Trafficking and Migrant Exploitation

The instability in Libya has critically worsened human trafficking and migrant exploitation. UN experts have raised significant alarm over migrants and refugees in Libya, many of whom were reportedly detained and tortured, then released by authorities and moved to unidentified detention sites, heightening the risk of additional human rights abuses (OHCHR, 2023c). Under Muammar Gaddafi’s regime, Libya maintained strict control over migration routes and human trafficking activities through state security forces, reflecting a centralized and authoritarian management of the issue (Vandewalle, 2012), resulting in relatively lower levels of human trafficking incidents reported during that period. Post-Gaddafi Libya has become a major transit hub for human trafficking, facilitated by political instability, weak governance, and armed groups proliferation. Migrants intercepted attempting to cross to Europe face detention, exploitation, and forced labor in militia-run detention facilities. Many are subjected to torture, sexual violence, and inhumane treatment, as traffickers exploit their vulnerable status (OHCHR, 2023c; U.S. Department of State, 2023). Human Rights Watch (2024) has documented widespread abuses in Zawiyah’s detention facilities, including migrant extortion and torture. The UN Refugee Agency reported that many migrants traveling through Sabha are intercepted and exploited by traffickers or armed groups (Human Rights Watch, 2024).

International policies aimed at curbing migrants from reaching Europe have further trapped thousands in Libya, increasing their vulnerability to human rights abuses. The UN Office of the High Commissioner for Human Rights has repeatedly highlighted that intercepted migrant, instead of receiving protection, are returned to detention centers where they face

extortion, physical abuse, and indefinite imprisonment under militia control. Sectors such as agriculture, construction, and domestic work have seen an increase in forced labor, with traffickers exploiting the lack of legal protection for migrants. The collapse of state institutions has allowed Libya to become a trafficking epicenter, ranking among the most dangerous environments for migrants globally (OHCHR, 2023c). In 2010, Libya was placed on the Tier 2 Watch List (U.S. Department of State, 2010a), indicating that while the government did not fully comply with the minimum standards for the elimination of trafficking, it was making significant efforts to do so. By 2011, Libya's classification deteriorated to Tier 3 (U.S. Department of State, 2011), the lowest ranking, signifying that the government did not fully comply with the minimum standards and was not making significant efforts to do so. From 2017 onward, Libya was classified as a Special Case in the TIP Reports due to the lack of a unified government capable of addressing the issue effectively (U.S. Department of State, 2017). This classification persisted in subsequent years, with the 2023 report continuing to list Libya as a Special Case (U.S. Department of State, 2023), highlighting ongoing political instability and the absence of effective governance structures to combat human trafficking.

This situation represents another failure of R2P implementation, as emerging humanitarian crises created conditions exploited by traffickers. Once again, this provides clear evidence that European Union initiatives in Libya prioritized their own interests, focusing on border control and migration management rather than human rights protection.

Public Protest and Civil Society

Unlike the tightly and brutally controlled protests under Muammar Gaddafi's rule, post-2011 Libya has seen increased, though heavily suppressed, civil protests against governance failures, corruption, and inadequate public services (TIMEP, 2020).

Notably in 2019, residents of Fezzan organized protests demanding better access to public services, employment opportunities, and infrastructure development (Chatham House, 2020). Fezzan has a geographic significance as Libya's most marginalized region, receiving as little as 5–6% of government spending despite hosting significant oil fields.

A significant movement during this period was the "No to the Extension" campaign (Harak La li-l-Tamdid), emerging in late 2013. This grassroots initiative was led by young activists

in Tripoli opposing any attempts to extend the GNC's mandate beyond its original term. The movement leaders expressed a clear message that the GNC had failed to represent the interests of the Libyan people and should not be allowed to prolong its tenure without accountability (Wehrey, 2014). The protests united a diverse coalition of participants, including students, civil society organizations, and citizens around a common goal of political reform and showcasing a maturing civil society and active political engagement in Libya. Yet, the campaign failed to prevent mandate extensions.

Despite increased activism, protests continue to face violent responses by militias and security forces, mirroring oppressive practices characteristics of the Gaddafi era (Amnesty International, 2021; Chatham House, 2020). This decline in civic freedoms is further reflected in Libya's worsening civil liberties ratings. Indeed, according to Freedom House, Libya's civil liberties rating remained at the lowest level, scoring 7 out of 7 (1 represents the most free and 7 the least free) throughout Gaddafi's rule (Freedom House, 2010), reflecting extreme restrictions on free expression, political participation, and press freedom. Post-Gaddafi period, Libya experienced a brief improvement; in 2012, Libya's civil liberties rating improved to 5, reflecting a period of increased freedom (Freedom House, 2012). However, by 2023, it further deteriorated to 7, reflecting severe repression, lawlessness, and continued erosion of fundamental freedoms (Freedom House, 2023a).

The 2011 revolution saw Libyans take to the streets, demanding change, greater freedoms, and an end to longstanding injustices, and the international community intervened to protect them and grant them self-determination. Yet even after the intervention, these movements continue to be systematically suppressed, revealing that neither domestic authorities nor international actors are committed to safeguarding the civic space and the people.

Deterioration of Peace and stability

The broader human rights situation in post-Gaddafi Libya has deteriorated over the years, marked by widespread violence, instability, and severe abuses. Prior to 2011, Libya ranked relatively better on global stability and human development metrics, being the highest-ranked African nation in the United Nations Human Development Index (HDI) in 2010, largely due to effective state control despite political repression (United Nations Development Programme [UNDP], 2010). However, in the years following the regime's collapse, Libya

became one of the most unstable nations globally, earning the title of the “most-worsened” country of the decade in the Fragile States Index (Fund for Peace, 2021). In 2010, before the civil war, Libya ranked 56th out of 149 countries, with a Global Peace Index score of 1.839 (1 most peaceful to 5 least peaceful), reflecting a relatively peaceful and stable environment (Institute for Economics & Peace, 2010). Following the 2011 revolution and the resulting instability, Libya’s ranking deteriorated dramatically, reaching its lowest point in 2017, at 154th out of 163 countries, with a GPI score of 3.200, illustrating severe insecurity and conflict (Institute for Economics & Peace, 2017). Although some improvements have been noted recently, with Libya ranked 137th in 2023, its best ranking since 2014, the country remains among the least peaceful globally (Institute for Economics & Peace, 2023). This collapse and destabilization is a direct and predictable consequence of R2R’s failure to establish functioning security institutions and rule of law in the post-intervention period.

All things considered, it becomes evident that the population whose protection justified intervention is clearly less protected today. All indicators underline the profound disconnect between the principles of R2P and the actual outcomes of the intervention, highlighting a failure to provide long-term protection, lasting security, economic stability, or sustainable governance. Ultimately, it becomes evident that the Responsibility to Rebuild (R2R) has fundamentally failed in post-intervention Libya. International actors have prioritized short-term stabilization and symbolic political achievements over the more complex requirements of sustained development, grassroots reconciliation, and inclusive governance reforms.

The assessment of the international community’s rebuilding efforts, compared to the principles of the doctrine, reveals critical shortcomings. The Responsibility to Rebuild encompasses establishing stable governance, restoring economic systems, rebuilding infrastructure, facilitating national reconciliation, and creating inclusive political processes, all prerequisites for sustainable protection of populations. However, in the case of Libya, post-intervention reconstruction has largely deviated from these principles. Despite many international initiatives, the international approach frequently has fallen considerably short of its initial objectives and responsibilities. By deciding to intervene and remove Gaddafi, international actors have the moral obligation and the duty to ensure a viable alternative, yet their subsequent actions failed to adequately do so. While the immediate goal of protecting

civilians from mass atrocities during Gaddafi's regime was achieved, the broader objectives associated with R2P, in particular R2R, were clearly not met. Instead, Libya experienced intensified conflict, political fragmentation, widespread human rights abuses, and a persistent humanitarian crisis, ultimately questioning the efficacy and motives of the intervention.

The post-intervention reality in Libya provides clear indicators that the Responsibility to Protect (R2P) cannot be deemed successful due to the evident deterioration across economy, governance, and human rights. Given these reflections, it becomes clear that for R2P to retain its legitimacy, effectiveness, and relevance, critical reforms must be implemented.

CONCLUSION

*“At this time of extreme challenges,
we must not abandon the responsibility to protect
or leave it in a state of suspended animation,
finely articulated in words
but breached time and again in practice.”
Ban Ki-moon*

To appreciate the magnitude of progress in international law made in 2005, it is important to recall the long-standing norm of state sovereignty, which for centuries acted as a shield against external interference, even in the face of gross human rights violations. It was only after the repeated and painful failures of the international community to prevent atrocities that this assumption began to lose ground. The adoption of the Responsibility to Protect (R2P) in 2005 signified a historic shift: a global recognition that state sovereignty also implies a responsibility and duty to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

The Responsibility to Protect (R2P) has since emerged as a transformative framework in international relations, reshaping how the global community conceptualizes intervention in cases of mass atrocity. At its core, R2P is a global commitment to protect populations from the gravest human rights violations. As articulated in the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), R2P is structured around three interrelated pillars: the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. The report clearly emphasizes that “The responsibility to protect implies the responsibility not just to prevent and react, but to follow through and rebuild” (ICISS, 2001, p. 39). While the first two pillars have drawn the most attention, mostly due to their immediacy and visibility, the third pillar has remained under-developed, under-implemented, and under-studied. This neglect has significant grave consequences. When the rebuilding process is neglected or not planned, resourced, and coordinated properly, it risks undermining the entire intervention and long-term outcome, resulting in fragile or failed states, prone to renewed violence or prolonged instability (Bellamy, 2010; Weiss, 2014).

At the core of this affirmation, there was a series of questions guiding this research: **To what extent is the responsibility to rebuild implemented by the international community following an intervention? To what extent does the post intervention rebuilding process align with the measurement of R2P in the case of Libya? Can the intervention in Libya under R2P be deemed successful? How can R2P be reformed to ensure its effectiveness and sustain its relevance in the context of international relations?**

The aim of this research has been to critically examine the extent to which the Responsibility to Rebuild (R2R), as part of the third pillar of the Responsibility to Protect (R2P) doctrine, was effectively implemented in post-intervention Libya. The case of Libya is crucial in this context. It remains the first and only instance where the UN Security Council explicitly invoked R2P under Resolutions 1970 and 1973 to justify military intervention (United Nations Security Council, 2011, 2011a). The analysis was framed around its partial application, which has sparked concerns about the legitimacy, consistency, and unintended consequences of external interventions. While the military operations under NATO's Operation Unified Protector succeeded in suppressing the immediate threat to civilians, the absence of a coordinated, adequately resourced, and inclusive rebuilding strategy made the intervention incomplete. The Libyan case has become an example of both the potential of R2P in quick international action and its limitations, particularly the absence of a long-term commitment to rebuilding following an intervention (Hehir, 2013a; Thakur, 2013).

This research identifies three principal findings, each revealing a distinct but interconnected gap in the operationalization of the Responsibility to Rebuild (R2R):

The first and most central finding of this research is that the third pillar of R2P, the Responsibility to Rebuild (R2R), was largely absent and overlooked in post intervention Libya (Bellamy, 2021; Evans, 2011; Hehir, 2013; Thakur, 2013). While the international community acted rapidly under the first and second pillars of the Responsibility to Protect (R2P) in Libya, the implementation of the third pillar, the Responsibility to Rebuild, remained fragmented and short term (ibid). Under Pillar I, the Responsibility to Prevent, the United Nations Security Council adopted Resolution 1970 on 26 February 2011, imposing a comprehensive arms embargo, travel bans, and asset freezes on the Gaddafi regime (United

Nations, 2011b). These early measures aimed to de-escalate violence and limit the regime's ability to continue mass atrocities. The resolution also referred Libya to the International Criminal Court, marking a significant step in preventive justice mechanisms (International Criminal Court, n.d.). Additionally, the resolution called for freedom of media and access to information, aiming to counter state-controlled propaganda and prevent further violence through independent reporting (United Nations, 2011b; International Federation of Journalists, 2011).

Under Pillar II, the Responsibility to Protect, UNSC Resolution 1973 authorized "all necessary measures" to protect civilians, leading to the launch of a NATO-led military campaign, Operation Unified Protector (United Nations Security Council, 2011). This intervention included enforcement of a no-fly zone, airstrikes against Gaddafi's military infrastructure, and maritime operations to implement the arms embargo (NATO, 2011c; NATO, 2011d; Human Rights Watch, 2012). While NATO's military operations succeeded in preventing large-scale violence against civilians, the overall conduct of the intervention (including the intensity of the military campaign, the targeting of regime infrastructure, the extrajudicial killing of Gaddafi, and the rapid withdrawal of international actors) drew growing criticism. The mission appeared to move beyond civilian protection toward regime change, without ensuring a viable post-conflict transition, raising concerns about the selective and inconsistent application of R2P (Bellamy, 2012a; Human Rights Watch, 2012; Nahlawi, 2019; Thakur, 2016).

Although international and domestic efforts emerged in the aftermath of Gaddafi's fall, they were often short term, fragmented, and lacked an overarching strategic framework (Kuperman, 2013; Chorin, 2013; Pack & Barfi, 2012). The United Nations Support Mission in Libya (UNSMIL) was tasked with supporting political transition, human rights, and democratic governance (United Nations Security Council, 2011e). One of its flagship contributions was the facilitation of the Libyan Political Agreement and the formation of the Government of National Accord (GNA) through the Skhirat Agreement in 2015 (United Nations Security Council, 2015). However, these efforts were widely criticized for being top-down and externally imposed, with limited engagement from Libyan civil society and key political factions (International Crisis Group, 2016; Orford, 2011). As a result, the agreement

failed to unify rival governments (Eljarh, 2021). Despite UNSMIL's establishment and continued UNSC mandate extensions, the period 2014 to 2025 demonstrates that institutional renewal does not mean R2R success, but institutional acknowledgment that reconstruction failed, evident in Libya's deteriorating situation.

Parallel initiatives under the UN Peacebuilding Architecture, such as the *Joint Civic Education and Dialogue Project* (2012), initially succeeded in mobilizing voter turnout in Libya's first democratic elections (United Nations Peacebuilding Fund, 2013). However, voter participation rapidly declined in the following elections, reflecting breaking public trust in state institutions amid ongoing conflict (Carter Center, 2014; Fishman, 2018). Likewise, the UNDP Stabilization Facility for Libya, launched in 2016, delivered tangible infrastructural rehabilitation (United Nations Development Programme [UNDP], 2018; Arab Urban Development Institute, n.d.); yet it appears to prioritize short-term visibility over sustainable governance reform (United Nations Economic and Social Commission for Western Asia [UNESCWA], 2021; UNDP, 2019a).

Other rebuilding initiatives included sixty security council resolutions between 2011 and 2026; however, these resolutions primarily renewed mandates and extended sanctions, with each renewal acknowledging that fourteen years post-intervention, Libya remains unstable and reconstruction incomplete. Similarly, while community-based psychosocial support programs were implemented by the International Organization for Migration (IOM) to address war trauma, and municipal councils undertook local governance efforts to restore essential services, these initiatives remained fragmented, underfunded, and disconnected from any comprehensive national reconstruction strategy (Security Council reports, 2026; International Organization for Migration, 2023; International Crisis Group, 2021). It is evident that the efforts of the international community lacked coherence, coordination, and long-term strategic vision resulting in rebuilding initiatives often overlapping, contradicting one another, or failing to address core issues such as armed group proliferation, transitional justice, and institutional fragmentation (Hehir, 2013; Lacher, 2023; Clingendael Institute, 2017; Thakur, 2013; Evans, 2012). As Thakur (2011a) noted, "the ruins of Libya's political infrastructure and parlous state of its coffers mean that the international responsibility to

rebuild will also come into play”; yet, in practice, that responsibility was only partially fulfilled.

The Libyan experience thus illustrates a fundamental imbalance in the implementation of R2P: while the first two pillars were enacted swiftly and with significant resources, the third pillar lacked comparable political will and institutional commitment.

A second key finding of this research highlights the theoretical weaknesses within the Responsibility to Rebuild (R2R) framework itself. Indeed, despite the ICISS (2001) report outlined a comprehensive post-conflict vision; such as peacebuilding, rebuilding state institutions, disarmament, demobilization and reintegration (DDR), justice and reconciliation, transfer of authority, development, and exit strategy; there remains no concrete and dedicated institutional mechanism within the UN system tasked specifically with clear guidance of implementing R2R (Bellamy, 2009; Weiss & Kuele, 2011). The absence of structural clarity leaves a dangerous vacuum of responsibility, making post-intervention contexts like Libya vulnerable to neglect, political will, and institutional incoherence (Hehir, 2011; Lacher, 2020; International Crisis Group, 2021a; Wehrey, 2018). No body or coalition assumed ownership of the rebuilding process in Libya, significantly undermining R2P’s credibility (Mezran & Varvelli, 2023; Kuperman, 2015a; International Crisis Group, 2021a; Wehrey, 2018). Instead, rebuilding efforts remained short lived and largely externally driven, with weak coordination among international actors and minimal involvement of Libyan stakeholders (Evans, 2008; Kuperman, 2013; Lacher, 2020; Hammady, 2022; United Nations Peacebuilding Fund, 2013a).

The third major finding highlights the tension between humanitarian discourse and strategic interest. The Libyan case illustrates this contradiction clearly. While the international community framed its actions as a moral duty to protect civilians, the implementation of the mission and its aftermath suggest a stronger alignment with realist priorities centered around national interest, particularly in relation to energy security, migration control, and regional influence (Campbell, 2013; Mann, 2012; Kuperman, 2013). By ending its mission soon after Gaddafi’s fall, NATO (and more broadly, the international community) demonstrated a clear reluctance to engage in long-term peacebuilding, reflecting concerns over political costs and

strategic disinterest in sustained reconstruction (Chorin, 2013; Kuperman, 2013; Pack & Barfi, 2012).

While realism helps explain the material motivations behind the intervention in Libya, constructivism provides an important lens through which to interpret the normative language of moral obligation used for the implementation of R2P. In the case of Libya, the discourse, socially constructed around humanitarian protection, was important to build international consensus and legitimize the military action. The portrayal of Gaddafi's regime as a threat to shared moral values, to "our common humanity", and the invocation of R2P as an ethical obligation, played a key role in justifying intervention, even among actors with different geopolitical goals (United Nations Security Council, 2011b; Campbell, 2013; Mann, 2012; Thakur, 2016). However, the rapid shift from civilian protection to regime change, without a meaningful commitment to rebuilding, demonstrates how such normative claims can be selectively applied and easily abandoned when they no longer serve political interests of powerful states, reflecting the instrumentalization of humanitarian norms for strategic gain (Finnemore & Sikkink, 1998; Kuperman, 2013; Nahlawi, 2019).

Third World Approaches to International Law (TWAIL) perspective adds a critical dimension to how such interventions reproduce colonial hierarchies. They challenge the supposed neutrality of international law and reveal how humanitarian norms, such as R2P, have often been applied in ways that maintain the dominance of powerful Western states over formerly colonized regions (Anghie, 2005; Nesiha, 2004). This marginalization was anticipated in scholarly analysis. Examination of R2P's application in Libya reveals that intervention decisions correlate more closely with the strategic interests of intervening powers than with the severity of humanitarian crises. This dynamic was visible in the marginalization of regional actors, particularly the African Union, whose mediation efforts were quickly marginalized in favor of NATO-led military solutions (African Union, 2011; Nahlawi, 2019; Campbell, 2013; Mbeki, 2011). Such behavior reveals how decision-making is concentrated in the hands of a few dominant powers, leaving regional perspectives peripheral even in interventions that directly concern them (Nahlawi, 2019). Rapid transition from military action to political disengagement highlighted the absence of a sincere commitment to post-conflict recovery, exposing the institutionalized hierarchy that places

the priorities of Western states above the lived realities of actors in the Global South (Hay et al., 2020). TWAIL reveals how R2P remains a tool of influence and neo-colonialism deployed by powerful states to less powerful ones, according to geopolitical convenience, reproducing neo-imperial patterns (Nesiah, 2004; Anghie, 2005, 2006; Hay et al., 2020).

The Libyan intervention marked a defining moment for the Responsibility to Protect (R2P), not only because it was the first case where the Security Council explicitly invoked the principle, but also because it exposed serious divisions in how the international community understands and agrees on its application. While R2P's emergence in 2005 was initially celebrated as a milestone in the evolution of international law, it has been increasingly questioned since its inconsistent implementation in Libya. As shown in this study, Libya's ongoing fragmentation, fragile institutions, and enduring insecurity affirms the dangers of short-term engagement (Kuperman, 2013; Lacher, 2020; Mezran & Varvelli, 2023; Hehir, 2013; International Crisis Group, 2021a).

Indeed, more than a decade after the intervention, Libya remains fragmented and unstable, shaped by unresolved conflict and weak governance. Economically, Libya's persistent instability and fluctuating oil production have undermined its financial recovery, with GDP contracting significantly from pre-2011 levels and unemployment rates sharply increasing (World Bank, 2021a; IMF, 2015c). Politically, the fall of Gaddafi's regime has given rise to intense fragmentation, competition between rival governments, and a power vacuum exploited by militias and external actors, making it extremely difficult to establish stable and effective governance that meets the needs of the Libyan people (Wehrey, 2020; Freedom House, 2023). The human rights landscape has likewise deteriorated, characterized by escalating violations, arbitrary arrests, extrajudicial killings, suppression of media freedom, and rampant human trafficking facilitated by the prevailing insecurity and non-existent accountability (OHCHR, 2023; Amnesty International, 2021; Reporters Without Borders, 2022). These realities reveal that the absence of a coherent, inclusive, and well-structured rebuilding strategy continues to block meaningful progress toward peace, justice, and long-term development and democratic transition.

It must be noted, however, that this critique is not meant to invalidate the need for humanitarian intervention per se or the failure of the Responsibility to Protect (R2P) as a

whole, but rather to expose the contradiction between its stated humanitarian goals and its inconsistent and politicized application. As a relatively recent doctrine, R2P remains a work in progress, with scope for improvement, particularly in its third pillar. It is also important to acknowledge the limitations of this study. It is a single-case study of post-intervention dynamics in Libya, therefore limiting the generalizability of its conclusions. Additionally, the security context restricts access to primary fieldwork or stakeholder interviews, resulting in a dependence on secondary sources that may carry institutional biases. Furthermore, gaps in data, due to a lack of transparency, an absence of coherent governance, and fragmented reporting, limits comprehensive analysis. The indicators used each offer only a partial view of the post-intervention context; however, their combined application allows for a more balanced and multi-dimensional understanding. Finally, the analysis of this dissertation is based on a particular moment in time and ongoing political instability in Libya may affect the future relevance of some of this study's findings.

Acknowledging these limitations also opens several doors for further research. First, comparative case studies are needed to assess how the Responsibility to Rebuild has been interpreted, implemented, or neglected in other R2P contexts beyond Libya. Such research could help determine whether the Libyan experience reflects a unique case of failure or a pattern in the doctrine's implementation. Second, there remains a critical need to investigate local perceptions of international rebuilding efforts, particularly among Libyan civil society, municipal institutions, and displaced populations, whose perceptions remain largely absent from global policy debates. Third, future research could explore how the third pillar of R2P might be developed further within broader peacebuilding, transitional justice, or postcolonial frameworks. This could help make the concept of R2R more grounded and relevant by connecting it to wider debates in peacebuilding, transitional justice, and postcolonial studies.

Beyond academic inquiry, the Libyan case also offers important lessons for policymakers and international actors engaging with R2P in practice. Although R2P continued to be referenced in later crises, the Libyan case significantly undermined consensus on its military intervention. The widespread perception that R2P was used as a façade for regime change deepened mistrust among the international community, limiting the doctrine's credibility and future applicability (Gifkins, 2016; Simonsen, 2016). This has raised calls to clarify R2P's

legal and operational obligations to ensure that future interventions are followed by collective responsibility and long-term commitment to peacebuilding (Weiss & Kuele, 2011; Bellamy, 2009a; Thakur, 2013).

6.1 THE PATH TO REFORM

That being said, the future of R2P depends not only on its humanitarian values, but on how consistently and comprehensively it is applied. Selective enforcement and the neglect of post-intervention responsibilities continue to undermine both its legitimacy and effectiveness.

The following recommendations aim at *“Rethinking the Responsibility to Rebuild”* as the title of this thesis states, in light of the Libyan experience based on the case study findings, offering ways to strengthen its foundations and ensure its relevance in future interventions:

6.1.1 Institutional and Security Reconstruction

- Establishing functional security institutions is not merely one component of reconstruction, it is the prerequisite for all other rebuilding efforts. Without legitimate state security forces capable of maintaining order and protecting civilians, infrastructure projects are repeatedly destroyed or seized, governance institutions operate under militia control, and economic reconstruction undermined as instability discourages investment. Security sector reform must therefore be the first priority of R2R implementation, as all subsequent reconstruction depends on it.

- The international community’s failure to prioritize security sector reform created a vacuum filled by militias rather than state institutions. Effective reconstruction requires immediate establishment of legitimate, civilian-controlled security forces through trainings and integration programs that build national rather than factional loyalty. Judicial institutions must be rebuilt simultaneously, courts, prosecutors, and legal frameworks, to provide accountability mechanisms that prevent security forces from operating as militia proxies. Libya’s experience shows that without functioning rule of law institutions, any ‘security’ apparatus becomes another armed faction. International actors must support the creation of professional police forces, national military structures subordinate to civilian authority, and independent judicial systems capable of prosecuting militia crimes, all developed through Libyan-led processes that ensure local legitimacy and tribal inclusion.

- The contradictory use of militias as both partners and targets of disarmament undermined legitimacy and reinforced parallel power structures into Libya's political and economic landscape. Relying on non-state armed groups for immediate security gains normalized their role in governance and complicated future efforts to establish state authority. To avoid repeating this mistake, international actors must refuse to subcontract security functions to militias, even temporarily. Security Council mandates must explicitly prohibit recognition of or cooperation with non-state armed groups in any security capacity, and reconstruction funding should be conditional on governments demonstrating progress toward militia disarmament and state monopoly over legitimate force.

- Disarmament and reintegration efforts were fragmented (Wehrey, 2012). Crucially, militias were not effectively disarmed, allowing them to retain control of weapons and territory, further expanding arms proliferation and therefore the cycle of violence. Future rebuilding efforts must establish locally legitimate frameworks that recognize tribal dynamics. Disarmament must be part of a nationally coordinated, transparent process, designed in consultation with tribal leaders, municipal councils, and civil society actors. Reintegration should not stop at weapons collection; it must offer credible social and economic alternatives to ex-combatants, including vocational training, education, and employment in public infrastructure or local development initiatives. International actors should provide technical and financial support, but Libyan ownership of the process is essential to ensure legitimacy and sustainability.

6.1.2 Economic Reconstruction and Development

- Sanctions regimes must be designed to target perpetrators without punishing populations. When sanctions are imposed during or after interventions, they often deepen economic fragmentation and weaken the very state institutions reconstruction aims to build. International actors should establish systematic review mechanisms that assess sanctions' humanitarian impact and adjust them based on measurable recovery milestones. Blanket sanctions that block reconstruction financing or prevent economic activity undermine R2R objectives and should be replaced with targeted measures against specific actors responsible for violence or corruption.

- Youth exclusion from reconstruction processes led to rising unemployment and social disillusionment. Targeted youth employment initiatives should be developed in high-potential sectors like renewable energy, infrastructure, agriculture, tech, and digital innovation, going hand in hand with the national economic recovery plans.
- Attracting investment requires more than declaring markets “open for business”; it demands establishing the security, legal, and institutional foundations that make investment viable. Investors need assurance that their assets will not be seized by armed groups, that contracts will be enforced through functioning courts, and that corruption will not render business operations impossible. R2R frameworks must support creation of transparent regulatory systems, independent commercial courts with enforcement capacity, investment protection mechanisms, and genuinely empowered anti-corruption institutions. Without these foundations, no amount of investment promotion will succeed.
- Economic reconstruction cannot rely on a single resource sector; therefore, diversification must begin immediately. Post-conflict economies typically depend heavily on one industry, whether oil, minerals, or agriculture, leaving them vulnerable to price fluctuation and production disruptions. R2R implementation should prioritize simultaneous investment across multiple sectors such as agriculture, manufacturing, renewable energy, tourism, technology, etc. International actors should provide long-term technical assistance and seed funding, while ensuring that diversification strategies emerge from consultation with local stakeholders rather than imposed templates.
- The centralization of oil revenues deepened rivalries in the Libyan society. Revenue-sharing must be decentralized and governed through transparent centralized mechanisms, developed in consultation with local stakeholders and monitored by independent Libyan oversight bodies to ensure equity and prevent renewed tensions.
- Resource revenue management must balance national needs with regional equity. In countries where natural resources dominate the economy, centralized control over revenues frequently becomes a source of conflict, particularly when certain regions host extraction sites but receive minimal benefit. R2R should establish transparent revenue allocation

mechanisms developed through inclusive dialogue with affected communities, constitutional protections against political manipulation of resource funds, and independent oversight to ensure equitable distribution.

6.1.3 Transitional Justice and Legal Accountability

- Accountability for past atrocities cannot be postponed; it must be central to reconstruction efforts. A credible transitional justice strategy must include legal procedures to investigate and prosecute crimes violations. Despite widespread documentation of abuses under the Gaddafi regime, including torture, forced disappearances, and systemic repression, many perpetrators have never been held accountable. Even worse, they hold positions of power and control. R2R frameworks must establish credible investigation and prosecution mechanisms that address both pre-intervention abuses and violations committed during and after conflict. Without accountability, societies cannot achieve genuine reconciliation, and the message sent is that violence carries no consequences.
- Law 38/2012 provided “blanket immunity” for acts committed in support of the 2011 revolution, including war crimes and serious violations of international law, therefore protecting militias from prosecution and reinforcing a perception of selective justice (HRW, 2014; ICISS, 2001). This legal provision should be replaced with a framework that guarantees equal accountabilities for all crimes. Accountability mechanisms must be independent, transparent, and recognized as legitimate by both victims and communities.
- Transitional justice in Libya has often been shaped by political agendas, not including many communities and reinforcing perceptions of selective accountability. To address this, a national strategy should prioritize inclusive, community-led initiatives and reconciliation processes rooted in local customs and legal practices. These measures must be designed with the active involvement of affected communities to ensure legitimacy, build public trust, and avoid replicating externally imposed solutions that lack cultural sensitivity.

6.1.4 Local Legitimacy, Inclusion, and Social Reconciliation

- The externally imposed Skhirat Agreement excluded critical local stakeholders, undermining legitimacy and deepening divisions. Future peacebuilding frameworks must

be anchored in locally driven consultations that involve tribal leaders, municipal councils, women's networks, youth representatives, and displaced populations. These frameworks should not merely seek input from local actors but actively transfer ownership of the process, ensuring that dialogue outcomes reflect Libya's decentralized governance structures and diverse identities.

- Prioritize local engagement through initiatives such as community-led healing processes that reflect regional histories and cultural practices to rebuild trust and foster genuine healing, reconciliation. Traditional reconciliation forums and tribal mediation councils should also be formally recognized and integrated into national peacebuilding frameworks. These mechanisms have deep social legitimacy and, if properly resourced and protected from political manipulation or militia influence, can play a powerful role in bridging community divides and rebuilding social cohesion.
- Integrate reconciliation into education and media to promote historical understanding, tolerance, and inclusive citizenship.
- Ensure reconciliation complements transitional justice without substituting legal accountability but rather complementing it. Victims must have access to justice, while restorative approaches like community service, public confessions, or symbolic reparations can help reintegrate low-level perpetrators and rebuild broken relationships.
- Invest in memorialization and public recognition of suffering by creating public memorials, archives, and remembrance initiatives that honor victims and acknowledge past injustices. Symbolic acts, such as state apologies and official commemorations, are essential to rebuild trust and affirm a shared national identity rooted in dignity and recognition. Genuine reconciliation emerges from processes where harm is acknowledged, responsibility accepted, and meaningful steps taken toward repair.

6.1.5 International Responsibility and Strategic Commitment

- International actors disengaged quickly, leaving Libya without the long-term support needed to stabilize and rebuild its institutions. Future interventions must include binding political and operational commitments to post-conflict engagement lasting at least ten

years. This support should include predictable multi-year funding, long-term diplomatic presence, and structured technical assistance focused on institutional development, security sector reform, and inclusive governance. These commitments must be formalized through Security Council resolutions before intervention authorization, specifying which actors bear responsibility for which reconstruction tasks, establishing monitoring mechanisms with consequences for non-compliance, and ensuring local stakeholder participation in oversight.

- Crucially, while R2P articulates a shared international duty to prevent, protect, and rebuild, it fails to clearly assign responsibility for post-intervention. This ambiguity weakens the doctrine's credibility and allows key actors to disengage without consequence. In contexts like Libya, states that led or authorized military intervention must bear primary and binding responsibility and obligation for long-term rebuilding efforts (Weiss & Kuele, 2011; Kuperman, 2013; Hehir, 2013). This should include legal commitments to sustained post-conflict support, predictable funding for reconstruction, and active diplomatic engagement aimed at institutional reform and national reconciliation.
- The lack of coordination among external actors created overlapping mandates, rival initiatives, and political fragmentation on the ground. A single, unified, and neutral international coordination mechanism, formally endorsed by Libyan authorities, should be established to align donor strategies, clarify roles, and ensure that international efforts are coherent, inclusive, and responsive to local needs. Such mechanisms would also help reduce geopolitical competition and proxy dynamics.
- The fragmented and often competing agendas of international and regional actors in Libya revealed the absence of a coherent partnership model for intervention and post-conflict reconstruction. Regional organizations often possess deeper contextual knowledge and proximity; therefore, international actors should empower regional organizations through structured partnerships that acknowledge and build on regional expertise and legitimacy. UN-regional partnerships should be institutionalized through memoranda of understanding that clarify shared responsibilities for post-conflict rebuilding and the deployment of technical and logistical capacity.

- The UN Peacebuilding Commission should be expanded and mandated to take a more proactive role in overseeing Pillar III implementation across UN agencies, regional organizations, and field missions. A strengthened Peacebuilding Commission could provide strategic direction, promote coherence among actors, and ensure early planning is tied to long-term commitments for post-conflict recovery.

- To address political paralysis in the face of crimes against humanity, war crimes, and other mass atrocity situations, particularly within the UN Security Council, member states should adopt a policy of voluntary veto restraint (Nahlawi, 2020). When consensus cannot be reached due to the use of veto power, in the face of crimes against humanity, war crimes, and other mass atrocity situations, the General Assembly’s “Uniting for Peace” mechanism should be referred to as a practical tool to uphold collective responsibility and ensure timely international action. Although such mechanisms are more related to the context of prevention and protection, they are equally relevant to rebuilding. Quick and coordinated action can significantly reduce the scale of destruction, therefore reducing damage and easing the burden of post-conflict recovery.

6.1.6 R2P Normative Reform

- Pillar III of R2P remains vague and unenforceable (Nahlawi, 2020). To transform R2R into an operational framework, it must be codified through a dedicated UN General Assembly resolution or, preferably, a treaty-based legal instrument that establishes clear, enforceable post-conflict and post-intervention responsibilities. This codification must specify: (1) mandatory funding mechanisms with assessed contributions from intervening states proportional to their military involvement, (2) explicitly assigned institutional responsibilities designating which UN agencies, regional organizations, or lead states bear accountability for specific reconstruction tasks, (3) measurable implementation benchmarks with defined timelines against which progress can be objectively assessed, and (4) enforcement mechanisms including Security Council review procedures and consequences for states that authorize intervention but abandon reconstruction obligations.

6.1.7 Follow-up Mechanisms

- Post-intervention commitments were not monitored nor enforced. R2P interventions currently lack systematic mechanisms to monitor whether reconstruction obligations are fulfilled or not. The international community must recognize that follow-up is a core responsibility. If protection justifies intervention, sustained commitment to reconstruction is the moral obligation that follows. The principle of responsibility extends through the entire reconstruction period required. Follow-up mechanisms institutionalize this moral obligation.
- A dedicated oversight mechanism should be created to track rebuilding progress, with annual reports to UN bodies and regular input from Libyan civil society. The creation of a new UN Special Rapporteur on Post-Conflict Responsibility could provide a concrete institutional mechanism to monitor whether intervening states meet their rebuilding obligations. Unlike existing rapporteurs whose mandates are to address broad human rights or transitional justice concerns, this role would be specifically tasked with tracking post-intervention commitments, particularly those tied to the third pillar of R2P. Such oversight has also been advocated by scholars who emphasize the need for institutional mechanisms to prevent the misuse of Pillar III mandates and ensure long-term follow-up commitments (Bellamy, 2011a; Thakur, 2011a). It would ensure regular public reporting to UN bodies, offer recommendations for compliance, and serve as a point of accountability for states and institutions involved in post-conflict recovery. Establishing such a mandate would help bridge the current implementation gap and restore credibility to the principle of collective responsibility.
- Monitoring mechanisms must also include meaningful participation from affected populations through regular civil society consultation, community-level monitoring, and accessible complaint procedures. Oversight that excludes those it claims to serve lacks legitimacy and misses crucial information about reconstruction effectiveness.
- Reconstruction assessments must employ transparent, verifiable metrics based on outcomes rather than inputs. These concrete measures, assessed through independent verification rather than self-reporting, provide honest evaluation of whether R2R obligations are being met.

This dissertation is grounded in the conviction that the Responsibility to Protect (R2P) cannot be meaningfully upheld unless its three pillars, Prevention, Protection, and Rebuilding, are implemented as a coherent whole. The Libyan case offers a clear example of the long-term consequences of neglecting the last pillar. Without a coherent, inclusive, and adequately resourced commitment to post-conflict reconstruction, the Responsibility to Rebuild will continue to compromise both the long-term effectiveness, credibility, and future of the doctrine in responding to mass atrocities.

The challenge, then, is not whether the R2P framework is still relevant, but whether it is implemented in full, including a meaningful commitment to post-intervention rebuilding. A protection doctrine cannot claim legitimacy if it leaves the affected population worse off than before it was put into practice.

Ultimately, this research has been driven by a deep conviction that post-intervention responsibility must be recognized as an ethical binding obligation, not a political choice. While R2R currently lacks binding mechanisms, the consequences of its neglect in Libya demonstrate why it must evolve from emerging norm to enforceable commitment with institutional accountability. In international relations, the Responsibility to Protect (R2P) is more than just a doctrine; it is a reflection of our common humanity and shared responsibility. This belief has shaped the direction of this dissertation and will continue to guide my work in the years to come because people deserve more than we, collectively, have the courage to give and do.

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