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Paul Tang Abomo
Loyola University Chicago

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LOYOLA UNIVERSITY CHICAGO

THE RESPONSIBILITY TO PROTECT (R2P)
AND UNITED STATES INTERVENTION
IN THE LIBYAN CIVIL WAR (2011)

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN POLITICAL SCIENCE

BY

PAUL E. TANG ABOMO

CHICAGO, IL

DECEMBER 2016

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For my brother Armand T. Mvogo Abomo
For all the fights fought together

TABLE OF CONTENTS

ACKNOWLEDGMENTS	iii
LIST OF TABLES	xi
ABSTRACT	xii
CHAPTER 1: UNDERSTANDING THE PUZZLE OF U.S. INTERVENTION IN THE LIBYAN CIVIL WAR	1
R2P: The History of a Growing Norm	3
Historical Background	3
A New Understanding of Sovereignty	9
A New Understanding of Security	12
The Adoption of R2P	15
The Content of R2P	17
The Responsibility to Prevent	17
The Responsibility to React	22
The Responsibility to Rebuild	24
The Scope and Enforcement	28
Libya as the First Case of Intervention under the Banner of R2P	30
The Structure of the Dissertation	34
CHAPTER 2: COMPETING EXPLANATIONS AND CONSTRUCTIVIST THEORY AND METHODS	38
U.S. Intervention in Libya: Competing Explanations	40
The President's Political Ideology	40
Geostrategic and Oil Interests	42
Compliance with its Obligation as a Member of the United Nations	47
Bureaucratic Politics	50
Role of Constructivism in Formulating an Alternative Explanation	52
The Constructivist Challenge	53
Ideas and material capabilities	55
Collective meanings and identities	58
Norms, shared values and the use of force	59
Between the logic of appropriateness and the logic of consequences	61
The Agent-Structure Problem	63
Norms and Strategic Behavior	68
Method	71
Operationalizing R2P	73
The Responsibility to Prevent (ICISS 2001, 24-29, 31)	74
The Responsibility to React (ICISS 2001, 30-33)	75
The Responsibility to Rebuild (ICISS 2001, 39-43).	76
Sources	77

CHAPTER 3: EVOLUTION OF R2P IN THE CONTEXT OF U.S. FOREIGN POLICY TOWARD AFRICA	80
U.S.-Africa Relations Pre-Second World War	81
The Cold War Era (1945-1989)	84
The Apartheid Regime	87
Post-Cold War Era (1989-2001)	93
Somalia and Operation Restore Hope	95
The Rwandan Genocide	103
The Post-9/11 Era (2001-2011)	111
The Genocide in Darfur	114
Conclusion	123
CHAPTER 4: HISTORICAL CONTEXT OF U.S.-LIBYAN RELATIONS (PRIOR TO 2011)	126
The Period Before the Second World War	127
The Cold War Period	128
Qaddafi and the New Revolutionary Ideology	130
Foreign Policy towards Libya under Qaddafi	134
From 1969 to 1976	134
The Carter administration (1977-1981)	139
The Reagan administration (1981-1989)	142
The Period between the End of the Cold War and the 9/11 Attacks	149
The First Bush Administration (1989-1993)	150
The Clinton Administration (1993 - 2001)	154
After 9/11	159
Conclusion	165
CHAPTER 5: R2P NORM OF “PREVENTION” IN U.S. FOREIGN POLICY TOWARD THE LIBYAN CIVIL WAR	169
The Uprising	169
Death Casualties	172
Libyan Regime Genocidal Rhetoric	177
Condemnations and Defections	179
The U.S. First Reaction	181
Assessing the Responsibility to Prevent Criteria	182
Political and Diplomatic Strategies	183
Threat of political sanctions	183
Preventive diplomacy	184
Withdrawal of diplomatic recognition	185
Expulsion from international organizations	187
Public condemnation in international forums (Naming and Shaming)	189
Travel bans for influential individuals	190
Threat of international criminal prosecution	191
Economic and Social Strategies	192
Assets freezing and targeted economic sanctions	192
Legal Strategies	195

Facilitation of avenues for direct legal resolution of disputes	195
Security Strategies	196
Preventive military deployment or gunboat diplomacy	196
Threat of arms embargo	198
Qaddafi's Response	199
Conclusion	202
CHAPTER 6: R2P NORM OF "REACTION" AND U.S. FOREIGN POLICY	
TOWARD THE LIBYAN CIVIL WAR	203
U.S. Administration Internal Debate	203
National Intelligence Director James Clapper's Assessment	211
The Role of the "Dream Team"	213
The International Coalition	218
The UN Security Council Debate	221
R2P as The Official Justification for U.S. Intervention	228
Libya's Non Compliance with U.S. Ultimatum	230
Operation Odyssey Dawn and the Conduct of the Military Operation	231
Assessing the Responsibility to React Criteria	235
Political and Diplomatic Strategies	236
Diplomatic peacekeeping	236
Economic Strategies and Legal Strategies	238
Arrest, trial, and proper punishment in competent courts	238
Military Strategies	240
Effective force on the ground	240
Bombing campaign and arms embargo patrolling	240
No-fly zone and jamming of radio frequencies	241
Peacekeeping for civilian population protection	242
The Transition from Operation Odyssey Dawn to Operation Unified Protector	246
NATO Confusion	247
NATO's Illegal Expansion of UN Security Council Mandate	250
The Goal of the Mission: R2P or Regime Change?	254
Conclusion	268
CHAPTER 7: R2P NORM OF "REBUILDING" AND U.S. FOREIGN POLICY	
TOWARD THE LIBYAN CIVIL WAR	270
U.S. Relations with the Libyan Opposition	271
U.S. Support Mission during the War	271
Unfreezing the Assets	272
Lifting Economic Sanctions	275
TNC Diplomatic Activities	275
Libya's Internal Challenges	278
Political Infighting	278
Emergence of Islamism	280
Militias and Weapons Proliferation	282
A Failed Justice System	284
A Fractured Country	286

Election Hopes Dashed Away	291
Lost Opportunity for the U.S.	292
Assessing the Responsibility to Rebuild Criteria	293
Social and Economic Strategies	293
International post conflict advisers	293
Economic Investment Increase	296
Visits, Meetings and Promises	297
Conclusion	298
CHAPTER 8: GENERAL CONCLUSION: SUGGESTED DIRECTIONS FOR FURTHER RESEARCH AND POLICY DEVELOPMENT	300
BIBLIOGRAPHY	317
VITA	360

LIST OF TABLES

Table 1. List of the Responsibility to Prevent criteria.	198
Table 2. List of the Responsibility to React criteria.	245
Table 3. List of the Responsibility to Rebuild criteria.	296
Table 4. Synopsis table.	311

ABSTRACT

On April 6, 1994, Rwandan president Juvenal Habyarimana's plane was shot down. Soon after, there were reports that massive ethnic-based violence was unfolding, and the only way to stop it was the presence of an outside military force. The Clinton administration knew Rwanda was being engulfed by genocide but ignored the information to justify its inaction. Seventeen years later, on 15 February 2011, the arrest of Mr. Fathi Terbil, a well-known lawyer and human rights defender by the Libyan internal security forces (Jihaz al-Amn al-Dakhili) sparked a mass protest in Benghazi, Libya. When demonstrations began the Gaddafi government responded with systematic attacks by air and ground forces against peaceful protesters. In a speech, Gaddafi promised to chase down the protesters and cleanse the country "house by house." The U.S. intervened in a NATO-led military intervention to prevent government forces loyal to Gaddafi from committing large-scale killings against their own people. In a dramatic change from U.S. foreign policy in 1994, the U.S.-led NATO coalition orchestrated the overthrow of the Gaddafi regime. What does explain this change in foreign policy behavior, from inaction to military intervention? Why did the U.S. intervene in Libya?

My hypothesis is that the driving force behind U.S. intervention in the Libyan civil war was the "Responsibility to Protect" the Libyan people. The purpose of this dissertation is to assess the degree to which the evolving norm of the Responsibility to Protect (R2P) affected the U.S. response to mass killings and military intervention in

Libya in 2011. R2P is not a formula for military intervention per se. It is a continuum that encompasses a range of responses that include early warning, prevention, and post-conflict reconstruction. Recourse to armed intervention comes only as a last resort. At the core of this norm is the presumption that individuals have rights that trump states' claims to immunity against external interference.

To further assess the role of R2P in the decision-making process, I used a detailed narrative to chronicle the facts and events from the beginning of the uprising in mid-February through the election of the General National Congress, the political body that was supposed to usher in a new era of freedom in the country. I consulted relevant publicly available U.S. government documents including Executive Orders, White House Letters and Press Releases, speeches, Congressional letters, transcripts from hearings of the House and Senate Committees and Subcommittees, U.N. Security Council reports, U.N. Human Rights Council reports, International Criminal Court reports, and U.N. General Assembly reports. I also used secondary scholarly literature such as academic research, articles, books, memoirs, media coverage and news reports, especially The New York Times, The Washington Post, Reuters, CNN, Time, etc. I was fortunate to secure interviews with General Carter Ham, U.S. four-star General and Commander of Operation 'Odyssey Dawn' the code name of U.S. intervention in Libya.

The finding of this study is that U.S. decision to act was prompted by the quickly deteriorating situation on the ground, the call by the Arab League and the African Union, and, most decisively, internal pressure from the 'dream team' of genocide prevention – Samantha Power, Susan Rice, and Hilary Clinton. Samantha Power is an avid R2P

advocate; her book on the issue, *A Problem from Hell*, so affected Obama that he invited her to join his Senate staff as foreign policy fellow. She also briefly served in his campaign foreign-policy brain trust. She was the first to suggest military intervention to prevent humanitarian atrocities in Libya. After being part a member of Bill Clinton's National Security Team when it failed to stop the Rwandan genocide in 1994, Susan Rice strongly endorsed R2P in 2009. She later expressed regret for not doing enough to prevent the Rwandan genocide. During her presidential campaign, Hillary Clinton promised to implement R2P and make genocide prevention one of the principles of her foreign policy. The three women were joined by Senator John Kerry who said that “the memory of Rwanda, alongside Iraq in '91, made it clear” that the United had to act in conjunction with the international community; by Senator Joseph Lieberman, a Connecticut independent, and Senator John McCain, Republican of Arizona. Furthermore, Qaddafi’s bloodthirsty rhetoric, the support of the Arab League, and NATO’s commitment to act convinced the President that the United States had to act to protect civilians and prevent mass atrocities in Benghazi.

The empirical part of this research shows that the Responsibility to Protect (R2P) the Libyan people played an important role in the U.S. decision to act. The language of the deliberation was framed in R2P terms. Over and over again, the stated goal within both the U.S. government and the United Nations was the protection of the Libyan population against the threat of mass extermination at the hands of their own government. And this was not just a mere rhetorical device to address an important security issue. R2P was operative right from the early stages of the conflict. Recourse to military intervention

came only as a last resort when all the preventive means had been exhausted. The initial U.S.-led operation achieved its goals of stopping Qaddafi's forces from recapturing Benghazi and preventing a potential genocide. But a few days into the operations, there was a shift of language towards regime change. This was compounded by NATO's illegal expansion of UNSCR 1973 on the battlefield. This blurred the full implementation of the Responsibility to Rebuild, the third aspect of R2P.

At the outset, the goal of the military intervention was clear, the protection of civilians and the implementation of UN Security Council Resolution 1973. President Obama himself reaffirmed that the U.S. would "not go beyond a well-defined goal – specifically, the protection of civilians in Libya." But as the events unfolded, there was a shift in language about the goal of the mission. U.S. officials now attempted to differentiate military from political goals. The political goal was to see Qaddafi step down and the military mission evolved to match the political goal. With NATO taking over, the military mission changed from protecting civilians to regime change. This confusion precipitated the country into an open-ended situation of chaos and desolation. NATO's intervention achieved the exact opposite of what it was meant to do. It worsened the security situation in the country; destabilized the region; gave rise to civil war, displacement, humanitarian disaster, and safe havens for radical Islamist and terrorist groups both in Libya and neighboring countries including Mali, Niger and Algeria.

CHAPTER 1
UNDERSTANDING THE PUZZLE OF U.S. INTERVENTION IN THE LIBYAN
CIVIL WAR

On April 6, 1994, Rwandan president Juvenal Habyarimana's plane was shot down. Soon after, there were reports that massive ethnic-based violence was unfolding, and the only way to stop it was the presence of an outside military force. Officials in Washington and New York, including then-head of peacekeeping operations Kofi Annan, ignored these highly credible reports. Some 800,000 Tutsis and moderate Hutus were massacred in less than four months in the worst genocide since the Holocaust (Gourevitch 1999; Dallaire 2003). President Bill Clinton's administration knew Rwanda was being engulfed by genocide in April 1994 but ignored the information to justify its inaction. Senior officials chose not to use the word "genocide" publicly because the president had already decided not to intervene. The President later apologized for his failure (Power 2002, 385-390).

Almost two decades later, on February 15, 2011, the arrest by the Libyan internal security forces (Jihaz al-Amn al-Dakhili) of Mr. Fathi Terbil, a well-known lawyer and human rights defender, sparked a mass protest in Benghazi, Libya. Security forces loyal to Muammar Gaddafi fired on crowds peacefully protesting more than 40 years of political brutality and dictatorship. The protests escalated into rebellion across the country. When demonstrations began, the Gaddafi government responded with

systematic attacks by air and ground forces against peaceful protesters. In a speech, Gaddafi promised to chase down the protesters and cleanse the country "house by house" (UN Human Rights Council 2011; Landler and Bilefsky 2011). The U.S. intervened in a NATO-led military intervention to prevent government forces loyal to Gaddafi from committing genocide against their own people. In a dramatic change from U.S. foreign policy in 1994, the U.S.-led NATO coalition orchestrated the overthrow of the Gaddafi regime, citing as its rationale the responsibility to prevent crimes in Libya as well as overarching humanitarian concerns. What explains this change in foreign policy, from inaction to military intervention? Why did the U.S. intervene in Libya? I argue that the driving force behind U.S. intervention in the Libyan civil war was the "Responsibility to Protect (R2P)" the Libyan people.

The purpose of this dissertation is to assess the degree to which the evolving norm of the Responsibility to Protect (R2P) affected U.S. response to mass killings and military intervention in Libya in 2011. R2P is not a formula for military intervention per se. It is a continuum that encompasses a range of responses that include early warning, prevention, and post-conflict reconstruction. Recourse to armed intervention comes only as a last resort (ICISS 2001, Welsh 2012). At the core of this norm is the presumption that individuals have rights that trump states' claims to immunity against external interference (Deng 1996, Weiss 2004).

The remainder of this chapter is divided in four sections. The first section is an historical review of the R2P norm from its inception to its adoption at the World Summit in 2005, as well as the main theoretical debates involved. The second part presents the

content of R2P in its three main components: the Responsibility to Prevent, the Responsibility to React and the Responsibility to Rebuild. The third section sets the basic contours of U.S. intervention in what the international community recognizes as the first and only case of intervention citing the R2P norm. The last section presents the structure of the dissertation and sets out an extensive summary of each chapter of the book.

R2P: The History of a Growing Norm

Historical Background

From prehistoric times through the modern age, large-scale massacres of innocent civilians, pillage, and rape have been met with utter indifference and sometimes even with praise. In most cases, there has been no external intervention to stop or reduce the scale of the inhumanities committed (Evans 2008, 15). The Bible, one of the oldest books in history, has numerous records of celebration of genocide and pillage, in which Israel, supposedly egged on by their God, slaughtered every resident – including children, women, sick, and disabled – of an invaded city, occasionally sparing the virgins as spoils of war. For example, after the capture of Jericho, Joshua, the Israeli army commander, ordered the city to be burnt: “Then they burned the whole city and everything in it, but they put the silver and gold and the articles of bronze and iron into the treasury of the Lord's house” (Jos. 6. 24).

The Westphalian Peace Treaty of 1648 institutionalized this age-old political indifference toward crimes and atrocities happening elsewhere. The principle of sovereignty granted immunity from external intervention and at the same time imposed a duty to refrain from intervening in other states' domestic affairs. Sovereignty thus

became immunity from external sanction and scrutiny. This meant that rulers could now be free to abuse their own people. Whatever might happen within a state, however morally grotesque it might be, was nobody else's business. Sovereignty paved the way to the long and unhappy litany of atrocities that would subsequently be perpetrated for more than three centuries (Vincent 1974, 14-15).

Early in the twentieth century, the Paris Peace Conference of Versailles, which gave birth to the League of Nations, did little to reverse the course of history. The approach remained statist and rejected the incorporation of human rights standards in the League's covenant. Moreover, it made no provision for the trial of war criminals, granting high-ranking officials the same principle of immunity that sovereign states enjoyed (MacFarlane and Khong 2006, 52-55). The drafting of the Charter of the Nuremberg Tribunal after World War II, and its recognition of the concept of "crimes against humanity," was an important milestone in raising awareness against atrocities that could be perpetrated by a government against its own people both in war and in peacetime. But at the same time, the principle of sovereignty of 1648 was further engrained in the international system through Article 2(7) of the UN Charter, which explicitly states 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" (UN, Charter of the United Nations). Despite the Holocaust and the innumerable horrors inflicted during the Second War, the founders of the new international body showed no interest in the question of what sanctions might be imposed on states that turn against their own people (Evans 2008, 21).

This lack of interest for individual human rights continued with the cynicism and the self-interest of the Cold War years, a period during which a large number of massacres and crimes against humanity were met with the same indifference and unwillingness to intervene. In Indonesia approximately half a million Communist Party members were killed in a series of massacres from October 1965 to March 1966. These massacres came in prelude to the accession to power of a military-dominated government ruled by General Suharto (Cribb 1990). In 1975 Indonesian forces invaded East Timor, a Portuguese colony in the process of decolonization. The invasion was met with a spirited armed resistance. During the four years of conflict that ensued, it is estimated that East Timor lost between one tenth and one third of its population (Dunn 2009, 265-295). Between 1975 and 1983 thousands of Mayans were massacred in Ixcan, Guatemala, and over 400 villages were destroyed in government counterinsurgency operations (Falla 1994, 180-181). Tens of thousands of political dissenters disappeared during the “Dirty War” in Argentina of 1976-83 (Guest 1990, 355-356) and during Pinochet’s Operation Condor in the mid-1970s (McSherry 2005, 1-34). Pol Pot’s “purification” reign of terror (1975-1978) resulted in the direct killing of hundreds of thousands of Cambodians, plus hundreds of thousands more deaths from malnutrition and disease, totaling more than two million deaths (Wheeler 2000, 78-110; Power 2002, 87-154). From 1982-1987, in the massacres known as Gukurahundi, between 10,000 and 30,000 Matabele were killed by the notorious Fifth Brigade in Zimbabwe (Hill 2003, 35). During the nine-month-long liberation war in Bangladesh, the Yahya regime of Pakistan massacred approximately three million people and raped nearly a quarter million girls and women (Jahan 1980, 34-

64). From May to July 1972, between 200,000 and 300,000 Hutu were killed at the hands of a predominantly Tutsi army after a failed Hutu coup (Lemarchand 2000, 551-67). In 1988 the Anfal operations conducted by the Iraqi regime against part of its Kurdish population left anywhere from 50,000 to 200,000 dead and more than 1000 Kurdish villages destroyed. The prime responsibility was born by former Iraqi president Saddam Hussein and his cousin, Ali Hasan al-Majid (Leezenber 2009, 461-462; Hiltermann 2007). The number of black Africans of Darfur killed by Government of Sudan troops and Janjaweed is estimated at well over 250,000 people. Many more people died by starvation, dehydration, and unattended injuries (Totten 2009, 555-556). Many other crimes of a less gigantic scale were committed in total indifference, including the My Lai massacre, in which more than 500 civilians were killed by U.S. troops in three Vietnamese villages (Gray and Martin 2008, 90-91); the crack down on around 3,000 protesters by the Burmese military regime in 1988 (World Report 1989); and the Chinese government's repression of a peaceful protest in Tiananmen Square and elsewhere in Beijing, resulting in several hundreds of deaths (Amnesty International 1989, 19). The sacrosanct principle of sovereignty and the great powers' tacit condoning of human rights abuses during the Cold War period showed their terrible downside, which became obvious with the failure to give an appropriate response to the large-scale massacres that erupted in the 1990s in Africa and the Balkans.

A year after the Rwandan genocide, Bosnian Serb forces under the command of General Ratko Mladic in Srebrenica took UN "safe areas" from the control of 400 Dutch UN peacekeepers by threatening to kill hostages if they did not surrender. . Eight

thousand men and boys were loaded in buses and trucks, driven outside the town, and shot in cold blood. It was but one of the last episodes of a conflict that would claim approximately 100,000 lives in three years (Bose 2005; ICISS 2001, 1).

In 1998, Serbian president Slobodan Milosevic began a crackdown campaign to crush ethnic Albanian separatists. Allegations and counter allegations between NATO and the UN Security Council prevented a peaceful settlement of the conflict. In March 1999, after the massacre of forty-five Kosovo Albanians in Racak and the breakdown of negotiations for an independence referendum, the United States and its NATO allies decided unilaterally to intervene and began a seventy-eight day campaign of air strikes against the former Republic of Yugoslavia. The strikes lasted from March 24 to June 10, 1999. A settlement was reached when NATO threatened to send ground troops. The bombings led to the withdrawal of Yugoslav forces from Kosovo, putting an end to the Yugoslav Wars of the 1990s (Judah 2002). If almost everyone agreed on the legitimacy of the military intervention, they unanimously condemned the legality of an intervention that bypassed the authority of the Security Council. The debate here was not about the legitimacy but about the legality of the intervention (Lambeth 2001, 69–70; Hosmer 2000, pp. 88–9).

In fact, from 1945 to the Six Day War of 1967, humanitarian concerns had ranked very low in the U.N. agenda. No resolution even mentioned the humanitarian dimensions of any conflict. The first mention of the International Committee of the Red Cross was made in 1978. The U.N. had virtually no humanitarian agenda until the beginning of the 1990s, the decade in which the question of humanitarian intervention was clearly posed.

During this period the Security Council expanded its interpretation of “international peace and security” and passed twice as many resolutions as had been passed in the entire history of the United Nations. Certain of these resolutions were passed to authorize interventions for civilian protection in so-called safe areas (Bosnia), maintain order and protect aid supplies in Somalia, and restore an elected government overthrown by a coup in Haiti (Bellamy 2005, 33; *Weiss 2004, 136*).

These interventions, however, were inconsistent, lacking any coherent theory that justified the breach of sovereignty in each case (Abiew 1999, 230). The ensuing debate in the UN General Assembly and other international fora could not reach a consensus. It became, rather, a political arena with two polarized sides. The first side, mostly countries from the global North, claimed “the right to intervene” or *droit d’ingérence humanitaire* in situations of gross human rights violations (Bettati and Kouchner 1987, 300; Allen and Styan 2000, 825-42). The other side, mostly from the global South, was indeed willing to condemn any human rights violation but was also determined to uphold the intangibility and the supremacy of the principle of sovereignty. As Evans describes it, “battle lines were drawn, trenches were dug, and verbal missiles flew. The debate was intense and very bitter” (Evans 2008, 30).

One year later, in April 2000, Kofi Annan challenged the Millennium General Assembly to find a way to respond to gross and systematic human rights violations. To address this question, Secretary-General Kofi Annan, in his Millennium Report, issued a challenge to world leaders:

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 offend every precept of our common humanity. (Anan 2000)

The challenge was taken up by the Canadian government, on the initiative of Foreign Minister Lloyd Axworthy, who in 2000 appointed a commission with the task “to wrestle with the whole range of questions – legal, moral, operational and political – rolled up in this debate, to consult with the widest possible range of opinion around the world, and to bring back a report that would help the secretary-general and everyone else find some new common ground” (ICISS 2001, vii). The International Commission on Intervention and State Sovereignty was launched with the goal of finding a conceptual and practical international response to ensure that this type of horror would never happen again. Annan urged the commission to rethink the rights and responsibilities of states in a world in which interpretation of the Charter had evolved to focus on the protection of individual human beings, instead of the sovereign states that might abuse them. Just over a year later, in December 2001, the commission published its report under the title “Responsibility to Protect” (R2P). It is a comprehensive approach to humanitarian crises, framed as a continuum from diplomatic and economic sanctions through military intervention as a last resort. It incorporates “responsibility to prevent” and “responsibility to rebuild” as essential elements on either side of intervention (ICISS 2001, xi).

A New Understanding of Sovereignty

The commission’s report argued that the relationship between sovereignty and intervention was complementary rather than contradictory. Its members conceived sovereignty as a conditional right dependent upon respect for a minimum standard of human rights and upon each state’s honoring its obligation to protect its citizens. They

rejected the view that sovereignty gives governments full autonomy over their territories. Rather, it entails responsibilities as well as rights. The role of each state is to protect its citizens; if the state is unable or unwilling to carry out that function, the state forfeits its sovereignty and yields it to the international community, which has the right and the responsibility to remedy the situation. When individual states fail to protect their own people, they have no sovereign right to nonintervention. The report did indeed affirm the principle of sovereignty but insisted that it also entailed a state's responsibility to protect populations within its borders:

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

Sovereignty as responsibility means that sovereignty is no longer supreme or absolute but becomes conditional to the respect of the norms set by the international community. This is a vivid example of shared moral understanding, whereby resort to acts of coercion is authorized not by one nation or a group of nations, but by the people of the world speaking through the international community. As Etzioni puts it, "sovereignty becomes an internationally shared responsibility, and national sovereignty a privilege dependant on the fulfilment of responsibilities" (Etzioni 2006, 74).

In the classic Westphalian system of international relations, the defining characteristic of sovereignty is the state's authority regarding the people and resources with its territory. This is enshrined in Article 2, Section 1 of the U.N. Charter and the corresponding norm of non-intervention is found in the same article, Section 7. R2P is a

shift from a culture of sovereign impunity to one of national and international accountability. The primary responsibility indeed lies with the state in question. The international community acts if and only if the state concerned is unable or unwilling to fulfill its responsibility, or is itself the perpetrator. This new formulation opens the door to treating nations not as free agents, but as members of an international community expected to adhere to norms and to what is regarded as legitimate (Etzioni 2006, 72). In the event that a state fails to meet this responsibility, the international community has the responsibility to protect citizens within this state. The three long-standing characteristics of a sovereign state since the Peace of Westphalia – territory, authority, and population – are now supplemented by a fourth one: respect for human rights.

The commission argued that the state's duty to its individual citizens is so important that it must be borne by the international community. The report reinforced the notion that human security lies at the heart of national security, thus reconciling individuals' and states' right to sovereignty. It becomes the basis not only for state accountability to the international community but also for the latter to prevent and react against massive violations of human rights. The commission was corroborating an argument already articulated by Secretary-General Annan:

At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the Charter of the U.N. and subsequent international treaties – has been enhanced by a renewed and spreading consciousness of individual rights. When we read the Charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them. (Kofi Annan, "Two Concepts of Sovereignty," *The Economist*, Sept. 18, 1999)

Another key contribution of the report was the shift from the rights of interveners to a victim-centered approach. This is why the terminology was changed from “intervention” to “protection,” getting away from the language of “humanitarian intervention.” This change in semantics evaluates issues from the perspective of those needing support, instead of those feeling the obligation to intervene. Rather than present the issue in terms of the rights of intervening states, the commission placed the onus on states to meet their responsibilities to their own citizens. The ICISS shifted the burden away from the rights of outside interveners to a vocabulary that focuses on those suffering from war and violence. It is a departure from the French Doctors Movement that emphasized the notion of obligations on the part of outsiders toward the rights of affected populations and the responsibility to protect them. The priority is now put on those suffering from human rights abuses and the duty of international institutions to respond (Evans and Sahnoun, 2002, 101- 103; *Welsh 2012, 293*). Moreover, contrary to the narrower and contested practice of humanitarian intervention, R2P encompasses a wide array of answers, including negotiation, sanctions, and other peaceful and non-military tools, as well as a broad range of actors (states, as well as international and nongovernmental organizations).

A New Understanding of Security

In September 2003, Kofi Annan created the High Level Panel on Threats, Challenges and Change to address international security concerns and refashion the U.N. to face twenty-first century challenges. He endorsed “the emerging norm that there is collective international responsibility to protect, exercisable by the Security Council

authorizing military intervention as a last resort” (UN Panel Report 2004). The new commission adopted most of the language contained in the ICISS report recognizing that sovereignty brought with it certain responsibilities and that it was the responsibility of the international community to protect citizens in other states. The conception of sovereignty as responsibility contrasts with “perceptions [that] may have prevailed when the Westphalian system first gave rise to the notion of State sovereignty” (UN Panel Report 2004, 21-22). States do not have an intrinsic value to be defended and protected at all costs. For the panel, “the Charter of the United Nations seeks to protect all States, not because they are intrinsically good but because they are necessary to achieve the dignity, justice, worth and safety of their citizens” (UN Panel Report 2004, 22).

Only minor amendments were added, and the Panel insisted on the need for the Security Council to “enhance its capacity and willingness to act in the face of threats” (UN Panel Report 2004, 80). These threats “go far beyond States waging aggressive war. ... They extend to poverty, infectious disease and environmental degradation; war and violence within States” (UN Panel Report 2004, 11). Scourges such as poverty are threats not only to the nation-state system, but also to individual lives within states. The Panel went on to include human security in the Charter as an independent goal, along with state security. In the face of new threats, the panel recognized the need of a “new comprehensive collective security system” (UN Panel Report 2004, 21). It recognized the interconnection between individual and collective security because of the interdependent world in which we live. As the Panel put it, “Today, more than ever before, threats are interrelated and a threat to one is a threat to all. The mutual vulnerability of weak and

strong has never been clearer” (UN Panel Report 2004, 19). Furthermore, “no state, no matter how powerful, can by its own efforts alone make itself invulnerable to today’s threats” (UN Panel Report 2004, 21). The Panel concluded that the “dignity, justice, worth and safety” of the citizens of every state “should be at the heart of any collective security system for the twenty-first century” (UN Panel Report 2004, 22).

The drafters of the U.N. Charter were primarily preoccupied with state security. The new understanding of collective security rests on solidarity and common responsibility towards human goals. It is “based on a positive pledge of affirmative assistance rather than negative commitment to refrain from the use of force against fellow states” (Slaughter 2005, 625). In defining solidarity as a responsibility, the commission made a “tectonic shift.” It reinterpreted the Charter and created a new legal and diplomatic discourse about the obligations member states owe to their own people and to one another (Slaughter 2005, 627). State sovereignty is an instrument or a means for a higher goal, that is, the human security of its citizens. If these obligations are not met and if sovereignty is misused, it can be denied or taken away. Governments are immune from foreign intervention as long as they meet their responsibilities toward their citizens. If they prove “unable or unwilling” to fulfill their obligations, they forfeit their right to exclusive jurisdiction on domestic matters (Slaughter 2005, 629). Gross human rights violations can no longer be ignored, and all the U.N. members are expected to take seriously their responsibility to protect civilian lives across borders. Security requires human solidarity that transcends borders. In endorsing this report, the Panel made a “Westphalian flip” (Ikenberry 2004, 46-51).

The Secretary-General endorsed the broad security perspective of the High Level Panel and supported many of its recommendations. After consultations with governments, UN officials, and other high-profile civil-society organizations, on March 21, 2005, he published his report entitled *In Larger Freedom: Towards Development, Security and Human Rights for All*, which was presented to the General Assembly as the agenda of the 2005 Summit (United Nations 2005). The High Level Panel had considered the responsibility to protect a subset of its discussion of “Collective Security and the Use of Force,” describing the subject as “Using Force: Rules and Guidelines” (UN Panel Report 2004, #183-209). But because of its inclusion in the context of “Using Force,” many governments viewed it as another name for the “humanitarian intervention” concept that had previously been rejected as illegal interference with internal matters of sovereign states. Because of this reticence, the Secretary-General had to clarify the issue, further explaining that the use of force was a normative and moral undertaking, requiring a range of peaceful diplomatic and humanitarian measures, with force to be used only as a last resort (Pace and Deller 2006, 25).

The Adoption of R2P

The time of the release of the ICISS document in December 2001 was not propitious to a good reception. The international debate was dominated by the September 11, 2001, terrorist attacks in the United States. The 2003 invasion of Iraq, partly based on human protection, was even more devastating to the R2P agenda. Iraq’s invasion increased fears that R2P would be used to further erode the sovereignty of weaker

countries. For the chairman of ICISS, Gareth Evans, the emerging norm was “almost choked at birth” (Evans 2004, 59-82).

The United Nations 2005 World Summit brought together representatives from more than 170 countries, including the United States. In spite of the continuing debate over R2P, heads of state and government endorsed a version of it. Only two paragraphs explicitly endorsing the notion of the R2P – 138 and 139 – were included in the final Outcome Document. Article 138 acknowledges that individual sovereign states have the responsibility not only to protect their own citizens from mass atrocity crimes (genocide, crimes against humanity, war crimes, and ethnic cleansing) but also to prevent their incitement and their commission. Article 139 endows the international community, acting through the UN, with the remedial power to act only where national authorities “are manifestly failing to protect their populations” from such crimes (Welsh 2012, 294). The Summit further announced a willingness to take “collective action” through the Security Council to protect populations if peaceful means prove inadequate (2005 World Summit 2005). The summit imposes important limits on national sovereignty by recognizing a state’s responsibility to protect its own citizens. It also assigns clear responsibilities for the international community when a country fails to protect its own citizens.

R2P indeed begins with national governments but does not end with national borders. When a state fails to do so, the international community, through the United Nations, has the responsibility to remedy the situation, even if this calls for coercive action. Failure to take action to protect populations from genocide and other atrocities is failure to fulfill a clearly acknowledged duty. Inaction becomes a dereliction of a moral

and institutional duty or a clear sign of broken international institutions (Reisman 2000, 17.). The agreement broadens the concept of international peace and security that underlies Chapter VII of the U.N. Charter, which authorizes coercive action by the Security Council (U.N. Charter arts. 39, 41, 42). Other previous Chapter VII actions involving humanitarian interventions either nominally needed the consent of the nation in question or were justified in the name of regional security (Roberts 2004, 71, 81).

The Content of R2P

The commission defined three aspects to this responsibility: prevent, react, and rebuild. Prevention means that states have a responsibility to ensure that domestic tensions are addressed before they escalate (ICISS 2001, 19-27). Reaction comes only in extreme situations of compelling need for human protection (ICISS 2001, 29-37). Rebuilding places a responsibility on intervening states to contribute to a lasting settlement to the original conflict (ICISS 2001, 39-45).

The Responsibility to Prevent

The 2005 World Summit unanimously agreed on the necessity to prevent conflicts before they escalate. The 2005 Outcome Document reads:

#138. Each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. (UN General Assembly 2005)

The text continues:

139. (...) We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. (UN General Assembly 2005)

The Responsibility to Prevent is based on the principle of conflict prevention enshrined in Chapter VI of the U.N. Charter. This provision offers a wide range of peaceful and preventive measures including “negotiation, enquiry, mediation, conciliation, arbitration, [and] judicial settlement” (UN Charter, Chapter VI).

Countries that have fallen prey to massive human rights abuses have usually showed precursory signs but the latter were not heeded on time. Rwanda and the former Yugoslavia were characterized by growing repression and hate speeches directed against minority groups. But no alarm was rung and no necessary action taken. Effective prevention starts with identifying situations that can potentially degenerate into mass crimes and atrocities. Early warnings include historical grievances and enmities, islands of prosperity for the few in the midst of widespread poverty, poor governance, socio-economic dislocation, war, ethnic exclusion, religious discrimination, resentment against social discrimination, and exclusion from power sharing that leads to revolution. The interplay or the salience of these social, economic, and cultural factors varies over time and from place to place (Hamburg 2008). The ICISS has identified two types of preventive measures: on the one hand, structural and long-term preventive measures that address the root causes of the conflict; and on the other, more direct operational strategies helping to deal with short-term crisis (ICISS 2001, 22; Evans 2008, 86).

There is, however, a dilemma of comprehensiveness. Structural prevention is premised on the view that the root causes of violent conflicts are systemic. It would encompass strategies ranging from economic development and poverty reduction to good governance, human and minority rights, and environmental protection. Prevention becomes too wide a concept that is equated to human development and difficult to operationalize. A narrower but deeper approach, focusing only on genocide prevention, is more fruitful. As Bellamy puts it, “taking a broader approach would probably mire the R2P in protracted debates about economic development and national sovereignty, which would do little to provide protection in immediate term. A narrowly focused conception of prevention is more likely to generate concrete measures to protect endangered populations” (Bellamy 2009, 101).

Both long-term and direct approaches include four different aspects: political and diplomatic measures, legal measures, economic and social measures, and security sector measures. Long-term political and diplomatic strategies aim at achieving good governance because political misrule and elites’ corruption unavoidably lead to popular discontent, which sparks and fuels rebellions and separatist movements. This is evident today in a country like Burundi, where President Nkuruzinza decided to run for a third term in defiance of the constitution, which limits to two the maximal number of presidential terms. When protests broke out in the streets to demand the respect of the law, the police reacted with violence. The government has since ramped up a violent campaign of mass assassination against political opponents and prominent members of civil society (Rwanda Focus 2015). Direct political measures include preventive

diplomacy, which attempts to address potential disputes and resolve real conflicts before they escalate. Threats of political sanctions can also be used, including diplomatic isolation, suspension from international organizations, travel and asset restriction on targeted persons, “naming and shaming,” and other such actions (Evans 2008, 88-90; ICISS 2000, 22-24).

The 2005 World Summit Outcome Document acknowledged the connection between economic deprivation and conflict or mass atrocities: “Development, peace and security and human rights are interrelated and mutually reinforcing” (UN General Assembly, Outcome Document, #9). Long-term preventive solutions must therefore be designed to promote development assistance and cooperation, generate investment and economic growth, and reduce inequality. More direct strategies will focus on aid conditionality and threat of economic sanctions such as trade embargoes, freezing or dissolution of trade agreements, and withdrawal of investments. However, negative measures remain controversial since they are more likely to affect the poor population than the ruling elite. Economic incentives, by contrast, seem more appealing. They were successfully tried in the Camp David Accords between Israel and Egypt in 1978 and in the relinquishment by Ukraine and other former Soviet entities of their nuclear arsenals in 1991 (Cortright 1997; Evans 2008, 91-95; ICISS 2000, 24).

There are no better conflict prevention tools than constitutional structures that guarantee freedom of expression, association, religious practice, equal opportunity for employment, independent court systems, etc. People generally feel secure when the law applies equally to all persons, regardless of ethnic or religious differences. The bloody

conflict that wracked Sri Lanka for more than a quarter century originated in the inability of the Tamils and the Sinhalese to agree on constitutional arrangements that could satisfy both sides (International Crisis Group Asia Report 141, November 7, 2007).

Unfortunately there is no international equivalent to the domestic judicial system for dispute resolution. The only direct legal weapon is threat of international criminal prosecution and the commitment to ensure that perpetrators of mass crimes are actually tried and punished. This happened in July 2008, when Sudanese President Omar al-Bashir was accused by the International Criminal Court (ICC) of genocide, crimes against humanity, and war crimes in Darfur. An arrest warrant supported by NATO, the Genocide Intervention Network, and Amnesty International was subsequently issued on March 2009, but it remains to be executed (International Criminal Court 2009; Evans 2008, 95-100; ICISS 2000, 24-25).

Undisciplined, poorly trained, and ineffective security forces are, in the long run, sources of tension and potential causes of conflict. It is therefore important to guarantee good collaboration between the military and the civil government, promote stability, and ensure public trust among the different components of the state system. Direct military measures would involve preventive deployment, that is, positioning troops in areas with emerging threats of conflict, deploying troops in non-territorial show of force, or what is referred to as “gunboat diplomacy.” Examples include U.S. Marines’ deployment offshore Monrovia in 2003, the UN Preventive Deployment Force (UNPREDEP) in Macedonia, and the French-led Operation Artemis in the city of Bunia, Democratic Republic of Congo, in 2003 (Bellamy 2009, 129). Threats of arms embargoes or

withdrawal of military cooperation can also be effective preventive tools (International Crisis Group, "Liberia: Security Challenges," Africa Report 71, November 3, p. 13; Evans 2008, 100-104; ICISS 2001, 25).

The Responsibility to React

When prevention fails, or if the state is unable or unwilling to act, or if the state is even complicit in the damage inflicted, it becomes the responsibility of the international community to take appropriate action to protect the victims. Military action is taken only as the last resort. As the 2005 World Summit Outcome Document puts it,

#139. 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 VII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. (UN General Assembly 2005)

As with the responsibility to prevent, the responsibility to react has four aspects: political and diplomatic, social and economic, legal, and security and military. Preference is given to negative measures because of the leverage they offer. As with the preventive toolbox, they include withdrawal of diplomatic recognition, expulsion from international events, travel bans for influential individuals, etc. These measures were successful in tearing down the Apartheid regime in South Africa (Evans 2008, 105-112; ICISS 2001, 31-32). Positively, economic incentives could include concessions on trade access, development assistance, other beneficial trade agreements and investment offers, etc. Negatively, this

would mean ending economic cooperation with governments and local banks; denying and limiting credit to banks and local companies; freezing the country's foreign assets; restricting income-generating activities such as diamonds, oil, and logging; etc.

Exception should, however, be made for food, medical supplies, and other essentials, because stopping their flow will affect an already impoverished population. Economic sanctions should mainly target political leaders and warlords involved in massive human rights abuses (Evans 2008, 113-115; Bellamy 2009, 141-146; ICISS 2001, 31).

The most direct legal action against human rights abusers is arrest, trial, conviction, and proper punishment in competent criminal courts. This can be done within the country's own judicial system, an international court, or ad hoc tribunals. Examples of the latter include the International Military Tribunal of Nuremberg set up to try Second World War criminals, the International Criminal Tribunal for the former Yugoslavia (ICTY), or the International Criminal Tribunal for Rwanda (ICTR). The ICC has now been set as a permanent tribunal to hear cases of genocide, war crimes and crimes against humanity. Unlike its predecessors, which needed to have state sovereignty suspended in criminal justice investigations and prosecutions, the ICC automatically has jurisdiction over crimes against international humanitarian law, whether or not national authorities are willing to cooperate. Contrary to the International Court of Justice, which has jurisdiction only over state-to-state disputes, the ICC has the capacity to try individuals. For instance, the ICC has successfully arrested and tried former Democratic Republic of Congo DRC Vice President Jean-Pierre Bemba Gombo for war crimes and crimes against

humanity in the Central African Republic in 2002-2003 (ICISS 2001, 32; Evans 2008, 115-116; UN, Rome Statute of the International Criminal Court, 1998).

Direct military action against gross human rights abuses requires peace enforcement operations, with or without the consent of the parties involved under Chapter VII of the UN Charter, which gives the Security Council power to “take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security” (UN, UN Charter Chapter VII). Examples of peace enforcement include UN intervention in the Korean War in 1950, or the Security Council-mandated multinational forces that were deployed against Iraq after its invasion of Kuwait in 1991. Effective civilian protection requires the creation of safe havens for safe delivery of humanitarian aid and no-fly zones to prevent the use of airpower against civilians. Examples include NATO’s imposition of a no-fly zone in Bosnia in April 1993 and the U.S. and U.K. imposition of a no-fly zone over northern and southern Iraq from 1991 to 2003 to protect the Kurdish and Arab populations. More direct actions include bombing campaigns to halt actual violence on the ground, the jamming of radio frequencies to prevent the broadcasting of hate messages, arms embargoes patrolling, etc. (Evans 2008, 120-127; Bellamy 2009, 146-166; ICISS 2001, 61-63).

The Responsibility to Rebuild

The Responsibility to Rebuild is meant to achieve long-lasting security, good governance, justice and reconciliation, and economic and social development in the aftermath of the conflict. Military victory does not guarantee long-lasting peace. The military defeat of the Taliban or the capture and killing of Saddam Hussein in Iraq offer

lessons to be learned. Post-conflict building must be the beginning of a new process of conflict prevention, which aims at taking out the root cause of violence. In addition to physical security, long-term peace requires the establishment of legitimate and effective government, the promotion of economic growth, and the healing of deep-seated grievances through a process of reconciliation. In his 1998 Report on The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa, Kofi Annan describes in more detail what needs to be done in the aftermath of conflict or military intervention:

Societies, which have emerged from conflict, have special needs. To avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilizing the domestic and international resources for reconstruction and economic recovery. (UN 1998)

The International Commission for Intervention and State Sovereignty spelled out four dimensions: Peace Building, Security, Justice and Reconciliation, and Development. The first task in rebuilding a nation is the immediate need to re-establish an effective transitional authority capable of making day-to-day decisions for the provision of basic services (government services, energy and water supplies, roads, telecommunications, schools, public health systems, etc.). Then comes the bigger challenge of developing a long-term governance structure with elected officials who genuinely represent the people. Long-term nation-building must focus on supporting and consolidating the peace process, facilitating post-conflict political transition, and laying the foundations for long-term

development. A critical element in this transition must be local ownership of institutions. Models should be not imposed from the outside but oriented towards returning the society in question to the local people who have to take responsibility for their own future and destiny. UN-led missions successfully achieved these goals in Namibia, El Salvador, Cambodia, Somalia, Mozambique, and Haiti (ICISS 2001, 40-45).

While being ready to respond militarily to spoilers seeking to disrupt the peace process, peacekeepers have the task of preparing and training national security forces that can take charge, maintain order, and enforce ordinary law. Disarmament, Demobilization, and Reintegration (DDR) is therefore an essential component of post-conflict peacebuilding. Disarmament is intended to collect and destroy existing weapons and suppress the capacity to produce or purchase new ones. Demobilization aims at interrupting the cycle of violence, disbanding rival militias, and reducing the influence of warlords. Conditions must also be put in place to ensure that refugees and internally displaced people can return to their homes. Reintegration therefore includes issues related to transport arrangements, resolution of land property, and finding employment for ex-combatants. A fateful mistake was made in 2003 during the disbanding of the former Iraqi army. Thousands of former soldiers, most of whom had no loyalty to the Baath regime and had played no role in Saddam's bloody repression, were dismissed. Many of them joined the insurgency and are now filling the ranks of ISIS, the militant terrorist organization operating in the Middle East and North Africa (International Crisis Group December 23, 2003; International Crisis Group February 7, 2008). Other nation building tasks include reforming the security sector, educating and training military forces, mine

clearance, and the pursuit and apprehension of indicted war criminals. Examples include the arrest and prosecution by the International Criminal Tribunal for the former Yugoslavia (ICTY) of Ratko Mladic, the former Bosnian Serb military leader accused of genocide and war crimes in the Yugoslav wars (ICISS 2001, 40-42; Evans 2008, 151-158; Fox News *26 May 2011*; CNN *17 May 2012*).

In trying to achieve justice and reconciliation, efforts must be made to restore a viable justice system, effective police, functioning courts, adequate correctional facilities and staff, etc. Managing transitional justice is often a great challenge, especially if a large number of people have been killed. There is a dilemma, on the one hand, to ensure accountability and make sure that perpetrators get proper punishment and, on the other, to achieve social reconciliation. Many countries have created truth commissions that complement the justice system. They act as cathartic channels that help victims transcend their desire for revenge. For example, the Truth and Reconciliation Commission was put in place in post-Apartheid South Africa to address and heal the trauma caused by decades of crimes and murder (Evans 2008, 163-169; ICISS 2001, 41-42; Bellamy 2009, 170-180).

The last task of rebuilding a nation torn by conflict is to help achieve economic and social development. Post-conflict peacebuilding must create an economic environment in which people can safely engage in ordinary activity without the fear of being attacked or looted. The basic economic structure must also be stabilized to promote growth and attract external investors. Social programs for sustainable peace must focus on education, especially educating for tolerance. Priority must be given to rebuilding

schools, training teachers, opening health care facilities, and providing social assistance for those most affected by the conflict (Evans 2008, 169-172; ICISS 2001, 42-43; Bellamy 2009, 170-180).

The Scope and Enforcement

Plato posed the eternal question of who should guard the guardians (Plato 1980, *403e*). The same impulse led the reflection as to who is qualified to identify and punish the “evildoers.” With respect to its “Operational Principles” the ICISS report employed the just war theory framework to guide decision makers. These principles include Just Cause, Right Intention, Proportional Means, Last Resort, Reasonable Prospects, and Right Authority. Regarding the latter principle, the ICISS identified the United Nations as the legitimate authority. If the ICISS report did not want to use the language of legal obligation, it is because it was first and foremost a moral imperative resting not on a particular agent but on the shoulders of the “international community.” This is why the coercive aspect of R2P was embedded in existing collective security mechanisms contained in the UN Charter. Unilateral action runs the risk of being self-interested and thereby erodes the principles of a world order based on international law and universal norms. Membership in the U.N. carries an obligation not to use force unilaterally. The Summit clearly rejected the possibility of any intervention without the explicit approval of the Security Council (Bellamy 2005, 155, ICISS, 48-51). Here precisely lies the difference between the Libyan and the Syrian civil wars. Even though the scale of atrocities committed in Syria far outweighs the situation in Libya, the Security Council failed to agree to allow a foreign intervention in Syria. China and Russia threatened to

veto any resolution in that direction, whereas, as subsequent chapters will show, they abstained to vote in the case of Libya. Resolution 1973 passed with 10 votes for, 0 against, and 5 abstentions.

Furthermore, R2P threshold is restricted only to genocide, crimes against humanity, war crimes, and ethnic cleansing. It does not address other rights contained in previous human rights conventions, such as political freedom or economic rights. This is a limitation if compared to Chapter VII criteria of intervention in cases such as Haiti in 1994 or Somalia in 1993. Furthermore, the crimes identified by R2P are not quite similar to those codified in the 1998 Rome Statute instituting the International Criminal Court. R2P understanding of ‘crimes against humanity’ does not encompass everything from murder and slavery to imprisonment and ‘other inhumane acts of similar character intentionally causing great suffering or serious bodily or mental injury’ (ICC 1998). For example, when then-French Foreign Minister Bernard Kouchner tried to claim that the Burmese government’s slow provision of humanitarian assistance after Cyclone Nargis (2008) could be considered a “crime against humanity,” a number of states – especially China – argued that R2P was not applicable to natural disasters (Welsh 2012, 294). Human rights violations that fall short of outright killing or ethnic cleansing (such as systematic racial discrimination or political oppression), the overthrow of democratically elected governments, or the rescue by a state of its own nationals on foreign territory do not justify military action for human protection purposes (Evans & Sahnoun 2002, 104). In this regard, examples such as the Security Council-approved and U.S.-led effort to restore an elected government in Haiti in 1997, or the Security Council-approved and

Nigeria-led ECOWAS intervention to restore an overthrown government in Sierra Leone in 1997, fall outside the scope of R2P (Weiss 2004, 139). R2P cannot be used as a reason for pre-emptive strikes. Bush's broad and loose application of humanitarian rhetoric in order to invade Afghanistan and Iraq are ex post facto justifications outside R2P criteria.

Libya as the First Case of Intervention under the Banner of R2P

Libya's descent into violence provoked an unusually rapid condemnation from both regional organizations and the UN. On February 22, the Organization of Islamic conference condemned Qaddafi's violent tactics as incompatible with Islamic and human values, and the Arab League suspended Libya. The following day, the African Union strongly condemned "the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law" (African Union 2011). On February 25, the UN Human Rights Council convened a special meeting to address the situation in Libya. The Council condemned the violence and called for Libya's suspension. This decision, the first of its kind, was unanimously adopted by the General Assembly one week later, on March 1, 2011. On February 26, the Security Council invoked its Chapter VII powers and passed Resolution 1970. The Resolution referred the situation to the ICC for criminal prosecutions and imposed an arms embargo, a travel ban, and an asset freeze against the Libyan authorities. China and Russia supported the Resolution. This was an unusual move for both countries known for their conservative approach on foreign involvement in intra-state conflicts and domestic affairs. Despite UN pressure and appeals from regional organizations against the Qaddafi regime, the violence continued unabated.

On March 17, the UN Security Council passed Resolution 1973. The resolution condemned “the gross and systematic violation of human rights ... committed by the Libyan authorities” and warned that these violations may “amount to crimes against humanity.” The Security Council further imposed a “ban on all flights in the airspace of the Libyan Jamahiriya” and authorized to “take all necessary measures ... to protect civilians and civilian populated areas under threat of attack.” The Resolution also called for a ceasefire and dispatched an envoy of the Secretary-General alongside an envoy from the Peace and Security Council of the African Union to seek a political agreement (UN Security Council 2011). The Resolution passed with ten votes for, while China, Russia, Brazil, Germany and India abstained.

Prior to March 17, 2011, no one could predict that the UN Security Council would vote for measures as robust as those included in Resolution 1973. NATO’s intervention in Libya now stands in history as the first and only case of military intervention under the banner of the Responsibility to Protect (R2P). The Security Council is often criticized for its failure to bring timely responses to threats to human security and international peace. But in this case two resolutions were passed three weeks apart, on February 26 and March 17, respectively. UNSC Resolutions 1970 and 1973 condemned violence against civilians and called upon the Libyan authorities to exercise their responsibility to protect their civilian populations. Their approval demonstrated the international community’s willingness to allow foreign intervention to protect civilian populations at risk. The swiftness with which the Council acted in the Libyan crisis is unprecedented and remains a surprise for many human rights activists. U.S. Ambassador Susan Rice said: “I can’t

remember a time in recent memory when the Council has acted so swiftly, so decisively, and in unanimity on an urgent matter of international human rights” (Dunne and Gifkins 2011, 522).

Military action began on March 19 and was initially led by the U.S. NATO later assumed the command of operations. A number of non-NATO members including Sweden, Jordan, Qatar, Morocco, and the UAE, also participated. Unfortunately, this coalition stretched the terms of the Resolution beyond their limits. This, combined with defections in the Qaddafi’s army – as well as illegal arms smuggle to rebels from the UAE, Qatar, and France – ensured victory for the rebels. When Operation Unified Protector – NATO’s operation code-name – officially ended on October 31, Qaddafi was dead, and the rebels, formalized in the National Transition Council, were in command of the country.

Operation Odyssey Dawn was the code name for the U.S. role in the international military coalition. The U.S. showed interest in the Libyan conflict at its earliest stage. It made efforts to try to de-escalate the tensions and convince Qaddafi that the best way to answer the Libyan people’s aspirations to freedom and dignity was not recourse to violence and murder. Three days after the beginning of the uprising, President Obama issued a written statement condemning the violent reaction of the regime. Five days later, on February 23, he publicly addressed the deteriorating situation and threatened Gaddafi with “accountability.” Other coercive means short of military intervention were applied to put pressure on the Libyan regime to stop the violent crackdown of the uprising. An estimated amount of more than \$32 billion worth of assets was frozen, diplomatic ties

were severed, and military cooperation was suspended with Libya. The U.S. also became very active in convincing the United Nations to impose sanctions on Libya, suspend its membership from the United Nations Human Rights Council, and refer Qaddafi and his top aides to the International Criminal Court for prosecution. Qaddafi paid no attention to these warnings.

The U.S. then lobbied other UN Security Council members to pass Resolution 1973, demanding a ceasefire and a complete end to violence against civilians, imposing a no-fly zone over Libya, and the strengthening of measures already put in place by Resolution 1970. The U.S. military campaign to enforce a no-fly zone to prevent forces loyal to Qaddafi from carrying out attacks against civilians started on March 19, 2011. Operations commenced with strikes from ships and submarines via 110 Tomahawk cruise missiles, as well as air assets, against Qaddafi's forces near Benghazi. The strategic command of Operation Odyssey Dawn was under the authority of General Carter Ham, the combatant commander of the United States Africa Command (AFRICOM), while tactical command in the theater of operations was under Admiral Sam Locklear, the commander of United States Naval Forces Africa, on-board the command ship USS Mount Whitney in the Mediterranean Sea. Complete command and control of operations was passed to NATO on March 31, 2011, with the U.S. taking up a support role.

NATO's intervention left a fractured country with political infighting and regional rivalries. Decades of authoritarian rule had not quenched latent conflicts between east and west, liberals and Islamists. There was an unprecedented surge of radical Islamist groups, each one with its armed force or militia. Negotiations over sharing power and oil wealth

among these factions hit a dead end. The country had no political institutions or viable justice system. This was a chance to shape Libya's future, but the U.S. missed the golden opportunity. Nothing or next to nothing was done in the aftermath to help Libya stand firmly on its feet.

The Structure of the Dissertation

This dissertation is divided into eight chapters. This first chapter sets the puzzle that the entire project is meant to solve. It starts by contrasting two cases of U.S. foreign policy in Africa – Rwanda in 1994 and Libya in 2011 – and then argues that R2P could offer an alternative explanation besides the classical ones. To set the stage for a full grasp of the debate involved, the chapter offers an historical background of the Responsibility to Protect (R2P) from its conception to its birth and adoption at the World Summit of 2005. It further makes an extensive presentation of R2P in its three components: the Responsibility to Prevent, the Responsibility to React, and the Responsibility to Rebuild. The chapter also makes the case that Libya stands as the first and only case in the history of humanitarian intervention where R2P has formally been evoked as the reason for the use of force.

Chapter Two makes a review of other explanations that have been given to justify U.S. intervention. They include the President's political ideology, strategic and oil interests, membership in international organizations, and bureaucratic politics. I argue that, as in any other social phenomenon, they all give one perspective on why things happened the way they did. An exhaustive understanding of the real motives behind the decision to act must take into account all these complementary views. But this

dissertation focuses on R2P. Since the latter is a norm, constructivism offers a better approach that helps us situate the debate within the context of international relations theories. Constructivism argues that material capabilities matter, but the extent to which they matter depends on norms, ideas, beliefs and shared expectations. These collective meanings set the standard of what is appropriate and acceptable behavior in international politics. R2P and human rights norms have radically transformed the purpose of military intervention. However, material capabilities, strategic behavior, norms, and shared beliefs are not mutually exclusive. It is a matter of degrees. The chapter ends with the methods and sources used to assess the degree to which R2P influenced the U.S. decision to intervene in Libya.

Chapter Three gives an overview of the evolution of R2P in the context of U.S. foreign policy toward Africa during the four periods of its history, the Pre-Cold War Era (pre-1945), the Cold War Era (1945-1989), the Post-Cold War Era (1989-2001), and the Post-9/11 Era. The study of U.S. foreign policy toward four cases of gross human rights violations – including South Africa, Somalia, Rwanda, and Darfur – shows the tension that exists between national security objectives and normative goals. I argue that when there is a clash between the two, the choice is clearly made in favor of national and security interests. This provides the groundwork for the importance of the emerging R2P norm in the Obama administration's decision to intervene.

Chapter Four is designed to provide the historical context of U.S.-Libya relations prior to the civil war of 2011. It presents the various changes in U.S. foreign policy toward Libya from the first contact in the 19th century. The purpose of this historical

context is to demonstrate how classic understandings – including the President’s ideology, geostrategic and security interests, and bureaucratic politics – provide greater explanatory power prior to 2011. This overview sets the stage for the more empirical chapters and provides a point of reference for determining the degree to which 2011 events veer from the established course of U.S. foreign policy toward Africa. The chapter covers four periods of U.S.-Libya relations: the pre-War period, The Cold War era, the period between the end of the Cold War and the terrorist attacks on the World Trade Center, and the period after 9/11.

Chapter Five presents the norm of “prevention” in U.S. foreign policy toward the Libyan Civil War. It assesses the impact of R2P in U.S. foreign policy and the degree to which it was evident in the prevention phase. It is an empirical test of the extent to which the U.S. was involved in preventing or helping de-escalate the tensions between protesters and forces loyal to the Gaddafi regime. The chapter describes the situation on the ground from the beginning of the uprising on February 15, 2011, up until the beginning of the debate about the possibility of military intervention. This includes the political, diplomatic, and military maneuvers of the U.S. and the international community to prevent the wave of violence unleashed against civilians by Gaddafi’s forces.

Chapter Six presents the deliberations that resulted in the decision to intervene when Benghazi was on the verge of being overrun by Gaddafi forces, with a focus on the bureaucratic infighting and the emergence of a “dream team” supportive of U.S. intervention, including Secretary of State Hillary Clinton, who was previously opposed. U.S. Ambassador to the U.N. Susan Rice was tasked with leading the charge and

obtaining a robust U.N. resolution. This chapter also gives a description of U.S. military deployment to enforce Resolution 1973, which authorized member states to take “all necessary measures” to protect civilians, including airstrikes against Libyan tanks and heavy artillery and a no-fly zone.

Chapter Seven assesses the R2P norm of “Rebuilding” and U.S. foreign policy in the aftermath of the Libyan civil war. It argues that the civil war left a fractured country as prey to political rivalry and infighting, the emergence of extremism, militias and weapons proliferation, the absence of basic political institutions, etc. – in short, all the ingredients required to create a fractured country. The U.S. had a golden opportunity to help Libya reshape itself and reinvent a future of democracy and freedom. Unfortunately, the U.S. did next to nothing and watched from the sidelines as the country descended into extremism, sectarian violence, and chaos. The conclusion is an overall assessment of the degree to which R2P affected U.S. foreign policy toward Libya. It ends with this study’s contribution to a better understanding of U.S. foreign policy toward Libya and Africa in general.

CHAPTER 2

**COMPETING EXPLANATIONS AND CONSTRUCTIVIST THEORY AND
METHODS**

U.S. intervention in Libya in coordination with NATO remains a unique case in history where the UN Security Council authorized the use of force against the recognized government of a country. The resolution allowing foreign intervention clearly invoked the Responsibility to Protect (R2P) the Libyan population as the reason to act. The U.S. joined the international community in that effort to protect innocent civilians against genocide and crimes against humanity. The Realists would say that the U.S. decision to act was done because of national and security interests. But one may argue that the U.S. had negligible geostrategic or economic interests in Libya. Indeed, some administration officials, especially Secretary of Defense Robert Gates, pointed out that the U.S. had no vital national interests in what was happening in Libya (Gates 2014, 511). Furthermore, U.S. officials were clearly and consistently not interested in staying and controlling any part of Libya. In fact, they even reduced the size and importance of U.S. military involvement before NATO took over the control of operations. Classical liberals argued that U.S. intervention was driven by an interest in promoting democracy and liberal values. This argument too runs afoul of the evidence. Even before the mission was over, the United States pulled out and refused to embark on nation building and

democratization. The Obama administration limited its intervention to protecting civilians and preventing further massacres rather than democratizing the country.

This dissertation instead argues for a constructivist-inspired argument under which the use of military force was justified on normative grounds. In formulating a constructivist explanation, I argue that material capabilities matter; but the extent to which they matter depends on norms, ideas, beliefs and shared expectations. These collective meanings set the standard of what is appropriate and acceptable behavior in international politics. U.S. intervention and use of military force in Libya was not prompted by a desire to promote national interests but by the will to protect innocent civilians against threats of genocide and crimes against humanity at the hand of their own government.

This chapter is divided in three parts. The first part explores the classical explanations that had been offered to justify U.S. intervention in Libya, including President Obama's political ideology, strategic and economic interests, membership in the United Nations, and bureaucratic politics. The second part explores the role of constructivism in formulating an alternative explanation. The last part tackles the methods and the sources used to assess the degree to which R2P influenced the U.S. decision to intervene in Libya during three separate phases: the period prior to military intervention (from the beginning of the uprising on February 15, 2011 to the passing of UNSCR 1973 allowing the military intervention on March 19, 2011), the military intervention itself (from the launching of Operation Odyssey Dawn on March 19, 2011 to the death of Qaddafi on October 20, 2011), and the post-intervention rebuilding phase

(from the death of Qaddafi to July 7, 2011, the day the General National Congress was elected to conduct the transition).

U.S. Intervention in Libya: Competing Explanations

Many reasons have been given to explain the U.S. decision to intervene in Libya. These include, among others, the President's political ideology, geostrategic and oil interests, membership in international organizations, especially the United Nations, and bureaucratic politics.

The President's Political Ideology

The first explanation is that the U.S. intervened in Libya as part of the implementation of President Obama's institutional neoliberal foreign policy approach. Speaking of the current President's approach, former Assistant Secretary of State for African Affairs Chester Crocker had this to say: "President Obama does not want the U.S. always being out front the way Bush was doing... If you think about Obama's presidency some aspect of it is anti-Bush. Bush said 'we will do it alone if we had to'. That is what we did in some respects. So this looked to President Obama and his team as a case where we could support without leading from the front" (Interview with Chester Crocker, Washington, DC, December 2014). In fact Obama had consistently relied on the United Nations to constrain aggressors and had tried to engage Iran. He also defended the idea of a nuclear-free world (Rubin 2013).

However, this argument does not tell everything. These few examples blur the President's consistent conservative agenda in the realm of foreign policy, which includes surveillance, detention, and targeted killing excesses (Larison 2013). He even signed a

"secret order authorizing covert U.S. Government support for rebel forces seeking to oust the Libyan leader" (U.S. Congress, Libya: Defining U.S. National Security Interests. Hearing Before The Committee On Foreign Affairs House of Representatives, March 31, 2011, Serial No. 112-25). Actually Obama is not a typical liberal, but a "pragmatic traditional realist with strong tendencies toward liberal internationalism" or what foes and admirers alike refer to as an 'optimistic realist' or 'a realist optimist' (Schraeder 2009, 10). His presidential campaign departed from George W. Bush's moralistic rhetoric about freedom and political rights, instead emphasizing peoples' aspirations to more basic rights such as food, shelter, and jobs (Schraeder 2009, 10).

Furthermore, opposing the Iraq War was central to Obama's political rise on the national stage. During his campaign he promised to withdraw all combat troops from Iraq within 16 months of taking office (Woodward 2010, 76). In a speech he gave as an Illinois State Senator at a rally in Chicago, he opposed a war that would lead to a "U.S. occupation of undetermined length, at undetermined cost, with undetermined consequences" (Obama 2002). As President he succeeded in pulling out troops from Iraq and resisted committing more in Afghanistan. He himself admits that sending troops to the battlefield was the toughest decision he had to take as president, "knowing that some of those kids may not come back, or if they come back, they're going to be grievously injured" (Woodward 2010, 98). The military command had requested 40,000 more troops to ramp up the mission in Afghanistan, but after a series of hectic and nerve-breaking deliberations, he reluctantly yielded to order only 30,000 (Woodward 2010, 291-323). He expressed the same view in his remarks accepting the Nobel Prize in Oslo: "no matter

how justified, war promises human tragedy. The soldier's courage and sacrifice is full of glory, expressing devotion to country, to cause, to comrades in arms. But war itself is never glorious, and we must never trumpet it as such" (The White House 2009).

The argument that U.S. intervention in Libya was driven by the President's political ideology in the realm of foreign policy is therefore incomplete for two reasons. Though President Obama has a strong tendency towards liberal institutionalism, he is actually a realist. And as a realist he could not commit U.S. troops where U.S. interests were not at stake. And the subsequent following will show that the U.S. had limited, if any, interests in Libya. Moreover, he has expressed his dislike for war, accepting it only as the last resort. His decision to intervene was constrained by the dire situation on the ground and the imminence of genocide.

Geostrategic and Oil Interests

Many have also argued that the U.S. decision to intervene in Libya was motivated by geostrategic and oil interests. The Testimony of U.S. State Department Deputy Secretary, James Steinberg before The Committee On Foreign Affairs, House of Representatives, on March 31, 2011, is illustrative. He defended the idea that the U.S. had a strategic interest in intervening to protect the Libyan people. A massacre, he said, could drive out tens of thousands of additional refugees and this would create chaos in the region. It could also undermine democratic aspirations in the region and comfort repressive leaders in their belief that violence is the best way to keep power. "This is why," he concluded, "the President concluded that the failure to act in Libya would carry too great a price" (U.S. Congress 2011f).

Indeed, there was an interest but it was not vital. During his testimony before the members of the House and Senate Armed Services Committees, Defense Secretary Robert Gates himself admitted that “what was happening in Libya was not a vital national interest of the United States” (U.S. Congress 2011b). White House Chief of Staff William Daley reinforced this point. In an interview on NBC’s “Meet the Press”, he said, “Lots of people throw around phrases like no-fly zone – they talk about it as though it’s just a video game.” He went on to support Defense Secretary Gates “who knows the difficulty of war and the challenges”. Mr. Daley explained that there were no vital U.S. vital interests in Libya, arguing: “it’s in our interest as human beings,” (NBC “Meet the Press” 2011; Berger 2011).

In fact, the relationship between the United States and Libya had been hostile for more than three decades. As the subsequent chapters will show, the two countries had engaged each other in several military skirmishes over the Gulf of Sidra. The Libyan government was accused of intervening in regional conflicts and funding terrorism against the United States, most notably the 1986 Berlin Discotheque Bombing and the 1988 Lockerbie bombing. This led to a number of confrontations and engagements between U.S. and Libyan armed forces, the imposition of economic and diplomatic sanctions by the United States, and covert U.S. efforts at regime change (Davis 1990; U.S. Congress 2008). But at the beginning of the twenty-first century, Qaddafi started to shed away his image as an international pariah. After Libyan intelligence operatives were charged with the Lockerbie bombing, Gaddafi started to distance himself from terrorism by expelling Abu Nidal, the infamous terrorist behind the attacks (Colvin and Murad

2002). In late 2003, he pledged to end his government's involvement with violent political movements around the world. After the terrorist attacks of September 11, 2001, Qaddafi offered counterterrorism and intelligence cooperation to the U.S. On December 19, 2003, Qaddafi announced his decision to dismantle Libya's weapons of mass destruction and long-range MTCR-class missile development programs. These steps marked positive steps toward full normalization of relationships with the United States and the international community (U.S. Congress 2008).

In response, on February 8, 2004, the U.S. opened a two-person interest section at the Belgian embassy in Tripoli, which was expanded to a larger Liaison Office in June 2004. On September 20, 2004, President Bush issued Executive Order 13357 that ended most economic sanctions against Libya, allowed air flights between the two countries, permitted Libyan purchases of U.S.-built aircraft, and released approximately \$1 billion in Libyan assets frozen in the United States (The White House 2004). One year later on September 28, 2005, he issued two waivers of Arms Export Control Act restrictions on the export of defense articles to Libya, thus allowing U.S. companies to "possibly participate" in Libya's efforts to destroy its chemical weapons and precursor stockpiles, along with the refurbishment of eight C-130 transport planes purchased by Libya in the 1970s that had been withheld for the last thirty years. On May 15, 2006, the Bush Administration announced its intention to restore full diplomatic relations with Libya and to rescind Libya's listing as a state sponsor of terrorism and a country not fully cooperating with U.S. counterterrorism efforts. Full diplomatic relations were restored on May 31, when the United States upgraded its Liaison Office in Tripoli to Embassy status

(U.S. Congress 2008). Finally, on September 30, 2006, President Bush signed the Iran Freedom Support Act (U.S. Congress 2006, Iran Freedom Support Act, Doc. H.R. 6198/P.L. 109-293, Sept. 27, 2006), which removed Libya from the terms of the Iran and Libya Sanctions Act (U.S. Congress 2001, Imposition of Sanctions with Respect to Libya, Doc. P.L. 107-24, August 3, 2001). Since that time, the country cooperated with the U.S., the United Kingdom, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons toward these objectives (U.S. Department of State 2011). So the more than thirty-five years of strained and hostile relations between the two countries had normalized and Libya was no longer a threat to U.S. security interests. True, the U.S. had interests in Libya but there were not so vital as to warrant by themselves a military intervention. There had to be another justification.

Some have also argued that the U.S. intervened because of its oil interests in Libya. At the beginning of the Qaddafi regime the U.S. and Libya entertained mutually beneficial oil and commercial relations. In fact, the majority of Libyan oil companies were staffed and operated by U.S. nationals. Upon seizing power, Qaddafi even reassured the United States that American oil companies would not be nationalized (St John 2002, 104; ElWarfally 1988, 65). In the 1970s the U.S. response to Libya's oil policies was generally passive because the U.S. did not have much leverage against Libya. Oil flow to the U.S. continued unimpeded despite fluctuations in prices, the marketing environment, and the increased pressure of Libya's oil policies and the nationalization of U.S. oil companies. In 1973, Libya was the second-largest Arab oil exporter to the United States (ElWarfally 1988, 65; Department of State Bulletin, September 24, 1975). From 1977 to

1980, the U.S. had become the largest purchaser of Libyan oil (Davis 1990, 35; Vandewalle 1998, 113).

Deep-seated disagreements on oil policy between the two countries began surfacing with the Reagan administration. President Reagan viewed Qaddafi as an enemy and a Soviet satellite whose destabilizing activities in the region needed to be stopped (St John 2002, 124; Osgood 1987, 45). In October 1981, he advised U.S. oil companies to begin planning their orderly withdrawal from Libya and in March 1982, he declared an embargo on Libyan oil. This decision was a clear departure from the policies pursued since 1969 (St John 1986, 113-14; U.S. Department of State 1981, 787, 796). The peak of this policy was reached after the Abu Nidal Organization's coordinated attacks on the Rome and Vienna airports in December 1985. These terrorist attacks killed twenty-five people, including five U.S. citizens. In January 1986, President Reagan issued Executive Order 12543, prohibiting U.S. citizens and companies from participating in any transaction involving Libyan assets, in terms of exports, imports, credits, loans, and contracts. Five months later, in May 1986, U.S. Congress passed a bill requiring U.S. oil companies operating in Libya to cease their participation in the production, marketing or distribution activities with respect to crude oil produced by Libya. The dateline was set for June 30 of the same year. This resulted in prohibiting five U.S. companies from operating in Libya – Amerada Hess Corp., Conoco, Inc., W.R. Grace & Co., Marathon Oil Co., and Occidental Petroleum Corp. – from continuing their operations there (The White House 1986a; U.S. Congress 1986).

This trade embargo was lifted only in 2004 and U.S. oil companies including Occidental Petroleum and the so-called Oasis group – consisting of Amerada Hess, Marathon, and ConocoPhillips – were then allowed to negotiate the resumption of their oil production activities. In the meantime other NATO members who participated in the military intervention continued to entertain mutually beneficial relations with Gaddafi. For example, during the rule of Gaddafi, Italy relied on Libya for almost 22 percent of its oil consumption. Before the uprising, France relied on Libya for 16% of its oil. Following France's recognition of the Libyan opposition, a secret contract was signed between Libya's NTC and the French government guaranteeing 35% of Libya's new oil contracts to France. Following the release of Libyan agent Abdelbaset al-Megrahi from Scottish prison under medical reasons on 20 August 2009, England's BP was awarded a \$900m exploration contract in Libya (Vanderbruck 2011). So, the oil argument is not convincing because U.S. oil companies had very little investments in Libya in comparison to many of its NATO counterparts. At least this was not enough to justify military in a third Muslim country within a decade.

Compliance with its Obligation as a Member of the United Nations

A third explanation for U.S. intervention in Libya could be U.S. compliance with its obligation as a member in international organizations, namely the United Nations. One may question the relevance of this argument and argue that as a veto holder in the United Nations Security Council, the U.S. will never allow a decision it does not support and will therefore never be in a position to feel any “obligations” for a mandate it has accepted in the first place. But the fact that a country does not veto a resolution does not

necessarily mean that this country supports that resolution. In fact, Russia and China, UN veto holders, did not veto Resolution 1973. Their position was neutral.

One can therefore legitimately hypothesize that the U.S. intervened in Libya to enforce UN Resolution 1973 asking “to take all necessary measures to protect civilians under threat of attack in the country” (U.N. Security Council 2011c). The fact that the decision to intervene only came after the vote of the Resolution may argue in favor of this hypothesis. But as Congresswoman Ros-Lethinen questioned U.S. State Department Deputy Secretary James Steinberg during the Hearing, “does the administration contend that U.N. Security Council Resolution 1973 overrides U.S. prohibitions? And does that mean that U.N. resolutions create U.S. laws?” (U.S. Congress 2011f). Answering “yes” to this question would be to ignore the complex history of relations between the United States and the United Nations. It is true that the U.S. is a permanent member of the UN Security Council and has on numerous occasions been supportive of the UN. But in recent times the United States has been very selective in assuming new international commitments with the United Nations. Even though the present administration champions multilateralism, it has also been reluctant to bind itself too closely to multilateral institutions and rules (Ikenberry 2002, 40-58; Interview with Chester Crocker, Washington, DC, December 2014). During the Hearing held on March 3, 2011, before the Committee on Foreign Affairs, House of Representatives, the House reaffirmed U.S. autonomy vis-à-vis the international body. “Lesson Two” of the document reads: “The U.S. is not just another Member nation at the U.N. American leadership is what our allies expect from us, and what our enemies fear. We should not be

afraid to block consensus and stand up for our values and interests, even if that means standing alone” (U.S. Congress 2011b).

Moreover, U.S. Congress has shown itself to be particularly skeptical of UN effectiveness and efficiency. In December 2004 a bipartisan Task Force was created to advise Congress on how to make the U.N. more effective in realizing the goals of its Charter. Co-chaired by former House Speaker Newt Gingrich and former Senate Majority Leader, George J. Mitchell, the task force released a document "American Interests and UN Reform: Report of the Task Force on the United Nations" (U.S. Task Force 2005). The report called for concrete action to reform and reinvigorate the United Nations, which had purportedly lost its credibility. If “for many of the world’s people, the United Nations has carried the stamp of legitimacy and consensus,” the report argues, “Americans have differing views about the importance of a United Nations’ seal of approval” (U.S. Task Force 2005, vi). There is a demand for greater accountability, transparency and efficiency for many of its agencies. The most serious concern came from the Human Rights Commission the credibility of which had eroded to the point of becoming a blot on the reputation of the whole institution. In 2005, for example, six of the fifty-three countries sitting on the Human Rights Commission were known as the world’s “worst of the worst” abusers of human rights (U.S. Task Force 2005, 5).

The Hearing held on March 3, 2011, confirmed the same suspicion. “Lesson Three” called for real reforms, not just cosmetic changes. It is true that in 2006, the U.N. finally dissolved the “shameful U.N. Commission on Human Rights, which had fallen so far that it had been chaired by Qaddafi's Libyan regime.” But “instead of replacing the

Commission with a body based on real membership standards, the U.N. created a Human Rights Council that is as bad, if not worse, than its predecessor.” The Committee also acknowledged that the majority of the Council’s members – including China, Cuba, Russia, and Saudi Arabia – were not free nations and that their resolutions criticizing human rights abuses were usually too little and came too late (U.S. Congress 2011b).

Though useful in many respects, this explanation remains incomplete. It would not seem reasonable to commit troops to support an organization lacking credibility and in need of institutional reforms. Overall, this argument does not tell the whole story for two reasons. First, U.N. resolutions do not create U.S. laws. U.S. Congress is not bound to adopt U.N. resolutions and the use of U.S. taxpayers’ money cannot be decided by a foreign power. Second there is an ideological difference between the U.S. and the U.N. on the issue of human rights. Moreover U.S. Congress had expressed serious concern about U.N. agencies’ accountability and efficiency. It will therefore appear counterintuitive for the U.S. to commit its troops for an institution in need of structural reform.

Bureaucratic Politics

The fourth explanation could be that the decision to act came as a result of bureaucratic politics. According to this approach policy outcomes are not a solution to a problem but rather result from compromise, coalition, competition, and sometimes confusion among governmental actors who see different faces of an issue. Players may include the President, Secretaries of State, Defense, and Treasury, Director of the CIA, the Joint Chiefs of Staff, the immediate staff of each staff, etc. (Allison 1969, 708-709).

Here bureaucratic politics played a role in the decision-making process. There were reports of internal fights within the President's closed aides.

One side, including Vice President Joe Biden, National Security Advisor Thomas Donilon, White House Chief of Staff Daley, Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, Deputy National Security Advisor Denis McDonough, Chief counterterrorism advisor John Brennan, and Secretary of Defense Robert Gates argued that what was happening in Libya was not a vital national interest of the United States. They opposed attacking another Muslim country within a decade to force regime change. The other side, comprised of Ambassador Susan Rice, Deputy National Security Adviser for Strategic Communication Ben Rhodes, Senior Director for Multilateral Affairs and Human Rights Samantha Power, and Secretary of State Hillary Clinton, urged aggressive action to protect civilians and rebels as Gaddafi was fighting to regain power (Gates 2014, 511). Though important, the bureaucratic politics argument remains incomplete and does not tell the whole story.

The decisive element came with National Intelligence Director James Clapper's military assessment of the situation on the ground. He told the President that the balance of force showed that forces loyal to the Qaddafi regime would prevail in the long run. He predicted that unlike the leaders of Egypt and Tunisia Qaddafi would not give up power and was likely to defeat the rebels (Mazzetti and Sanger 2011). President Obama called Mr. Clapper's assessment "a hard-headed assessment about military capability" but not a policy statement. From then on, he started seriously considering a no-fly zone over Libya. "I have not taken any options off the table," he said. But, he added, "when it comes to

U.S. military action, whether it's a no-fly zone or other options, you've got to balance costs versus benefits, and I don't take those decisions lightly" (The White House 2011f). As time went by, Gaddafi's troops started successfully pushing east and it became clear that they would soon recapture Benghazi, which meant large-scale massacre. Gaddafi's bloodthirsty rhetoric about killing "the rats" in Benghazi, the support of the Arab League, NATO's commitment to act and the passing of U.N. Security Council Resolution 1973 clearly invoking the Responsibility to Protect, all these factors finally convinced the President that the United States had not only to act but also to take the lead (Gates 2014, 518; U.S. Congress 2011d; U.S. Congress 2011f).

In short, all these explanations – and many more – are useful but only capture part of the story about U.S. intervention in Libya. The norm of R2P can also add to a better understanding of the real motivations behind U.S. decision to intervene in Libya. Since R2P is a norm we can try to understand it within the theoretical framework of constructivism.

Role of Constructivism in Formulating an Alternative Explanation

Constructivism poses a challenge to those who maintain the unconditional value of state sovereignty. The state-centric paradigm that has dominated the field of international relations for a long time has made it difficult to recognize the importance of individual human rights. I argue that the principles of international law deriving solely from the perspective of states are inadequate. Principles based on the respect of basic human rights are also necessary. Constructivism tries to make sense of these rights by appealing to duties, responsibility and identity.

The Constructivist Challenge

Neorealism claims that the international system is the reflection of material capabilities and the balance of power. For the neorealists states act in response to material needs and incentives by choosing the option that maximizes the benefits and minimizes the costs. The material world (bombs, mountains, oil, etc.) is an objective reality that has a direct effect on people's choices without the mediation of ideas or social beliefs (Hurd 2010, 299-301). Constructivism operates on a different assumption. What actors do, the interests they pursue, and the structures in which they operate are the result of social norms and ideas rather than objective and material conditions (Onuf 1989). States' identities and interests are a social construction. Constructivists approach world politics from a sociological perspective, emphasizing the process by which identities and interests are constructed, the mutual constitution of agents and structures, and the role of norms as well as material structures in the international system (Price and Reus-Smit 1998, 259).

For neorealism the content of state interests is fixed and gravitates around the desire for survival, power, wealth and security. State behavior is primarily motivated by these material factors and the nature of these interests cannot be altered. Instead of taking states' interests as given, constructivism probes the origin of these interests.

Constructivism shows the process through which national interests are born, how they acquire their status as political goals, and how such political goals are selected as actors' choices (Goldstein 2005, 126). As it appears, the meaning of these interests is socially constructed and historically conditioned. These meanings and practices are not stable, fixed or permanent. For instance, the principle of sovereignty as a social institution has

evolved over time. The idea that R2P and massive human rights violations by states against their own citizens could legally warrant intervention is something new in international relations. Since its adoption in 1648 and its formal enshrinement in the UN Charter of 1945 the principle of sovereignty had been an important organizing principle in international relations, but its meaning and absoluteness has been challenged by the change in understanding and belief about individual human rights.

The creation of institutions follows a process of internalizing a new self-understanding, which, in turn, redefines states' role and interests in the international system. This process is not exogenous and cannot be superimposed from outside (Wendt 1992, 415). It comes as the result of internal change in ideas, social norms and beliefs system (Hurd 1999, 379-408; Wendt 1999, chap. 5; Adler and Barnett 1998, 3-28). When the U.N. Charter was drafted 70 years ago, it did not include the protection of individual human rights within the borders of a sovereign country. But today the issue of human rights has become a defining characteristic of democratic nations' social identities, which, in turn shape their interests and goals in the international system. The Responsibility to Protect (R2P) was adopted after centuries of indifference to large-scale massacres of innocent victims at the hands of their own government. R2P became an international norm at the end of a long process of negotiation, persuasion and even coercion. As the first chapter consistently shows, the concept of R2P was born after several rounds of ICISS meetings and was adopted after several U.N. forums where the issue was debated and agreed upon by means of persuasion. R2P was established as a result not of rational calculations or changes in nuclear technology but emerged from

dynamic intersubjective understandings based on common historical experience and expectations of proper action after the failure to act in Rwanda and Srebrenica.

Constructivism is an umbrella theory that allows variations depending on the focus and interest of each theorist. This study privileges a more global approach that includes all the themes that have been developed in relation to R2P. This perspective has the advantage of being more comprehensive and provides a broader view and a better grasp that cannot be offered by a single author. Themes to be analyzed include ideas and material capabilities, collective meanings and identities, the relationship between norms and the use of force, and the relationship between the logic of appropriateness and the logic of consequences. These will open to a set of expectations that play as falsifiable hypotheses that will be confirmed or disproved in the conclusion of the dissertation.

Ideas and material capabilities. Constructivists hold that material conditions do matter, but how they matter depends on ideas, beliefs and expectations (Ruggie 1998, 856). The material world is shaped by a dynamic human understanding, which provides actors with reasons why things are as they are and how power and material capabilities should be used (Adler 1997, 322). People interact with objects and other actors on the basis of the meanings that these objects and people have for them. There is a shift of focus from brute material conditions like biology, geography or technology to the role of ideas in the construction of the social fabric. At the same time these ideas and collective meanings cannot be divorced from the material conditions but both are intrinsically linked (Fearon and Wendt 2012, 57).

These ideas are just not individual beliefs and cannot be reduced to individual minds. They are intersubjective – shared among people – and institutionalized through practices. As Legro puts it, “they are embedded not only in human brains but also in the ‘collective memories’, government procedures, educational systems, and the rhetoric of statecraft” (Legro 2005, 5). This collective knowledge dictates the appropriate performance of a social practice or range of practices (Cohen 1987, 287). The distribution of capabilities may exist; but its usage depends on intersubjective meanings, expectations, and the understanding that states have of themselves and of others. By itself the distribution of capabilities predicts little about state behavior. States will adopt different attitudes according to whether they are dealing with friends or enemies. This interaction will lead to cooperation and security community if states trust each other or else to dilemma community if states are distrustful and make worst-case assumptions about the intentions of others (Wendt 1992, 73).

By themselves material capabilities can hardly explain the adoption of international sanctions against the Apartheid regime in South Africa. The country was considered a middle power and a Western ally. From a rationalist perspective this system of institutionalized racial discrimination should never have become a salient issue in global affairs and demands for collective action against it should never have been implemented (Klotz 1995, 17). It increasingly became a universally shared understanding that discrimination based on racial categories was morally repugnant and any political system supporting or tolerating it was equally repugnant. As subsequent chapters will show, U.S. Congress, in line with its moral self-understanding of America as a country of

freedom and human rights, overrode the President's veto and passed a legislation promoting racial equality in South Africa; and this, despite the economic costs and the U.S. strategic interests of the Cold War period (Klotz 1995, 14). This came after a change in understanding and moral extension of who qualifies as human and thus deserves intervention for protection. In the nineteenth century, the protection of nonwhite and non-Christians was not an interest that could prompt the deployment of Western troops. But today the notion of 'humanity' has expanded to encompass all human beings who deserve to be treated with equal respect (Finnemore 1996, 184). R2P even goes as far as breaching the century-old principle of sovereignty to protect civilians against abuses from their own fellow nationals.

Constructivists have also reassessed the traditional definition of deterrence – commonly understood as dissuading an enemy from doing something they would otherwise want to do, using threats of unacceptable costs. Material capabilities do not by themselves explain the prohibition and the non-use of nuclear and chemical weapons. The Korean War, the French war in Algeria, the Vietnam War, the British war in the Falklands, and the Soviet intervention in Afghanistan are cases where nuclear weapons could be used without fear of retaliation. But they were not despite military defeat on conventional capabilities (Price and Tannenwald 1996, 117-118). Their non-use can be attributed to the odium attached to chemical weapons. Chemical weapons are morally repugnant and disproportionately lethal. There is a moral discourse ostracizing the use of these weapons as unacceptable, inhumane, and reprehensible methods of warfare. Their use or non-use has become the symbol of a "civilized" or "uncivilized" nation. As Price

and Tannenwald put it, “prohibitory norms in this sense do not merely restrain behavior but are implicated in the productive process of constituting identities as well: actors have images of themselves as agents who do or don’t do certain sorts of things” (Price and Tannenwald 1996, 125). This moral principle has shaped American perceptions of nuclear weapons as disproportionate and in contradiction with America’s moral identity. Since Hiroshima and Nagasaki, American leaders have consistently portrayed the nuclear age as contrary to Americans’ perception of themselves. The Anti-Ballistic Missile Treaty signed in 1972 between the United States and the Soviet Union is the expression of the shared normative understanding that nuclear weapons are morally abhorrent (Price and Tannenwald 1996, 121, 142). In connection to our case study, can we confidently affirm that the relationship between the U.S. and Libya followed this pattern of change in ideas over time?

Collective meanings and identities. Collective meanings determine the structure that organizes and orients human actions. Individuals assume diverse identities according to their institutional and social roles. They can respectively be brother, teacher, friend, or citizen. Through this social interaction the individual self becomes a collective self and security practices tend to become community-oriented or altruistic at various degrees. The self is no more oriented toward itself since it finds meaning only with respect to its relationship with the community. Likewise, states acquire their identities and self-understanding by participating in such collective meanings. Depending on circumstances, states may identify themselves as “sovereign,” “leader of the free world,” etc. These diverse identities will then determine their goals and interests. The idea of national

interests will gradually give way to the notion of community of interests. As Wendt puts it, “it restructures efforts to advance one’s objectives, or “power politics” in terms of shared norms rather than relative power” (Wendt 1992, 401). This new understanding has rearticulated international standards for the use of force and military intervention. A new emphasis is put on the protection of human beings and this has considerably changed the geography of the international system. As Finnemore puts it, “normative understandings about which human beings merit military protection and about the way in which such protection must be implemented have changed, and state behavior has changed accordingly” (Finnemore 1996, 155). In connection with our question, the expectation would be that R2P and human rights norms to which it is associated have contributed to redefining what the U.S. sees as its identity in the world after the massacres Rwanda and Srebrenica.

Norms, shared values and the use of force. When states intervene they justify their actions by referencing to norms and values articulated and shared by decision makers of other states. They appeal to a normative context and shared social purpose. As Finnemore puts it, “justification is literally an attempt to connect one’s action with standards of justice, or perhaps, more generically, with standards of appropriate and acceptable behavior” (Finnemore 2003, 15). These norms are acquired through a learning process whereby agents are taught new values and interests. This set of internalized understandings is what makes acceptable some behavioral claims (Checkel 1997, 477).

The context of these norms and values is constantly changing. In the past, the purpose of military intervention and the use of force were dictated by *realpolitik*

considerations of geostrategic and economic interests. War was considered glorious and honorable and states could legitimately pursue it not only as a means to wealth and power but also as end in itself. Military bravery brought distinction and respect, which were highly valued goals for leaders. But these goals have changed and evolved over time. Today, glory acquired by success is no longer an acceptable justification for military campaign. Force is no more viewed as legitimate or respectable but is tolerated in extreme circumstances such as self-defense in case of aggression or R2P to protect against gross human rights violations. This change in belief does not, by any means, suppress or reduce the occurrence of war and conflict but redefine them in ways that alter the purpose and character of military force. As Finnemore puts it, “new beliefs about social purpose reconstitute the meaning and rules of military intervention, and ultimately change intervention behavior” (Finnemore 2003, p. 14). Killing for the sake of killing has never been the purpose of war. The use of force is a means to a social end. To have a maximum effect force must be coupled with legitimacy. The goal must be legitimate and the use of force must be a legitimate means to that goal (Finnemore 2003, 18).

The importance of norms and shared values about individual human rights became salient at the turn of last century. After the horrors of Rwanda and Srebrenica massacre there was a widespread moral condemnation prompted and legitimized by a transnational dialogue, which recognized the situation as morally abhorrent. A wide spectrum of security issues emerged, ranging from the control of the proliferation of small arms and light weapons to post-conflict justice and child soldiers. This culminated with three foreign policy initiatives: the signing by 122 states of the Ottawa Treaty

banning landmines (Keating 2002, 220; Tomlin et al. Tomlin, B., Norman Hillier and Fen O. Hampson 2007, 223), the institutionalization 1998 Rome Statute providing the legal basis for the ICC to put on trial individuals accused of committing war crimes, crimes against humanity, and genocide (Rome Statute of the ICC 1998, 3-10), and the articulation of R2P (Knight 2001, 116). Today human-rights norms are not only becoming injunctive regulations but also constitutive of international actor's identity and self-understanding. Human rights claims have grown to the point of challenging and even trumping deep-seated international law principles of territorial integrity and political sovereignty, both of which had for a long time been considered as the only legitimate reasons to wage war. The expectation here is that the danger faced by the Libyan people was imminent and the need for outside protection dire enough to justify the use of force and the breach of the long-standing principles of political sovereignty and territorial integrity.

Between the logic of appropriateness and the logic of consequences. Contrary to the economic oriented paradigm that dominated mainstream international relations scholarship for a long period of time, constructivism rehabilitates the sociological aspect of the international system. The debate is often translated in terms of opposition between norms and values on the one hand, and material interests and the distribution of capabilities on the other, homo sociologicus against homo economicus. While the former carefully calculates different courses of actions and chooses the most beneficial outcome in terms of material gains, the latter is a rule-follower who acts out of habit and social norms. Arguments that actors or states do what they do because it is useful or fulfills

some function are often opposed to normative and ideational arguments where actors do what they do because they consider such actions legitimate, right, or good. In March's and Olsen's terms, in their respective mode of decision-making, *homo economicus* follows a 'logic of consequences,' while *homo sociologicus* follows the 'logic of appropriateness' (March and Olsen 1998, 943-69).

Empirical evidence shows that it is sometimes difficult to dissociate the two. At times people act out of pure material calculations; at other times their choices are so constrained by norms and identities that they seem to act as rational choice actors. Here the question should not simply be "Do people follow a logic of consequences or appropriateness in their behavior?" but "Why do people follow norms? What motivates them to do so?" Rational choice theorists would argue that actors follow norms only because (and when) it is useful to do so, whereas constructivists would object that people follow norms simply because it is the right and legitimate thing to do. But it is not always easy to disentangle the real motivation of actors. Let's take the example of reciprocity in trade. It is difficult to know whether compliance with the norm of reciprocity in trade or other international negotiations is based on intrinsic fairness or is simply a useful means to an end. Both logics may also interact or intersect over time. People could act both out of fear of bad consequences and out of the desire to do the right thing (Fearon and Wendt 2012, 61). Utility and legitimacy should not be divorced. Separating the two or treating them as competing explanations is probably misguided and fails to address the question of how the two are interdependent and intertwined. The right approach would be to look at how power structures affect patterns of normative change in international relations and,

conversely, the way in which norms affect power structures. Even once human rights norms are accepted in relations among nations, power will still matter (Barkin 2003, 337). If this argument is true in the case of Libya, the expectation is that both logics played out. The U.S. must have intervened in Libya not only because there was an interests going there but also because it was the appropriate thing to do.

The Agent-Structure Problem

Constructivism also problematizes the relationship between structures and agents, between institutions and individual actors operating in the international system. It claims that agents and structures are mutually constituted. Structures do not exist independently of the practical and social knowledge that generated them (Price and Reus-Smit, 267). This relationship is not fixed and stable but results from ongoing interactions among states and their social context. These interactions may also change the broader international system in which states exist, including norms and other expectations concerning sovereignty, threat, or interests. Internal factors cannot be completely ignored. The Cold War ended in part because of domestic and endogenous factors within the Soviet Union that could not be predicted. The Soviet dissident movement helped fuel the international delegitimation of the Soviet Union, while the Chernobyl nuclear accident raised awareness about the horrors of uncontrolled nuclear competition (Adler 1997, 342; Checkel 1997, 479).

Constructivism has mainly assumed two different forms: “systemic constructivism” and “holistic constructivism.” While the former leans towards a systemic theory, the latter is more encompassing and tends to incorporate domestic and

international events. Systemic theory brackets the internal sources of state formation and identity, focusing exclusively on the social international interaction. This ignores an important aspect of the structuration process and fails to explain fundamental changes in state identity and social structures. As Price and Reus-Smit put it, “systemic constructivism offers an overly static conception of the state and the international system, providing no clue as to how agents or structures change” (Price and Reus-Smit 1998, 268). Holistic constructivism, on the other hand, is interested on how domestic international social events interact to explain both systems and systemic change. It would be a mistake to privilege the structure-centric approach over the agent-centric one (Fearon and Wendt 2012, 54). There is a dynamic and mutual influence whereby states’ behavior contributes to making institutions and norms of the international order; and these institutions and norms, in turn, contribute to socializing and ultimately defining states’ identities (Hurd 1999, 303-304).

The criticism often leveled against systemic constructivism is that it considers the state as a natural object and a unitary actor, regardless of domestic considerations. Such reification may lead to the perpetuation of a state-centric world. Wendt defends himself against this reification by arguing that the question his writings address is ‘how should we understand the social construction of the states system?’ not ‘how should we understand the social construction of the state?’ These two questions are not the same (Wendt 2000, 175). A better understanding of R2P requires an adequate answer to the second question because R2P precisely challenges the process through which the state becomes a sovereign and independent actor in the structure of states system. The holistic

approach goes ‘all the way down’ to address the processes by which a state gains its legitimacy as credible and autonomous actor in the international system.

The goal of the state is not only to achieve peace but also promote justice and the common good of its members. Domestic Political institutions are made legitimate only by the consent (tacit or explicit) of these members. State rights derive from the rights of its members. The government has no independent moral status, no rights on its own account and hence no independent legitimate interests. It is the expression of the equal freedom of individuals who freely decide to enter into association with one another (Locke 1980). The state must be considered as a fiduciary, created for individuals rather than vice versa. Sovereignty means that political authority within the state has the people as primary source and that the government must function as an agency at the service of its own citizens (Buchanan 2004, 102).

States have the right to be free from aggression because they actually represent persons exercising their liberty of association (Benn and Peters 1965, 429). Individual persons therein have the right to share a common life together and be protected from external aggression. As Walzer puts it, “given a genuine ‘contract’, it makes sense to say that territorial integrity and political sovereignty can be defended in exactly the same way as individual life and liberty... States are neither organic wholes nor mystical unions” (Walzer 1977, 53; 54). States qua states do not have the power to think, feel, will or act in pursuit of certain ends. Only people and rational beings alone or in-group have the capacity of doing these things (Beitz 1999, 76). State autonomy is therefore justified if and only if it promotes principles that the citizens of the state in question would rationally

have agreed to in advance (Miller 2005, 383). Basic human rights constitute the standard when considering the question of autonomy and assessing the moral status of a state (Beitz 1999, 81; Miller 2005, 384; Nagel 2005, 135).

In the classic Weberian conception, one of the defining elements of the state is its monopoly of the legitimate use of force within the confines of a given territory (Weber 1968, 56). But claims for the protection of individuals from state violence show that this monopoly must be limited. Where a social group is exploited or excluded from the benefits that other members standardly enjoy, it is hard to claim that their members are responsible for the consequences of national decisions. Likewise when nations are subject to the oppression of an autocratic rule, it is difficult to view state actions as genuinely national acts. Their members cannot be held responsible for the policies that are followed especially if they cannot resist or are brainwashed into blind faith in their leader and ideas (Miller 2004, 24). A state governing without the consent of the governed is not morally entitled to claim a right against aggression (Nagel 2005, 168). A government that is not an agent of the people governed has no moral interest to balance against the interests of the people. This government therefore loses its claim to sovereignty (Moellendorf 2002, 107).

But not every domestic injustice justifies outside intervention. There are circumstances in which intervention is morally acceptable (Beitz 1999, 91). Humanitarian intervention is permissible only under specific conditions. It becomes legitimate only in “response (with reasonable expectations of success) to acts ‘that shock the moral conscience of mankind’ ” (Walzer 1977, 107). If a government is engaged in massive

violations of human rights against the people it is supposed to protect, it loses any claim to sovereignty. There is no difference in principle between coercion by external agents or by internal ones. Governments and armies engaged in massive crimes are criminal governments and are guilty under the Nuremberg code, of “crimes against humanity.” There may be no help unless it comes from outside (Walzer 1977, 101). In this case intervention becomes similar to what is viewed in domestic society as police work of law enforcement (Walzer 1977, 106).

In short, in addressing the question “how should we understand the social construction of the state?” holistic constructivism challenges the state-centric paradigm and its morality. The criteria set forth by the Peace of Augsburg (1555) and the Peace of Westphalia (1648) focused on the inviolability of state’s territorial rights and political autonomy. According to the Westphalian model of sovereignty, relations between rulers and ruled ought not to be subject to external and outside forces whether individual human rights are enshrined in their constitutional practices or not; whether ethnic or religious minority rights are upheld or not; whether symmetrical treatment is given regardless of gender; or whether indigenous peoples are considered as distinct and subclass citizens (Krasner 1999, 73). Today these principles have to be understood in the context of evolving practices and changing norms of human rights. Prior to R2P, human rights agreements had never violated international sovereignty with its stipulation that juridical independent territorial entities have the right to free choice (Krasner 1999, 118).

Sovereignty today means responsibility and accountability. Governments are accountable not only to their domestic constituency but also to the international

community. The state gains its legitimacy in the international system only through domestic compliance with human rights norms and protection of its population. This is why claims about minority and human rights are now contradicting the principle of sovereignty (Krasner 1999, 23). It is only by effectively discharging its duty of protection and good governance that a state can legitimately claim a right to sovereignty (Deng et al. 1996, 1). In fact, major international agreements from Augsburg in 1555 to Dayton in 1995 have included provisions for the protection of minorities, first understood in terms of religious identity and later ethnic or linguistic affiliation (Krasner 1999, 103). A country where the government routinely tortures or kills dissidents, or in which minorities are brutally persecuted, cannot derive sovereign rights against aggression from the rights of its own oppressed citizens, when it deprives them of the same rights (Doppelt 1978, 9; Buchanan 2003, 79). The Libyan regime lost its legitimacy precisely because of its brutal and savage assaults against the very people it was supposed to protect. Outside intervention could therefore be legitimate and justified.

Norms and Strategic Behavior

Constructivism draws its main insights from the methods and propositions of critical social theory. Constructivists are interested in knowing how the objects and practices taken for granted and natural in social life are “constructed.” They emphasize the role of social wholes and internal relations rather than brute material facts as the primary focus of scientific explanation (Fearon and Wendt 2012, 58). For instance, power politics does not follow either logically or causally from the anarchical system of self-help, but is the result of a process in which identities and interests are endogenous to

social interaction. As Wendt puts it, constructivists “develop a positive argument about how self-help and power politics are socially constructed under anarchy, and then explore three ways in which identities and interests are transformed under anarchy: by the institution of sovereignty, by an evolution of cooperation, and by international efforts to transform egoistic identities into collective identities” (Wendt 1992, 426). After the failure to stop genocide and ethnic cleansing in Rwanda and Srebrenica, then U.N. Secretary General Kofi Anan challenged the international community to find a way to respond to gross and systematic violations of human rights that offend and shock human conscience. Now human rights norms and R2P have become a moral standard – at least nominally – for acceptance in the concert of nations. In some instances rulers have endorsed human rights conventions not because of their intentions or even abilities to implement them, but because such agreements are now part of what was seen as appropriate behavior for a modern state (Krasner 1999, 106).

Constructivism indeed acknowledges the importance of power and interest in the conduct of international affairs. It has no problem admitting with rationalists that states have needs and interests and act in order to satisfy them. But it goes beyond and tries to explain how these needs and interests came into being. It problematizes these interests and identities. Social interactions may well create self-interested agents who pursue their goals by comparing costs and benefits. But this strategic behavior should not be separated from the process that generated it in the first place. There is a difference between the source and the content of states’ interests. It depends on the question being asked. If one is interested in material capabilities in the rational choice perspective, then material

resources will serve as independent variable. But if the researcher is interested in how actors give meaning to these material conditions, then they become the dependent variable (Wendt 2000, 160, 171). Rather than taking agents as given and natural, as some rationalists tend to do, constructivists problematize them, making them a 'dependent variable.' The focus is shifted to the social process by which these agents acquire their identities and interests (Fearon and Wendt 2012, 57).

International norms and strategic behavior are not mutually exclusive. But there is a line of demarcation between the view that states act in response to material incentives and the claim that meaning, expectations and shared beliefs mediate between material forces and social actors. There is kind of division of labor in which constructivism specializes in answering the question about how identities and interests are acquired by actors while realism explains how already constituted actors pursue these interests (Sterling-Folker 2000, 97; March and Olsen 1998, 943-69). The two approaches belong to different realms that do not overlap. Oftentimes, the two may intersect and may have a stronger connection. But one has to be caution of claims that use political rhetoric based on norms to justify and promote self-interested behavior. Keep in mind that the Bush administration made a moral argument to invade Iraq in 2003. The reason of the invasion, U.S. officials argued, was to make the world a safer place by getting rid of Saddam Hussein's arsenal of weapons of mass destruction. Hitler made the same argument with Czechoslovakia in 1938. He made himself the protector of ethnic Germans living in Sudetenland whom, he claimed, were being oppressed by the Czech people. The country was later invaded (Bruegel 1973, 45-60).

Both logics are useful and “provide different lenses through which to view the same empirical phenomena and outcomes” (Snidal and Thompson 1998, p. 220).

Methodological pluralism is the reasonable solution. The best way forward is to argue from different ontological positions rather choosing for or against one theory (Hurd 1999, 312; Wendt 2000, 172). The comparison should be viewed more as a conversation than as a debate. Legro has used a ‘two-step’ dance metaphor to summarize the controversy: first we explain preferences, then we explain behavior. There are no epistemological grounds to privilege any one perspective. It simply depends on the question that is being answered (Legro 1996, 118-137; Adler 1997, 322-324).

The contribution of this dissertation is to show that, by emphasizing the social and normative foundation of power, constructivism can be add something in the understanding of U.S. foreign policy decision-making process. U.S. recent military intervention in Libya could theoretically be explained by the changing normative context of the contemporary international order. This new normative environment is changing the purpose and meaning of the use of force and questions the long-standing principle of sovereignty. It would, however, be a mistake to oppose constructivists and rationalists in a zero-sum game. Both approaches need to come together and enter into fruitful conversation. Each approach brings something to the table and can produce insightful bits of knowledge that may help solve the puzzle of U.S. intervention in Libya.

Method

This is a qualitative case study. In fact, constructivism rejects positivist methodology and relies mostly on systemized research methods, such as discourse

analysis, process tracing, counterfactual analysis, etc. This study uses process tracing. There is a variety of process tracing methods, including detailed narrative, analytical explanation, use of hypotheses and generalizations, and more general explanation. The method used to assess the degree to which R2P influenced the U.S. decision to intervene in Libya is a detailed narrative in the form of a chronicle highlighting each step of the decision process. This will help me uncover and understand the chain of events, their context of occurrence and the role and identities of the main players involved (George and Bennett 2005, 210; Johnson and Johnson 2000).

The data used for this study are qualitative and are mostly based on the political discourse of all the actors involved. In the realm of politics, discourse can already be considered a form of political action, a part of the political process. Most political actions (passing laws, meeting, campaigning, etc.) are discursive. Process tracing examines utterances, which include relevant texts (government policy papers, memoirs, press accounts, cabinet deliberations, laws, articles, etc.), as well as speeches (Van Evera 1997, 64-65; Chekel 2008, 116; Lupovici 2009, 204). It focuses on the texts and talks of politicians or political institutions, such as the president and other members of government, the Congress (parliamentary debates, bills, laws, etc.) and other political discourse genres as propaganda, political advertising, media interviews, political talk shows on TV, and etc. within a manageable timeframe (Neumann 2008, 62-69, van Dijk 1997, 12-20). My timeframe covers a period from February 15, 2011 to July 7, 2012, respectively from the first day of peaceful demonstrations to the election of the General National Congress, the political entity that was supposed to usher in a new democratic era

in Libya by appointing a Prime Minister and a Constituent Assembly in charge of drawing up a new constitution.

Operationalizing R2P

The controversy has been to know whether R2P is a concept, an idea, a norm, or a policy. This lack of clarity was echoed in Congresswoman Ros-Lethinen's intervention during a hearing on Libya. She called R2P "a vague concept first articulated in a U.N. General Assembly resolution more than 1 year ago, which the U.N. has endorsed but failed to define" (U.S. Congress 2011f). The common understanding is to describe R2P as a norm in the sense of "collective understandings of the proper behavior of actors" (Legro 1997, 33). In 2004, the UN High-Level Panel endorsed the "emerging norm that there is a responsibility to protect" and confirmed the exercise of this norm was reserved to the Security Council (UN High-Level Panel 2004, # 203). R2P is more than a concept. If it were just a concept, as the Chinese government argued in a UN Security Council meeting on June 22, 2007, it would then be inappropriate for the Security Council and other UN bodies to use it in their formal declarations or resolutions. If it were merely an idea, it needed further discussion and elaboration. At the end the fifteen delegations present at the meeting concluded that R2P is an agreed principle or norm in need of operationalization (UN Security Council 2007).

The International Commission for Intervention and State Sovereignty suggested some guidelines as a roadmap to operationalize each of the three steps, before, during and after any military intervention. The full appreciation of these criteria depends on the situation and the nature of the threat on the ground. My research is designed to assess the

degree to which empirical evidence supports the three aspects of R2P: prevention, reaction, and rebuilding.

The Responsibility to Prevent (ICISS 2001, 24-29, 31). This part covers all the measures taken short of military intervention and the actual use of force on the ground. A total of thirteen factors should be present if the “Responsibility to Prevent” is operative.

Political and diplomatic strategies:

1. Preventive diplomacy
2. Threat of political sanctions,
3. Diplomatic recognition or withdrawal of this recognition,
4. Membership in an international organization or expulsion from international organizations or suspension from sporting events,
5. Public condemnation in international forums (naming and shaming),
6. Travel bans for influential individuals,
7. Threat of international prosecution

Economic and social strategies:

8. Positively, development assistance and better aid conditionality in response to positive institutional change (free and fair elections, human rights record improvement, respect for the rule of law, eradication of corruption, transformation from military to civilian-controlled government, etc.).
9. Negatively: financial sanctions including denial or limiting cooperation and credits to banks and local companies, asset freeze, targeted and calibrated economic sanctions;

Legal strategies:

10. Positively: the facilitation of avenues for direct legal resolution of disputes before they become violent;

Security strategies:

11. Preventive military deployment,
12. Threats of arms embargoes or withdrawal of military cooperation programs.

All these measures are meant to prevent or stop the occurrence of violence and human rights abuses against innocent and unarmed civilians. When prevention fails, when the perpetrator does not heed these sanctions and mass atrocities crimes are already occurring or about to happen, the international community cannot stand by and has no other option than to act to halt mass atrocities and crimes against humanity.

The Responsibility to React (ICISS 2001, 30-33). This step deals with the actual use of force and military intervention. A total of ten factors ideally should be present if the “Responsibility to React” is operative.

Political and diplomatic strategies:

1. Diplomatic peacemaking
2. Political sanctions or incentives

Economic and legal strategies:

3. End of economic cooperation (exclusion from regional economic organizations, etc.).
4. Arrest, trial, conviction, and proper punishment in competent courts of those committing violence.

Military strategies:

5. Effective force on the ground
6. Bombing campaign
7. No-fly zones and safe havens
8. Arms embargoes,
9. Jamming of radio frequencies, etc.
10. Peacekeeping for civilian protection

The Responsibility to Rebuild (ICISS 2001, 39-43). Deadly conflicts never end when formal hostilities are over. There is a need for post-conflict reconstruction to ensure sustainable peace. A total of eight factors should be present if the “Responsibility to Rebuild” is operative.

Military strategies:

1. Disarmament
2. Facilitating a transition of armed groups into national forces or civilian life, support for security sector reform, mine clearance, etc.

Political and legal strategies:

3. Support in rebuilding institutions of governance such as the electoral system, justice system, etc.)
4. Pursuit and apprehension of indicted war criminals,
5. Managing refugee returns

Social and economic strategies:

6. Sending of international post conflict advisers,

7. Economic investment increase,
8. Support for social program in favor of sustainable peace.

Each of the three periods of U.S. intervention in Libya will be assessed according to all the above factors. This will determine the degree to which the U.S. actually followed R2P norms in the Prevention, Reaction and Rebuilding stages. Specifically, in the chapter on the “Responsibility to Prevent” (Chapter 5), if all 13 factors are present, it will be clear that the R2P norm was operative. To the contrary, if none of these factors are present, the R2P norm is absent. The reality, of course, will be some mixture of factors from 0-13, as will be the case in subsequent chapters, when I assess the degree to which the 10 factors related to the “Responsibility to React” were present (Chapter 6) and the 8 factors related to the “Responsibility to Rebuild” were present (Chapter 7). In sum, the presence or absence of these factors will be systematically assessed in the chapters to follow to determine the degree to which R2P actually influenced U.S. intervention in Libya during three phases.

Sources

First, I analyze relevant publicly available government documents including Executive Orders, speeches, directives, memos, Congressional letters, transcripts from hearings of the House and Senate Committees and Subcommittees, and draft and final security and financial reports. The primary source for U.S. government documents is the Library of Congress in Washington D.C. Most of the documents can be accessed only on-site. I also rely on the secondary scholarly literature such as academic research, articles, books, memoirs, and oral histories. Media coverage and news reports, especially

in The New York Times, The Washington Post, and Time Magazine, etc. was researched for key statements. I also used other political discourse genres such as propaganda, media interviews, political talk shows on TV, and so on

However, document analysis is not enough since official policy documents do not reveal the hidden agenda and motivations of actors nor offer the internal organization focus and perspective critical to this research. Moreover, it was not possible to obtain declassification of relevant government documents in a timely manner. To compensate for the difficulty of accessing first-hand resources and deciphering the primary motivation of policy actors, in-depth interviews were conducted with key former military commanders and U.S. foreign policy officials. These interviews have highlighted unforeseen variables or processes that did not clearly appear in archival research. They also offered me the opportunity to acquire information that was missing from written documentation. Interviews with U.S. officials included Four Star General Carter Ham, Commander of AFRICOM during U.S. intervention in Libya (Georgetown, Washington, DC and Cleveland, OH), Prof. Chester Crocker, former U.S. Assistant Secretary of State for Africa (Georgetown University, Washington, DC), and Ambassador David Shinn (Capitol Hill, Washington, DC). Interviews with United States Institute of Peace officials included Dr. E. Abouaoun, Jonas Claes, Manal Omar, and Fiona Mangan. I also had a conversation with State Department officials including Jonathan Temin, Christian Sanford, and Corinne Graff.

Information about intelligence aspects of military activities is a bureaucrat's nightmare. It was very difficult to find in the open domain and what was provided

through open sources was a bit suspect. In addition, the contemporary status of this operation posed limitations regarding document availability. Because the U.S. military has significant restrictions on access to personnel, it was not possible to interview military commanders as was desirable for the research. My research design also lacks key information and documentation from Libya. In fact, I tried several times to reach out to the Libyan Embassy in Washington, D.C. All such attempts were turned down. I even secured an appointment with Libyan officials but the meeting was cancelled at the last minute. A request filed with the Archives and Records Management Service of the State Department was also turned down.

CHAPTER 3
EVOLUTION OF R2P IN THE CONTEXT OF U.S. FOREIGN POLICY
TOWARD AFRICA

Except for Egypt, the African continent as a whole ranks low on the U.S. foreign policy list of priorities. The weakness of its military capabilities and its low level of economic achievement assign it a modest place in comparison to the attention and resources given to other regions. This timidity is reinforced by the colonial history of African countries that the U.S. still considers as the *chasse gardée* of former colonial powers. Even the election of Barack Obama, the first American president of African descent, did little to reverse this trend. But since the terrorist attacks of 9/11, there has surfaced a renewed interest in Africa because of the continent's geostrategic importance in the U.S. "War on Terror." The combination of failed states and the presence of an important Muslim population make it an easy target for militant extremism. The history of U.S.-Africa relations over the centuries has followed the path of national interests and humanitarian goals. But when there has been a clash between national security objectives and normative goals the choice has clearly been in favor of the former.

The remainder of this chapter is divided into four parts. The first part is a historical analysis of U.S.-Africa relations during the Pre-Cold War Era, from the first diplomatic contact with Morocco in 1777 through the Casablanca Conference at the end of the Second World War. The second part presents this history from the end of the

Second World War to the fall of the Berlin Wall in 1989, with South Africa as a case study to test the place of human rights norms in U.S. foreign policy toward Africa. The third part covers the period between the end of the Cold War and 9/11 and includes the analysis of U.S. intervention in Somalia, the disastrous results of which led policymakers to avoid intervening in Rwanda, the other case study of this part. The last part is an analysis of U.S. foreign policy toward Africa in the Post-9/11 Era including Darfur as case study.

U.S.-Africa Relations Pre-Second World War

The history of U.S. foreign policy toward Africa before the Second World War is an alternation on the one hand of support to black liberation movements and freedom fighters, and on the other hand of neglect due to the United States' own battles against racial segregation. Occasionally the U.S. would deploy its troops to protect and secure its maritime interests. In 1777, Morocco became the first African country to recognize the United States. The decades that followed became known as the period of greatest slave importation in the United States. From 1798 to 1808 the number of African slaves brought to the U.S. reached 200,000. Slave trade was officially outlawed in 1808, but the law was never enforced. In 1819, Congress passed an Act in addition to the acts prohibiting the Slave Trade. This law authorized President John Monroe to send a naval squadron to African waters to apprehend illegal slave traders. An amount of \$100,000 was appropriated to resettle recaptured slaves in Africa, in compliance with the 1808 ban on the slave trade (U.S. AFRICOM 2008).

The following year, in 1820, Congress enacted a law, which equated slave trading with piracy, making it punishable by death. This would be followed by a series of naval raids targeting slave traffic off the African coast. This resulted in the foundation of the first African-American settlement in Liberia in 1822. Patrolling the international waters to apprehend slave traders continued throughout the first half of the nineteenth century, including the raid of the Antelope slave ship in 1825. From November 29 to December 16, 1848, U.S. ships paraded and landed more than 200 marines and sailors to stop piracy and slave trade along the Ivory Coast. The operation was also intended to punish attacks by the natives on American fleet. In 1862, the United States established diplomatic relations with Liberia, a country that had declared its independence of July 26, 1847. Again in 1912, pursuant to an agreement with the government of Liberia, the U.S. Army assigned a number of U.S. soldiers to train the Liberian Frontier Force (U.S. AFRICOM 2008).

This commitment to freedom and human rights around the world stopped towards the end of the nineteenth century. Two reasons may justify this shift: the prevalence of racist policies in the U.S. Deep South and the stories of Western explorers presenting Africa as the “dark continent.” From 1871 onwards, the New York Herald started publishing exclusive reports and illustrations that dramatized to the American public the adventures of U.S. explorer Morton Stanley in Africa. Stanley's books quickly became best sellers in the United States, spreading the image of Africa as "the dark continent." The later release of the film Tarzan of the Apes based on the fantasy novels of Chicago-

born author Edgar Rice Burroughs would perpetuate this false image of Africans as primitive and brutal (U.S. AFRICOM 2008).

Hosted by German Chancellor Otto von Bismarck, the Berlin Conference in 1884-1885 marked the beginning of European colonization in Africa. The United States sent a representative, but was not considered a major power in the talks. Henry Morton Stanley teamed up with Belgian King Leopold to establish the "Congo Free State." In 1896, during the Plessy v. Ferguson case, the U.S. Supreme Court decided to uphold the constitutionality of racial segregation under the principle of "separate but equal." This sparked a campaign of racial segregation to reinstate white supremacy in the South, in parallel to European imperialism in Africa. African-American communities, particularly in America's poor, rural South, were increasingly victim of violence and endemic and systemic segregation and discrimination under the "Jim Crow" laws. This almost coincided with the extensive coverage in the United States of the South African War or the Anglo-Boer War. Reports tended to favor the Boers presenting them as anti-imperialist freedom fighters. This perpetuated the image of South Africa as a white man's country on the edge of a "dark" continent (US AFRICOM 2008).

The image of the U.S. as the champion of liberation movements around the world resurfaced during the Second World War. In 1941, President Franklin Delano Roosevelt and British Prime Minister Winston L.S. Churchill signed the Atlantic Charter, calling for the freedom of nations. Many Africans interpreted this charter as a call to end colonialism. The following year Anglo-American forces under the command of General Eisenhower intervened to drive Axis forces out of North Africa, including Morocco,

Algeria, and Tunisia. In January 1943, President Franklin Delano Roosevelt attended the Casablanca Conference for what was the first African visit of a sitting U.S. President. On his way to Morocco, he stopped for one night in Gambia. It is reported that he was so appalled by the conditions of Gambians so much so that he lamented with these words:

"It's the most horrible thing I have ever seen in my life... The natives are five thousand years back of us... The British have been there for two hundred years - for every dollar that the British have put into Gambia, they have taken out ten. It's just plain exploitation of those people. I must tell Churchill what I found out about his British Gambia today." (Doenecke and Stoler 2005, 54)

On his way back home he also stopped in Monrovia for an informal visit with Liberian President Edwin Barclay following the conference (US Congress 2008, U.S. AFRICOM 2008).

The Cold War Era (1945-1989)

The harsh treatment that the African people were subjected to revolted President F.D. Roosevelt who exclaimed: "It's just plain exploitation of those people. I must tell Churchill what I found out about his British Gambia today." He himself admitted his incapacity to act and promised to take the matter to Churchill. This outcry shows the place that Africa held and still holds in the list of U.S. foreign policy priorities. In fact, today Africa is considered as a "backwater" in the U.S. foreign policy establishment (Schraeder 1994, 3). Compared to the time, resources and attention given to other regions considered to be of greater importance, Africa's presence seems dwarfish. This is in part due to the limited geostrategic importance of the continent.

Even under the Carter administration, considered by many to be the most generous toward Africa since World War II, the continent still trailed behind, ranking last

in terms of foreign policy choices. This negligence is reinforced by what the U.S. considers as the European responsibility. Africa, on the other hand, is seen as a special zone of influence under the responsibility of the former colonial masters. Low-level and routine foreign policy issues are deferred to the European sensitivity (Schraeder 1994, 13-14). The White House was willing to leave its European NATO allies – France, Britain, Portugal, Italy and Belgium – to take the lead on issues happening in their former colonies (Marcum 1972, 15-16).

This is true for all the African countries except for Egypt, which holds special diplomatic ties with the U.S. because of its political and geostrategic importance in the Middle East region. As Ambassador Shinn told me during our interview “even though Morocco, Libya, Algeria, and Tunisia belong to the Bureau of Near Eastern affairs, they tend to receive the same treatment as other African countries. All these countries fall under the responsibility of U.S. Africa Command – best known as AFRICOM – except Egypt, which is within the area of responsibility of the United States Central Command” (Interview with Ambassador Shinn, Capitol Hill, Washington, DC, 16 December 2014).

U.S foreign policy reflects a tension between the competing strains of idealism and realism, which have coexisted throughout much of its history. Both are present to a great extent in the U.S. foreign policy even though one or the other of these conceptions may prevail at any given time or place (Hook 1995, 119). Africa formally entered the U.S. foreign policy machinery in 1958 under the Eisenhower administration with the creation of the Bureau of African Affairs in the State Department (Young 1984, 1). In the context of the Cold War the continent quickly became a battlefield for security interests

between the East and the West. U.S. foreign policy gained significance only within an agenda marked by superpower rivalry through proxy wars and client competition. In this schema, Africans were not perceived as people in their own right but instead as means of containing the Soviet Union. There was, therefore, little or no concern for the human rights records of their client states. To promote its national and security interests, the U.S. supported and cooperated with autocratic leaders such as presidents William Tubman and William Tolbert in Liberia, the despotic imperial monarchy of Haile Selassie in Ethiopia, and the patrimonial authoritarian rule of Mobutu Sese Seko in Zaire, to cite just a few. (Mashudu Ramuhala 2011, 144-148).

But in tandem with the pursuit of this narrower imperatives of self-interests, the U.S. had been a generous provider of humanitarian assistance and relief to the developing world upholding its historical self-image as a messianic “city in the hill” (Westwood 1966, 3). According to Ambassador Shinn, “the U.S. has been by far the biggest provider of emergency food aid to famine across Africa for decades. No one can approach what the U.S. has done, even in Ethiopia with the Mengistu Haile Mariam regime with whom the U.S. had a horrible relationship. He declared himself to be a communist country during the height of the Cold War, but the U.S. went and provided food relief because it was the right thing to do” (Interview with Ambassador Shinn, Capitol Hill, Washington, DC, December 16, 2014).

In fact, during the famine that struck Ethiopia between 1983 and 1985, the United States was the largest supplier of aid to the Ethiopian victims. After the overthrow of Emperor Haile Selassie in 1974, the government that came to power in Ethiopia allied

itself with the Soviet Union. The country soon nationalized American private and government property without making sufficient effort to compensate. By the time of the famine Ethiopia had outstanding debts to American individuals and corporations of \$30 million and an unpaid loan from the United States government. Despite these signs of hostility, the United States provided more than \$200 million in aid to Ethiopian famine victims. The money included more than 415,000 tons of food, as well as blankets, medicine, internal transport, housing supplies and so forth (Clifford D. May, "U.S. will give development aid to Ethiopia" *The New York Times*, May 9). Congress voted to amend the United States Foreign Assistance Act of 1961 and passed the African Famine Relief and Recovery Act in 1985. This bill allowed the U.S. to grant assistance to Ethiopia and other nations in crisis "without regard" to the previous legislation, known as the Hickenlooper and Brooke Amendments. Introduced to Congress on February 19, the bill passed the House and the Senate on February 26 and 27, respectively. But the President vetoed it on March 6, 1985 and Congress did not attempt an override before the end of the Congressional session (U.S. Congress, African Famine Relief and Recovery Act of 1985, H.R. 1096, February 27, 1985). As can be seen in this case there was a tension between the executive and the legislative branch of the U.S. government over foreign policy priorities – national interests or normative goals. This was a prelude to a greater crisis that would erupt with the case of South Africa.

The Apartheid Regime

After coming to power in 1948, the National Party continued the racial segregation begun under Dutch and British colonial rule. The country embraced a

political system known as Apartheid, in which the minority white ethnic groups comprising less than 15 percent of the population dominated and denied political franchise to the vastly larger black majority (Beinart 2001, 202). This system of racial domination was consolidated by the passing of three infamous laws in 1950: The Population Registration Act which required all South Africans to be classified and registered according to race; the Group Areas Act assigning racial groups to different living areas and business sections in urban areas; and the Suppression of Communism Act formally banning the Communist Party and enabling the government to suppress any opposition to the National Party and its discrimination policies (Leach 1986, 68-85). U.S. human rights policy towards the Apartheid regime was first put to the test with the Sharpeville massacre.

For more than a century and a half, the movements of blacks in South Africa had been restricted by pass laws. Under Prime Minister Verwoerd, country officials used these passbooks as a physical shackle to enforce greater segregation. In the 1960s these laws became the Apartheid instrument to harass and arrest political opponents. Any African who wanted to travel from the countryside to the city, or even to simply cross the street to buy for cigarettes had to carry this pass. If a man stood outside his front door without his pass, he could be arrested and the police would not even allow him to walk five feet to retrieve it. On March 21, 1960, a large crowd of Africans gathered at the police station in the town of Sharpeville for a peaceful protest against these pass laws. Police Commander G. D. Pienaar ordered his men to fire on the crowd leaving between 72 to 90 dead and more than 200 wounded, most of them shot in the back (Time

Magazine 1960).

The domestic and international uproar created by the Sharpeville massacre did little to affect U.S.-South Africa relations. The logic of the Cold War prevailed and for national security reasons the U.S. government continued its cooperation with this racist system. Despite the harsh language of the Security Council condemning the violence, the Department of Defense actually strengthened military cooperation with South Africa. For example, the massacre did not stop the building of the Deep Space Instrumentation Facility in Hartebeesthoek near Johannesburg in September of the same year (National Research Foundation 2001). The election of President Kennedy raised high hopes and expectations among political activists and freedom fighters that the new government would take a harder line against the South African regime; they were reassured by the strong anti-Apartheid rhetoric of then U.S. ambassador to the U.N. who declared:

The view of the U.S. in this matter is clear. We are unalterably and irrevocably opposed to apartheid in all its aspects. Our traditions and our values permit us no other position... [America is] utterly and irreversibly opposed to the policy of racial discrimination epitomized in the word apartheid. (Plimpton 1962)

Unfortunately this anti-Apartheid rhetoric resulted in no significant change or no punitive measures against South Africa. The gap between rhetoric and reality was epitomized in the growing role of CIA, which took over intelligence activities previously handled by the British. These activities mainly consisted in training the South African security forces in counterintelligence infiltration and incapacitation techniques, ultimately leading to the capture of Nelson Mandela on August 5, 1962 (Becker 2012). Political compromise and a cautious diplomatic approach that balanced the criticism of Apartheid

with the recognition of U.S. strategic interests continued from Kennedy through Nixon. U.S. rhetoric about human rights promotion was again put to test in 1976 with the Ford administration.

On June 16, 1976, a series of protests led by high school students began in Soweto. Students were protesting the introduction of Afrikaans as the language of instruction in local schools. South African security forces opened fire. When word of the shooting spread, riots and strikes exploded in nearly all of South Africa's major cities. The incident left an estimated 700 dead and 2,400 wounded (Brink 2009). Similar to the Kennedy years, the election of Carter in the shadow of the Soweto uprising raised high hopes for the demise of Apartheid. In fact, during the presidential campaign the Democratic Party was very critical of the racist system, calling for stronger arms embargo and denial of tax credits for U.S. corporations doing business with the Apartheid regime. These hopes were backed up by the appointments of strong and vocal proponents of racial equality such as Andrew Young to U.S. Ambassador to the U.N or Cyrus Vance as Secretary of State. Despite these encouraging signs, the Carter administration did not actually move beyond its rhetorical denunciations of Apartheid (Schraeder 1994, 215-217). This chasm between rhetoric and reality was again tested the following year, when civil violence intensified culminating with the death of Steve Biko.

On September 12, 1977, the leader of the black consciousness movement in South Africa, Steve Biko, died in police custody. Mr. Biko had been in custody since August 18th when he was arrested and detained under the Terrorism Act. He was the 20th person to die in custody within a period of 18 months. The commissioner of police, General Gert

Prinsloo, ruled the death accidental (BBC News 1977). As was usual at that time, this series of murders provoked an international uproar that challenged the Carter administration to redefine its strategy. Three resolutions calling for a ban on foreign investment, an end to nuclear cooperation, and a mandatory embargo on arms sales and licensing agreements were presented before the UN Security Council. Along with France and Britain, the U.S. vetoed all three resolutions, supporting instead a version that made these sanctions voluntary. The calling home of the U.S. Ambassador to Pretoria was a symbolic measure that did not significantly change the policy towards the racial regime (Schraeder 1994, 215-217). Things would not fare better for the blacks in South Africa during Reagan's first term. But a series of crises in the mid 1980s would later force him to change course and, unlike his predecessors, take tangible policy actions towards South Africa.

In September 1984, the Tricameral Parliament opened in Cape Town and adopted a legislative bill extending limited political rights to Asians and Coloreds while denying the same rights to the blacks. A series of protests began in Transvaal and extended to several other black townships marking the beginning of the longest and most widespread period of black resistance to white domination. Protests included demonstrations, stayaways, and school boycotts leading the government to declare a state of emergency. Protests turned into a popular rebellion and riots with the police and security forces. Over a period of two years more than 2,000 blacks died and nearly 30,000 others, including 3,000 children under the age of eighteen, were detained (Jeffery 2009).

This time, the brutality of Apartheid caught the attention of the world media and

news broadcasts in the U.S. Images of white police savagely attacking black demonstrators with dogs revealed the horrors of Apartheid. Parallels were quickly drawn between their struggle and the civil rights movement in the 1960s. The growing popular consensus was that something had to be done to stop it. The ugliness of Apartheid could not be ignored or tolerated. As a result of public uproar the Senate and the House voted in favor of what has become known as the Comprehensive Anti-Apartheid Act of 1986. The act most notably included a ban on products produced or marketed by South African companies, a ban on imported South African products such as steel, iron, coal, uranium, textiles, and farm products, the withdrawal of landing rights for South African Airways, travel bans to the U.S. for all South African officials (Congress 1985 – 1986, H.R.4868). Rejecting the sanctions as “immoral” and “utterly repugnant”, President Reagan vetoed the sanctions bill and proposed a milder version (Baker 1989, 31-32). On September 29, 1986, the House voted 317 to 83 to override Reagan’s veto. The Senate followed suit, voting by a 78-21 margin (The New York Times 1986). The override was a historic turning point in U.S.-South African relations and stood as a denunciation of the executive branch’s rhetoric condemning South African’s racial policies while doing nothing to change the status quo. The same executive branch blatantly disregarded the Anti-Apartheid Act by vetoing the following year a U.N. Security Council resolution calling for the imposition of stricter economic sanctions against South Africa (Baker 1989, 53).

U.S. foreign policy toward Africa during the Cold war period was framed in national and security interests terms in a context of superpower rivalry. The pursuit of normative goals was reduced to providing humanitarian assistance not promoting human

rights and freedom. When a clash between the two goals occurred the executive branch opted in favor of national interests while the Congress took side in favor of human rights and democracy. A critical ingredient in the change of U.S. foreign policy towards South Africa was the public's awareness of the scale and brutality of human rights violation in the country. This prompted citizens to put pressure on their representatives in Congress to halt the violence. Media reports were the key element.

Post-Cold War Era (1989-2001)

After the crushing military victory in the Persian Gulf War of 1990-1991 and the demise of the Soviet Union, the U.S. were optimistic about creating a unipolar world, a "new world order" based on U.S. economic and political leadership (Patman and Reizig 2011, 31). With no major security interests at stake U.S foreign policy towards Africa during this time was characterized by retrenchment and timidity. This lack of an overarching set of goals was mainly due to the absence of core national interests in the continent. The absence of a nuclear power in the region, its low level of economic growth, and its insignificant role in international trade assigned the continent a modest place on the foreign policy priority list. Absent other geostrategic and economic considerations in terms of energy resources or minerals, the continent had lost any appeal to the U.S. Foreign aid to the continent declined, dropping in 1996 to its lowest point since the independence years. Africa's share of all U.S. foreign aid dropped from 20% to less than 10% in 2000. By that time USAID had closed its resident missions in more than 25 African countries (Van de Walle 2009, 5).

During this period of time, U.S. involvement in Africa was motivated by security interests, mainly to evacuate or protect U.S. personnel in troubled regions, or in few cases, to intervene for humanitarian purpose. Rescue missions were conducted in the Democratic Republic of Congo, Burundi, Rwanda, Liberia, etc. For example, after widespread looting and rioting broke out in September 1991 in Kinshasa, Zaire, U.S. planes intervened to evacuate American citizens and third country nationals. At the beginning of the Rwandan genocide in April 1994, U.S. military forces were deployed to Burundi to evacuate U.S. citizens and other third-country nationals from Rwanda (U.S. Congress 2008). In April 1996, due to the "deterioration of the security situation and the resulting threat to American citizens" in Liberia, President Clinton ordered U.S. military forces to evacuate U.S. citizens and other third-country nationals who had sought refuge in the U.S. Embassy compound. He would later allow the continued deployment of these forces to prevent further attacks on U.S. embassy in Monrovia. The same kind of operation was ordered in 1996 in Bangui, Central African Republic; in 1997 in Congo, Gabon, and Sierra Leone; in 1998 in Bissau Guinea and again in Liberia. Following the bombings of U.S. embassies in Kenya and Tanzania on August 7, 1998, a Joint Task Force team of 50-100 U.S. security personnel was deployed to coordinate the medical and disaster assistance and to enhance the security of U.S. embassies and citizens in Dar es Salaam and Nairobi. Two weeks later there were airstrikes in Sudan in retaliation against Osama bin Laden terrorist attacks. On May 12, 2000, a U.S. Navy patrol craft was deployed to Sierra Leone in prevision to potential evacuation operations of U.S. personnel from the country (U.S. Congress 2008). In an unusual foreign policy move the

U.S. decided to extend these security concerns and alleviate the suffering of the people of Somalia in what would be called Operation Restore Hope.

Somalia and Operation Restore Hope

In the beginning of 1991 Somalia suffered a total breakdown of civil authority, and hundreds of thousands of people, especially children under five years of age, were dying of famine as warlords fought for political control. During his last days in office, Bush approved Operation Restore Hope for the dispatch of some 28,000 American troops with the humanitarian goal of preventing marauding bandits from stealing relief supplies. Marines safely landed in Mogadishu in December 1992 with the objective of handing over control of the operations to the UN as soon as possible (Clark 1993, 109-123).

For centuries before the arrival of the first European, Somalia was a pastoral and nomadic society. The clan structure was the basis of the Somali society, which is composed of five principal clan families, the Hawiye, Isaaq, Darod, Dir, and Rahanwein (Hirsch and Oakley 1995, 3-4). The Somali Republic achieved independence on July 1, 1960. The country quickly turned to the Soviet Union for arms and military protection. After nine years of individual political rivalries, unsuccessful democratic experiment and economic stagnation, Major General Mohamed Siad Barre staged a coup and took over power. This military takeover ushered in twenty-one years of military dictatorship.

In the early years of his regime, Siad Barre tried to eradicate clanism by outlawing references to clan identity, instead emphasizing national identity and promoting socialist ideology (Hussein 1995). These efforts, however, faced setbacks from 1978 onward, after Barre's defeat in the Ogaden war and the failed coup attempt by

Majerteen clan officers. Barre had appointed his son-in-law head of the national security service and withdrew into a small circle of advisors - mostly from his own Maheeran clan and the Ogadeni and Dulbahante clans of his mother. The transformation of the state police into instruments of repression at the service of one clan as well as the suppression of political dissent through murder, exile, or imprisonment generated fierce resentment and resistance among members of other clans. By 1992, the Somali state ceased to exist and the entire people reverted to the clan system (Hirsch and Oakley 1995, 9).

By the end of 1990, opposition to Barre's regime had spread throughout the country. There began a full-fledged civil war as all the vestiges of civil society and government institutions had disappeared. As the insurgency made its way to Mogadishu, thousands of people were killed in violent urban warfare. The battle for Mogadishu raged, wreaking havoc and destroying the city center and the already fragile government infrastructure. Months of continuous shelling, day and night, promised massive civilian disaster. General Aideed's forces, advancing eastward from the Ethiopian border, finally entered the city and forced Siad Barre to flee the capital. In his flight, he plundered the city and established himself near Bardera, his clan homeland (Greenfield 1991, 13-18).

In their attempts to regain military ground against Aideed's forces and return to Mogadishu, Siad Barre's forces implemented a scorched earth tactic, gutting tube wells, destroying canals, and making agriculture impossible. Farmers in the region were forced to flee into the bush and the country was forced into famine, especially in the "Triangle of Death" between Kismayo, Bardera, and Baidoa. As the fighting continued the famine intensified, and more than half a million Somalis became refugees in Kenya and roughly

the same number were scattered far from their homes (U.S. State Department 1992). In May 1992, Siad Barre was finally defeated by Aideed's forces and fled to Kenya and then to Nigeria. But the tragedy of the Somali people did not end with Siad Barre's flight. In Mogadishu, Ali Mahdi Mohamed and Mohamed Farah Aideed, two leaders who were once united in fighting the dictator, turned against each other (Sahnoun 1994, 11-19).

The civil war, having lasted more than a year, only deepened the humanitarian crisis. Reports estimated that over a million children were in danger of malnutrition, with more than four million other people "in urgent need of food assistance": 350,000 refugees had fled to Kenya, thousands to Ethiopia, and around 300,000 were internally displaced (Secretary-General's Report 1992). On January 23, 1992, the UN Security Council unanimously passed Resolution 733, imposing an arms embargo on Somalia, calling for humanitarian aid to Somalia and urging a cease-fire (UN Security Council, Resolution 733, S/RES/733 1992). The U.S. responded by signing an agreement with the International Committee of the Red Cross to provide 24,270 metric tons of food aid to Somalia and pledged 20,000 metric tons of sorghum to the World Food Program for Somalia. But on the ground, the situation continued to deteriorate. A World Food Program ship was attacked in the harbor of Mogadishu and left without unloading. Armed bands roamed freely, often preying on food convoys and disrupting distribution points. Food became an item of commerce and racketeering. Aid workers were harassed and in some cases killed. Overall, food deliveries and other practical international assistance were failing (Clarke and Herbst 1997, 153-154).

As the situation worsened, the U.S. media started broadcasting graphic images of looting and banditry amid the heart-wrenching spectacle of women, children, and the elderly on the verge of war-induced starvation and death. Major nationally distributed newspapers kept the public aware of the situation with in-depth reports on the level of starvation and clan warfare. The public, the media, and humanitarian relief agencies pressured the administration and Congress to act before it was too late (Hirsch and Oakley 1995, 35). The Somalia crisis even invited itself in the presidential campaign with Democratic candidate Bill Clinton criticizing President Bush for his inaction. He urged Bush "to take the lead in galvanizing the United Nations to find ways to end the tragic civil war that is the principal cause of the crisis in Somalia.... We can not allow the fate of innocent Somalis to be held hostage to personal ambitions of ruthless faction leaders and gangs" (Bill Clinton, quoted in Michalak 1995).

The U.S. administration had long hesitated to get involved in an open-ended and uncertain situation with no strategic significance in the aftermath of the Cold War. But as public distress about the situation mounted, both houses of Congress adopted a resolution that called for the deployment of U.N. forces – even without the approval of the Somali factions (Con. Res. 132, August 10, 1992). By mid of November the situation in Somalia had become unbearable. The humanitarian crisis was so overwhelming that inaction was no longer an option. The inability of relief workers and humanitarian agencies to get food to the intended recipients, coupled with the horrifying spectacle of thousands of dying Somalis convinced the president and his administration that it was time to act (Cohen 1994, 57-60).

At the outset, President Bush explained that the operation was a strictly humanitarian venture: the U.S. could not sit back idly while so many people were starving to death. On December 4, he announced his decision to send U.S. troops in Somalia. Dick Cheney and Colin Powell explained that the goal was to establish a secure environment for the delivery of relief supplies and consolidate the security mission undertaken by the U.N. The intervention was not meant to last (Hirsch and Oakley 1995, 46). The military intervention, designated Operation Restore Hope, started with the landing of three teams on Navy SEALs on the beaches of Mogadishu to secure the port and the airport. A contingent of 36,000 foreign troops including some 24,000 U.S. military personnel, soon occupied cities and towns in central and southern Somalia (Clarke 1992).

Later that year, President Bush would even make a stop to visit the troops on his way to a meeting with Boris Yeltsin in Russia (Perlez 1993). The military force, code-named UNITAF (United Task Force), had a clear and limited goal: their objective was to take Mogadishu's port and airfields, secure a number of regional hubs in the hunger zone, open food supply routes and create distribution networks throughout the country. UNITAF was strictly confined to humanitarian purposes and had no mandate to rebuild Somalia's infrastructure or to intervene in Somalia's politics, public administration, or justice system. UNITAF was mandated to use force to destroy illegal weapon caches. Within ninety days, the port and the major highways were reopened, several major cities were occupied and at peace: most of the assigned tasks were executed well and with minimal casualties. The mission was accomplished and UNITAF was ready to withdraw

(Woods 1997, 159-160). The operational control was handed over to the United Nations on May 4, 1993. But one month later, on June 5th, they were forced to reconsider their mission by a sort of “reality check”.

Up until this point, the root cause of the conflict had yet to be addressed. Nothing had been done to convince or force the warlords – especially General Aideed – to sit at the table of negotiation and to share power. In fact, Aideed had the feeling that the United States was biased in favor of rival, Ali Mahdi. He also grew nervous and suspicious as the UNISOM forces took interest in his command and radio facilities. On June 5, 1993, twenty-four Pakistanis from the UNISOM forces were killed by Aideed’s militia and supporters while attempting to search Aideed’s weapon cache collocated with his radio station. On June 12, UNISOM forces, including U.S. AC-130 gunships and helicopters, attacked Aideed weapons sites. Another Pakistani and four Moroccan soldiers were killed. UNISOM forces struck back by killing over twenty of Aideed’s close followers. Operation Restore Hope had now turned into a war against Aideed (Clarke and Herbst 1997, 162). On June 13, angry and resentful Pakistanis fired on a crowd in Mogadishu, killing twenty and wounding fifty. During door-to-door weapons sweeps that followed, three Italian soldiers were killed. On July 12, a helicopter raid on Aideed’s command center killed seventy Somali civilians; an angry mob then responded by killing three photographers (Time 1993, 1).

In August, Somalis ambushed and killed four American soldiers. By September, Aideed had achieved the status of martyr among the Somali people (Stevenson 1995, 91). Both the President and the Pentagon approved directives to launch a manhunt and to

capture Aideed. The hunt was renamed Operation Gothic Serpent and was composed of 350 soldiers including Rangers and Delta-force commandos (Atkinson 1994, A26). CIA's network inside Mogadishu produced intelligence that claimed that Aideed was at the Olympic Hotel for a meeting with his military cabinet. On October 3, 1993, the Americans raided the hotel. But the agency failed to figure in how organized, determined and well-armed Aideed's forces were at that time (Atkinson 1994, A26-27). In the very early stage of the battle, Aideed's militia downed two Task Force helicopters. In the fifteen hours that ensued, Somalis killed eighteen GIs and wounded seventy-seven. Somali casualties numbered over one thousand, including more than three hundred dead. Around a third of the Somalis killed or hurt were women and children (The Washington Post January 31 1994, A1).

The image of the dead GIs being unceremoniously dragged naked through Mogadishu debris caused a shock wave in the American public and forced Clinton to reconsider the mission in Somalia. Bush's original intention was humanitarian in its essence. The mission goal was to secure ports, airports, and food distribution routes and points not nation-building or pacification. The Bush administration had resisted the expansion of the commitment, however, a move the Clinton administration was forced to reconsider. With Clinton's encouragement, the Security Council passed Resolution 814, calling for nation-building and pacification in Somalia. In the wake of the Rangers' disastrous discomfiture on October 3 and the morbid images akin to Vietnam's, Clinton could either escalate the conflict by continuing the hunt for Aideed, or pull back and declare peace. Shocked by the death of eighteen U.S. Rangers and hundreds of Somalis

and inundated with public and congressional criticism, the Clinton administration abandoned its policy and sought a formula for early U.S. withdrawal under circumstances other than humiliation (Woods 1997, 159-161).

As was the case with the Apartheid regime the public perception galvanized by media reports had an influence in shaping the foreign policy process either to force the Reagan administration to act, or constrain U.S. troops successively to intervene and to withdraw from Somalia. Live satellite broadcasts portraying images of starving Somali children on morning shows and nightly newscasts shaped a public perception that prompted the White House to act. Likewise, the broadcasting of the unceremonious dragging of U.S. soldiers' dead bodies around the city of Mogadishu provoked a public outrage that forced the Clinton administration to call off the mission and withdraw troops from Somalia. The shocking loss of American lives led to the withdrawal of all U.S. troops and a new foreign policy orientation emphasizing a much more realist approach. President Clinton signed an executive order clearly stating that the U.S. would henceforth participate only in peacekeeping missions where American national interests were at stake (The White House 1994). President Bush fully embraced this policy in the second Presidential Debate in Oct. 11, 2000:

I don't think our troops ought to be used for what's called nation-building. I think our troops ought to be used to fight and win wars. I think our troops ought to be used to help overthrow the dictator when it's in our best interests. (Bush 2000)

After Somalia, President Clinton's Presidential Decision Directive/NSC-25 – also known as PDD 25 – would prevent U.S. forces to intervene in Rwanda while the country was being engulfed in genocide.

The Rwandan Genocide

On April 6, 1994, Rwandan president Juvenal Habyarimana's plane was shot down. Soon after, there were reports that massive ethnic-based violence was unfolding between the Hutus and the Tutsis. This was the climax of a conflict that finds its roots deep down in history.

In the pre-colonial Rwandan monarchy, Hutus were generally farmers of lower social rank while Tutsis were pastoralist and possessing of higher social status. But not all Tutsis were royal aristocrats nor were all Hutus poor farmers (Vansina 2001, 23-60). The European explorers and missionaries quickly used these categories as the basis for allocating power in the colonial system. In the 1930s, Belgian colonial officers introduced identity cards labeling Rwandans according to ethnic origin. They reinforced Tutsi dominance, which came to be regarded by the Hutus as a symbol of oppression (Chretien 2003, chap. 4).

After World War II, under the pressure of the newly established United Nations, the Belgian administration was forced to introduce reforms that increased Hutu political representation. The old guard Tutsi elite resistance only reinforced Belgian commitment to change and radicalized the emergent Hutu counter-elite (Strauss 2006, 21). The result was the overthrow of the Tutsi monarchy, the installation of a Hutu-dominated government, and widespread anti-Tutsi violence. The Tutsis fled into exile in neighboring countries. In post-independence Rwanda, the Hutu dominated the government and military, often to the exclusion of the Tutsi minority. Rwanda's first president, Gregory Kayibanda, who ruled the country from 1962 to 1973, then carried on this policy of

ethnic discrimination. Under his rule there was a series of anti-Tutsi massacres in the early 1960s and again in 1973. It was a dynamic of reprisal and escalation, whereby an attack by Tutsi exiles would lead to massacres of Tutsi civilians in the country. For example, in 1961, the Tutsi leaders of the political party UNAR (Rwandan National Union) in exile started developing plans for armed opposition. They were called “inyenzi” or “cockroaches” because they attacked only at night. This term would later be used by the Hutu hardliners as an insult against the RPF and Tutsis in general. In early 1962, the Tutsi militia launched a series of small and scattered attacks in northern Rwanda, in Byumba. The raids killed a handful of Hutu policemen and civil servants. This triggered a two-day ethnic massacre, which claimed the lives of two thousand Tutsi civilians (Strauss 2006, 184). When Juvenal Habyarimana (1973-1994) took over power, he tried to contain the waves of anti-Tutsi discrimination even though he continued to enforce a strict policy of regional and ethnic quotas (Kajeguhakwa 2001, 155-164; Reyntjens 1994, 27, 32-36; Gasana 2002, 27-35). By the time the civil war broke out, there were already divisions within the Hutu-run system. With the fall of communism, the single-party regime ruled by the Mouvement Revolutionnaire National pour le Developpement (MRND) was forced to open up and allow political opposition. A largely Hutu opposition emerged and started criticizing the president and his party.

In October 1990, Tutsi exiles under the banner of the Rwandan Patriotic Force (RPF) attacked Rwanda from southern Uganda. The rebels were mainly Tutsi descendants who had fled the country after the Hutu pre-independence Revolution. This fighting became a civil war between the Hutu-dominated government and Tutsi-

dominated rebels that formally lasted until the factions signed a peace agreement in 1993. The agreement now known as the Arusha Accords awarded the rebels 50 percent of military positions and 40 percent of regular personnel. There was also a provision allowing for an international peacekeeping to monitor the ceasefire and secure the period of political transition. General Dallaire of Canada led the UN peacekeeping force (Strauss 2006, 24; Jones 2001; Dallaire 2003). Since the invasion - despite the nominal peace agreement the Hutu hardliners explicitly made- a connection remained between the Tutsi-dominated RPF and the resident Tutsi population living in Rwanda, labeling Tutsi civilians as rebel “accomplices.” These Hutu hardliners started funding and training youth militias called the Interahamwe who will later become the death squads of the genocide. Tensions climaxed when newly elected Melchior Ndadaye, Burundi’s first Hutu president, was captured and assassinated by Tutsi military officers. Hutu hardliners saw this as the proof that Tutsis could not be trusted (Gasana 2002, 226). Both the government forces and the RPF started arming and preparing for war. The shooting of the President’s plane was then the spark that ignited the fire.

Five days after the genocide broke out, Ambassador Rawson and 250 other Americans living in the country were evacuated from Kigali and other cities (Power 2002, 352). Secretary of State Warren Christopher appeared on NBC news program Meet the Press and congratulated himself that the U.S. evacuation was completed and had gone very well. America had no plans to send troops into the country to restore order. For him “It was the prudent thing to do” (Meet the Press, NBC April 10, 1994). The same day Senate minority leader Bob Dole echoed the same feeling of disinterest. “I don’t think we

have any national interest there,” he said. “The Americans are out, and as far as I’m concerned, in Rwanda, that ought to be the end of it” (Face the Nation, CBS, April 10, 1994). One week later, the New York Times reported the savage killing of nearly 1,200 people in a church they had run to for refuge (The New York Times 1994). The Washington Post described how “the heads and limbs of victims were sorted and piled neatly, in a bone-chilling order in the midst of chaos that harkened back to the Holocaust” (The Washington Post 1994). By April 26, reliable sources on the ground in Rwanda estimated the number of dead between 100,000 and 300,000 (Power 2002, 357). On May 4, Major-General Paul Kagame had a meeting with western journalists at Rusomo on the Tanzanian border. When questioned about the ceasefire, he told the journalists that the ‘interim government’ was a ‘clique of murderers’ and that the only way of obtaining a ceasefire was an immediate end to the killings, the disbanding of the Presidential Guard and the closing down of the hate radio. He also regretted that all the nations claiming to be civilized had turned their backs to the suffering of the Tutsi people (Melvern 2000, 189).

As the magnitude of the massacre became known to the whole world, the public began pressing and demanding that something be done. When asked about the situation in Rwanda, this is what President Clinton had to say:

Lesson number one is, don’t go into one of these things and say, as the U.S. said when we started in Somalia, “maybe we’ll be done in a month because it’s a humanitarian crisis.” (quoted in Melvern 2000, 190)

The official position of the White House was given by national security adviser, Antony Lake at a press conference: he explained that the U.S. could not solve the world’s

problems nor could America undertake nation-building in other countries. He concluded, “Neither we nor the international community have either the mandate nor the resources nor the possibility of resolving every conflict of this kind” (White House 1994, Document # WL-05-01). This press conference coincided with the release of the first-ever comprehensive review on U.S. policy towards multilateral peace operations. Heavily influenced by the Somali debacle, the Presidential Decision Directive no. 25, PDD-25 as it became known, set strict limits on U.S. involvement with the UN. Henceforth, the discernment of any U.S. military commitment had to consider whether or not U.S. interests were at stake, whether or not there was a threat to world peace, a clear mission objective, minimal costs, congressional, public, and allied support, a working ceasefire, a well-coordinated command-and-control arrangement and a clear exit strategy (White House 1994, PDD-25). Madeleine Albright used this new presidential directive on peacekeeping to obstruct any initiative in favor of Rwanda, arguing that Dallaire’s plan calling for 5,500 well-armed and trained soldiers was inadequate. She objected that the plan had no clear concept operations, no breakdown in the costs and timeframe and was lacking in field assessments (Melvern 2000, 195). From April 28 until the end of the conflict, the Clinton administration opposed the use of the term ‘Genocide,’ terming it the ‘G-Word’. Officials were afraid that using this word would constrain intervention, something the U.S. clearly did not intend to do (Power 2002, 359).

At a meeting at the UN Security Council on May 6, a group of non-permanent members including Spain, New Zealand, Argentina, and the Czech Republic presented a resolution calling for more troops to be sent to reinforce the UN presence in Rwanda. But

British and American diplomats opposed the bill, arguing that any action had to be initiated by the Organization of African Unity (OAU). Boutros Ghali consulted the OAU secretary general Salim Ahmed Salim and Hosni Mubarak the chairman of the organization. Pointing out the magnitude of the Rwandan tragedy and the lack of resources, both replied that any commitment had to be made under the UN auspices (Melvern 2004, 229). On May 13th, during a phone conversation with Dallaire, Senator Paul Simon and Senator James Jeffords, both members of the Senate Committee on Foreign Relations, were informed that hundreds of thousands of people were being killed in Rwanda. They immediately wrote a letter that was hand-delivered to the White House. The Senators were asking to the U.S. to request the Security Council's approval to send troops to Rwanda to halt the massacre. There was no immediate reply. President Clinton had to wait for twenty-seven days to answer that he fully agreed that action had to be taken. And his answer went on to list all the steps that his administration had taken to alleviate the suffering of the Rwandan people (Melvern 2004, 202-203).

On May 17, UN resolution 918 was passed, authorizing 5,500 troops for the UN mission in Rwanda (UNAMIR). But this resolution was conditional. The American diplomats insisted that, as a first step, 150 military observers had to be sent. They again reiterated the view that a ceasefire had to be sought between the armies. They opposed Dallaire's idea of airlifting a brigade to Kigali. What was proposed instead was the creation of safe havens on the borders of Tanzania and the Democratic Republic of Congo. These zones could be established with less cost and fewer soldiers. The problem was that this inside-out strategy could not work. Not only would this solution require a

whole set of new negotiations with neighboring countries, but most people would be killed before they even reached these safe areas (Melvern 2004, 230).

In the midst of the crisis, UN officials requested Armoured Personnel Carriers (APCs) from forty-four member states that could afford it. On May 28, an official from the Pentagon called to say that the U.S. had forty-eight APCs stored in Germany. If the UN wanted they could rent them for \$4 million. Another \$6 million was needed to transport them to Kampala, Uganda, the nearest large airport. The deal was soon completed because the U.S. owed the UN more than \$1 billion in back dues. But even when they arrived in Kampala, the APCs could not be used because of missing machine guns or radios. The APCs were also stuck in Kampala because there were no trucks large enough to take them to Rwanda in time (Melvern 2004, 196).

Dallaire repeatedly pleaded that something be done to stop Radio Mille Collines, the radio the genocide planners used to broadcast murderous instructions directly to the population. The U.S. was the country best equipped to do that. There were three possibilities. The first option was to destroy the antenna; the second, to broadcast counter-messages urging perpetrators to stop the killing; the third, to jam the station airwaves. This could easily be done by the Air National Guard's Commando Solo airplane. Pentagon and White House officials discarded all these possibilities as expensive and ineffective military solutions. They insisted that the U.S. had to use its airpower to assist in the food relief efforts (Wisner 1994).

Despite the ghastly scale of horror in Rwanda, American news media paid relatively modest attention to the story in the height of the genocide. It was only later,

when the violence had been transformed into a crisis of refugees and disease, that coverage began focusing on the region. During the massacres, television coverage was rather episodic and often misleading, portraying the killings as an example of another African outburst of tribal hatreds rather than a planned and politically motivated genocide (Aldermann and Suhrke, 226). In the aftermath of the conflict several reporters denounced editors' resistance to broadcast the Rwandan story. For example, Scott Petersen, a British journalist said that he was unable to convince his editor to print his story about Oxfam's grim report on the genocide of the Tutsi minority. In April, Aidan Hartley was sent to Rwanda by Reuters-Nairobi to cover the evacuation of foreigners from Kigali. But the reality that he saw there was that of massive acts of horror and inhumanity. Despite the horrors his report found little interest among senior staff members who had already decided to wind down Rwandan coverage (Hartley 2003, 396-7). The Clinton administration feared that, as in the case of Somalia and South Africa, the public might support intervention if they knew that genocide was actually taking place. But there were no op-ed pages in elite journals, no popular protest, no congressional noise. The government thus felt that they had no political price to pay (Power 2002, 373-374). They did nothing to stop the killings.

Between the end of the Cold War and the 9/11 attacks, U.S. foreign policy was motivated by national security interests, mostly to evacuate or protect U.S. personnel in troubled regions. However, the report of the horrifying spectacle of thousands of dying Somalis provoked a public uproar that forced officials in Washington to act. But the operation ended with the humiliating departure of U.S. forces from Somalia. This debacle

resulted in the signing of the Presidential Decision Directive no. 25, which restricted U.S. military involvement only to situations where U.S. interests were at stake. The “Somalia Syndrome” precluded the U.S. from acting in Rwanda, the most heinous humanitarian crises humankind had known since the Holocaust.

The Post-9/11 Era (2001-2011)

Since the 9/11 attacks U.S. foreign policy has been dominated by a national security agenda that can be subsumed in Bush’s broader concept of “war on terror”. The bombing of the American embassies in Kenya and Tanzania in August 1998 and the 2000 attack on the USS Cole off the coast of Yemen signaled the presence of militant extremism in the region and the vulnerability of local governments to counter terrorism. Clinton included this threat in his foreign policy agenda before leaving office in early 2001 (Van de Walle 2009, 7; Jordan et alii 2009, 453-454). In fact, the combination of corrupt and failing states, low levels of economic growth, and the presence of a substantial Muslim population became a potential breeding ground for militant Islamism that would soon be exploited by al-Qaeda networks in East Africa and the Sahel region of West Africa. Each failed state can be used as a possible “safe haven” or “sanctuary” for jihadist and terrorist activities (Pillar 2001; Campbell and Ward 2003, 95-103). As Susan Rice put it,

Much of Africa has become a veritable incubator for the foot soldiers of terrorism... Terrorist organizations take advantage of Africa’s porous borders, weak law enforcement and security services, and nascent judicial institutions to move men, weapons, and money around the globe... These are swamps that must be drained. (Susan Rice 2001)

The U.S. has recognized the connection between terrorism and the promotion of human dignity and political freedom:

In Africa, promise and opportunity sit side by side with disease, war, and desperate poverty. This threatens both a core value of the United States – preserving human dignity – and our strategic priority – combating global terror. (The White House 2002)

Bush second term administration reiterated the same priority:

[U.S.] security depends upon partnering with Africans to strengthen fragile and failing states and [to] bring ungoverned areas under the control of effective democracies. (White House 2006)

In October 2002, the Combined Joint Task Force – Horn of Africa (CJTF-HOA) was created with the goal of deterring and countering terrorist threats in East Africa and providing equipment and technical assistance to local armies. CTJF-HOA established a permanent base at Camp Lemonier in Djibouti, with outreach activities in countries like Eritrea, the Seychelles, and Mauritius. These ongoing anti-terror related activities in the horn of Africa are aimed at assisting in "enhancing counter-terrorism capabilities" of these nations (Schermerhorn 2005, U.S. Congress 2008). In September 2009, Obama authorized U.S. Special Forces operation in Somalia that killed Saleh Ali Nabhan, the al-Qaeda operative allegedly responsible for the 1998 bombing of the U.S. embassies in Kenya and Tanzania, as well as other al-Qaeda operations in East Africa (Volman 2010).

Similarly, the Pan Sahel Initiative (PSI) was launched to enhance border capabilities in controlling arms smuggling, drug trafficking, and transnational terrorist activities in the Sahel region of West Africa. These counter-terrorism initiatives were complimented in 2005 by the Defense Department's Operation Enduring Freedom – Trans Sahara (OEF-TS) and the State Department's Trans-Saharan Counter Terrorism

Initiative (TSCTI). All these activities were put under the coordination of a new military command established for Africa, AFRICOM, which began its operations in October 2007, with temporary headquarters in Germany. The suspicion among Africans that AFRICOM represents 'the projection of U.S. interests' in the region forced Washington to shelve the decision to establish its headquarters in Africa. Libya, for example, opposed the establishment of the U.S. Africa Command (AFRICOM) because, as Libyan defense officials told their U.S. Defense Department counterparts, this could lead to a significant non-African military presence on the continent. Libya, however, supported AFRICOM's proposed security capacity building mission (U.S. Congress, Testimony of Theresa M. Whelan, Deputy Assistant Secretary of Defense for Africa before the Africa and Global Health Subcommittee of the House of Foreign Affairs Committee, August 2, 2007; Van de Walle 2009, 7-14).

U.S. security issues in Africa also include efforts to secure Sub-Saharan Africa oil imports that now accounts for roughly a fifth of U.S. imports, or a quarter if North Africa is included (Van de Walle 2009, 8). Simultaneously the U.S. has continued to provide protection for its citizens. On September 26, 2002, President Bush ordered a similar operation in Bouake in response to threats against American nationals following the outbreak of rebellion in northern Cote d'Ivoire. The same thing occurred in 2003 in Nouakchott, Mauritania and in Monrovia, Liberia (U.S. Congress 2008).

Besides security issues the U.S. has also made a significant contribution in humanitarian assistance and development projects in Africa. These foreign policy initiatives include the President's Emergency Program for AIDS Relief (PEPFAR), the

African Growth and Opportunity Act (AGOA) and the Millennium Challenge Cooperation (MCC), the latter of which is meant to reward low-income countries with sound economic and good governance policies. The U.S. also provided security assistance to several African governments for increasing their peacekeeping capacities (Bellamy 2009, 9-33; Van de Walle 2009, 11-13). Nevertheless, when there has been a conflict between security interests and normative goals the choice has been made in favor of the former as in the case of Darfur, Sudan.

The Genocide in Darfur

On June 1989, a successful coup cleverly engineered by the National Islamic Front (NIF) and its front man, former attorney general Hassan al-Turabi, brought to power Brigadier General Omar Hassan Ahmed al-Bashir in Sudan. He continued his predecessor's radical Islamist agenda. Khartoum soon became a key capital of the militant Islamic world and a hub to violent Islamist movements from Egypt, Algeria, and more than fifty other countries, including Osama bin Laden who was the guest of the Sudanese government from 1991 to 1996. Bin Laden's protector was Salah Abdallah Gosh, then director of Sudan's National Security and Intelligence Services (Cheadle and Prendergast 2007, chap. 3; Roessler, J. and Roessler, P. 2003).

Since 1987, Khartoum had been intervening in favor of Arab nomads in a local conflict that opposed them to non-Arab farmers from the Fur, the largest ethnic group in Darfur. Arab nomad militias called the Janjaweed were attacking the Fur and driving them out of their land. The Fur fought back in a conflict that killed as many as twenty five hundred Fur and five hundred Arabs between 1987 and 1989. Intermittent attacks

continued. The second major conflict erupted in 1996 when the Janjaweed attacked the Massaleit, another ethnic group in Darfur. The attack killed hundred of people and drove out more than 100,000. In the meantime there were peace talks between the government and the Sudan People's Liberation Army (SPLA) and its charismatic leader John Garang, a member of the Dinka ethnic group, the largest group in southern Sudan. Realizing that these peace talks would not help their cause, non-Arab groups in Darfur organized themselves militarily and formed the SLA, the Sudan Liberation Army (Cheadle and Prendergast 2007, chap. 3).

Killings and insecurity became endemic in the region. In reaction against Khartoum's military harassment, the SLA rebels launched a series of attacks against government buildings in Darfur in 2003. The government subcontracted the Janjaweed militias in another scorched earth counterinsurgency campaign. The tactic was the same. Assaults would begin with government aircrafts dropping bombs on villages, killing men, women, and children before dawn as they slept in their beds. In the ensuing chaos government troops and hundreds of Janjaweed fighters would sweep into the village to kill the men, rape the women, burn the homes, loot the livestock, and drive the survivors into the desert. To prevent people from returning to their villages, the Janjaweed would poison the water supply by dumping bodies down wells. Ten of thousands of men were killed or mutilated, women were raped, and the surviving children abducted. Villages were burnt, livestock seized, fields torched and infrastructure – wells, irrigation works, schools, clinics – systematically destroyed with the goal of forcing the African population out of their ancestral holdings and prevent them from coming back (Collins 2007, 12;

U.S. Department of State 2002; Financial Times 2006).

On May 19, 2004, President Omar al-Bashir quietly visited the Janjaweed in Nyala. To demonstrate his solidarity he presided over a parade as they past him mounted on their horses, brandishing their automatic weapons, and shouting racist slurs. One week later, the UN Security Council condemned the atrocities committed by the Janjaweed and called upon the Sudan government to disarm them. Instead of stopping the killings the tactic of the Sudanese government was to block access to UN and other humanitarian agencies seeking entrance into Darfur to assess the situation and provide help to the victims. It systematically vetoed relief flights destined to starving civilians. One foreign worker complained that he was successively denied permits to travel to Darfur by car and then by plane. When he suggested going with a camel, he was told that this also needed a permit. Another Sudanese government's tactic was to slow down the negotiation process between the North and the South and delay a peace agreement that would reveal the extent of the horror in Darfur (Cheadle and Prendergast 2007, chap. 3; Prunier 2007, 133; Collins 2007, 17).

At the beginning, the situation in Darfur went almost unnoticed in the media. News reports on Sudan were focused on the North-South Naivasha peace talks. Nobody knew about the "evil horsemen" - the Janjaweed. The horror was first revealed by UN Human Rights Coordinator for Sudan, Mukesh Kapila who, in an interview with the UN's own IRIN network in March 2003, declared that Darfur was "the world greatest humanitarian crisis." NGOs like Amnesty International, the International Crisis Group, and many others joined him to bring the crisis out of the shadows. International media

and newspapers soon picked up the story and started writing about the crisis. From mass media to intellectual publications there was a sudden interest in heart-breaking images of hungry children, raped women, and horsemen parading around their victims. In July 2004, a group of representatives from various human rights, political and religious organizations formed the Save Darfur Coalition (SDC). Over the following two years and beyond, it became a phenomenon in itself in the USA through a combination of professional advertising, networking, support from celebrities, and outreach to schools and universities. Other actions ranged from prayer vigils to school education days to writing letters to Congressional members and the President. Almost six months of media coverage provoked a massive moral outcry demanding U.S. officials to do something to aid the victims, stop the killings and protect the hundreds of thousands of internally displaced and refugees. (Prunier 2007, 125-128; Collins 2007, 18; Barltrop 2011, p. 132; Save Darfur Coalition 2005).

In fact, Sudan first attracted U.S. special attention in the 1990s for security reasons. Because of its support of radical Islamist groups and the presence of bin Laden in its territory, the country was put on the list of rogue states. Then National Security Council staff members Susan Rice and Richard Clarke worked closely with U.S. Ambassador to the UN Madeleine Albright to pressure the UN to impose sanctions against the Sudanese regime. Though being the African consensus choice, Sudan was denied a seat as a nonpermanent member of the UN Security Council thanks to U.S. diplomatic pressure. President Clinton had tasked U.S. permanent Representative to the UN, Ambassador Richard Holbrooke, with the mission of defeating Sudan's candidacy.

After weeks of hard diplomacy Sudan lost to Mauritius in the General Assembly on the third ballot. Sudan subsequently stopped its overt support for terrorist groups and expelled bin Laden (Cheadle and Prendergast 2007, chap 5).

After the 9/11 attacks, in part out of fear of reprisals, Sudan changed from being a supporter and sponsor of international terrorism in the 1990s to becoming a partner in counterterrorism activities. Sudan was one the first countries to condemn the attacks and within a few days the U.S. Secretary of State Colin Powell called the Sudanese Foreign Minister, Mustafa Othman Ismail, in the first such high-level contact since the 1990s. The Sudanese government later intensified its cooperation on counterterrorism and intelligence; especially by sharing intelligence on Osama bin Laden and his supporters during their stay in Sudan. It is also reported that in the weeks following 9/11 the Sudanese authorities arrested several terrorist suspects and handed them over to the U.S.

Many Sudanese officials helping U.S. efforts were known as perpetrators of mass killings in Darfur. One of them, Intelligence Chief Salah Abdallah Gosh, was flown by the CIA on a private jet to the United States for a week of meetings. Not only was this individual known as bin Laden's protector while in Sudan, but he was also on the list of persons identified by the UN as responsible for creating and supporting the Janjaweed in Darfur. As result of this counterterrorism cooperation the U.S. abstained to veto UN resolution lifting sanctions against Sudan (Cheadle and Prendergast 2007, chap. 5; Barltrop, 2011, 124).

Media coverage of the situation in Darfur would soon have a decisive impact in driving policy debates about atrocities in Sudan. Calls from public opinion could not be

ignored during an election year. Responding to growing pressure from evangelical Christian groups worried about Christians in Southern Sudan, George Bush pressed both the Sudanese government and the SPLA to enter peace talks. He sent his special envoy to Sudan, former Missouri senator John Danforth, with the mission of brokering a peace deal between the North and the South. In Washington two camps formed: the “realists” and the “Garang lobby.” The “realists”, mostly found within the State Department, the CIA, and the DIA, supported Khartoum because of its role in the war on terror. The “Garang lobby”, mostly found in Congress and USAID, consisted of fundamentalist Protestant organizations and vocal Jewish groups such as the Committee for the Holocaust Memorial, etc. The latter supported anti-Khartoum legislation and lobbied for legislation such the Sudan Peace Act – which was never enacted – or the Comprehensive Peace in Sudan Act, which would finally be voted into law in December 2004 but was never implemented. On June 1, 2004, members of Congress sympathetic to the “Garang lobby” sent President Bush a list of twenty-three names of Janjaweed supporters, controllers and commanders within the Sudanese government. (Prunier 2007, 140; U.S. Congress 2002; U.S. Congress 2004).

Secretary of State Colin Powell was sent to Darfur for a state visit at the end of June 2004. A working group, the Atrocities Documentation Team (ADT), was also established by the Department of State to assess the situation on the ground. After reading the ADT report, Powell concluded that “genocide has been committed in Darfur, and that the government of Sudan and the Janjaweed bear responsibility – and genocide may still be occurring” (Powell 2004). This was the first time that a sovereign nation

accused another sovereign state of genocide under the 1948 Genocide Convention. The House and the Senate passed concurrent resolutions citing 1948 UN Convention on Genocide and declaring that genocide was occurring in Darfur. President Bush would repeat the same accusation of genocide in front of heads of state from around the world at the UN General Assembly on September 21, 2004 (UN Security Council 2004; U.S. Congress 2004; U.S. Congress 2004b; Powell 2004).

By mid-July the UN had established the Joint Implementation Mechanism (JIM) to investigate atrocities in Darfur. Its findings constituted the essence of Security Council Resolution 1556. Adopted on July 30, 2004, the Resolution gave Khartoum one month to disarm the Janjaweed and arrest their leaders. When Resolution 1556's deadline expired Kofi Annan submitted a report concluding that the government of Sudan had "not met its obligation [to stop] attacks against civilians and ensuring their protection" (UN Security Council 2004; Collins 2007, 19).

As genocide was unfolding in Darfur, U.S. officials found excuses to justify inaction. While acknowledging that what was going on in Darfur deserved the name 'genocide' Secretary Powell added that this determination did not oblige the U.S. to undertake any sort of military action:

However, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be too preoccupied with this designation. Those people are in desperate need and we must help them.

Secretary Powell carefully invoked Article VIII of the Genocide Convention, which enables its signatories to refer the matter to the United Nations for any further action it considers appropriate to prevent genocide. Article VIII of the Convention states that

“Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III” (UN Human Rights Council 1948). By referring the matter to the United Nations, the United States had fulfilled its obligation. No punitive action was taken against the Sudanese regime. The Bush administration’s declaration of genocide was more rhetoric than a call to action (Taylor 2006, 167-169; *Wall Street Journal* op-ed, March 24, 2005; Collins 2006, 20).

UN Resolution 1556 was set to expire in September 2004. After a week of intense negotiations at the Security Council the U.S. carefully drafted a text on Darfur that was adopted as Resolution 1564 on September 18, 2004. The text started with a “grave concern that the Government of the Sudan had not fully met its obligations noted in Resolution 1556.” It further demanded the end of human rights violations, recommended the deployment of more AU troops, and created a “Commission of Inquiry” to investigate whether genocide was actually happening or not. The Resolution also formulated vague threats of oil embargo and travel bans for members of the Khartoum government who would be included in the list of crime perpetrators (United Nations 2004b).

In November 2005, the Senate passed the “Darfur Peace and Accountability Act of 2005” asking the United States to support the African Union Mission in Sudan and to undertake all diplomatic and economic efforts to halt violence in Darfur. The Senate Resolution further asked the President to appoint a high level envoy to lead diplomatic efforts to stop the massacre, to impose arms embargo and targeted sanctions on

individuals responsible for the crimes, to deny access to U.S. ports for ships exporting Sudanese oil. Congress allocated money for aid and on many occasions called for the imposition of sanctions against individuals responsible for these atrocities. None of these provisions were implemented (U.S. Congress 2005). President Bush opted for a compromise. While passing threatening legislation in case of status quo, he chose a soft line with Khartoum. He privileged humanitarian action over the use of force. He made attractive promises without any firm commitment. Not surprisingly, U.S. diplomacy faded away as soon as President Bush got re-elected (Prunier 2007, 140; U.S. Congress 2002; U.S. Congress 2004d).

Furthermore, the U.S. had consistently said that orchestrators of mass atrocities needed to be arrested and tried in competent courts. The International Criminal Court had opened an investigation, prepared a list of suspects, and appointed a judge to address the situation in Darfur. But the U.S. refused to share information and classified intelligence needed to indict the Sudanese authorities involved. Bush Administration's hypocrisy was exposed when media reported that within only months of the U.S. Government's determination of genocide in Darfur, the CIA had sent a plane to Khartoum to transport the head of Sudanese intelligence, General Salah Abdallah Gosh, to Washington for discussions on the "war against terror." General Gosh's name was widely known to be on the list of the fifty-one leading Sudanese responsible of atrocities in Darfur. Manifestly the "war on terrorism" trumped accusations of genocide (Caplan 2007, 179).

As the case of Darfur shows, since the 9/11 attacks U.S. foreign policy in Africa has consistently followed the path of security. Even when U.S. officials themselves made

the determination that genocide was occurring in Darfur they failed to live up to their international obligations. Security interests won over normative and humanitarian goals.

Conclusion

I have argued that U.S. foreign policy towards Africa reflects a combination of national interests and humanitarian assistance. The history of U.S. foreign policy toward Africa before the Second World War started with support for black liberation movements against the “evil” of slavery. But this normative approach stopped towards the end of the nineteenth century because the country itself had to battle its demons of racism and segregation. The U.S. even participated as observer at the Berlin Conference in 1884-1885, in prelude to colonialism, which is one of the darkest pages of human history. The image of the U.S. as champion of freedom and human rights re-emerged during the Second World War when President Franklin Delano Roosevelt and British Prime Minister Winston L.S. Churchill signed the Atlantic Charter, a document African nations interpreted as a call to end colonialism.

During the Cold War period U.S. foreign policy toward Africa was dominated by a security agenda in the context of superpower rivalry. Africa was used as another battlefield of a proxy war between the U.S. and the Soviet Union. Priority was given to national interests and there was very limited commitment to the promotion of human rights and freedom. Normative goals were limited to the provision of humanitarian assistance even to countries with hostile intentions like Ethiopia, then considered as a Soviet ally in the region. The U.S. resisted the idea of deeper involvement in support of the black liberation from apartheid, a regime it considered as a powerful ally against

communism. The Reagan administration sided in favor of the white supremacist regime; a decision that was overridden by a Congress veto. In this case as in many others that will later follow, public awareness of the magnitude of human rights abuses plays a critical role in pressuring the Congress to act. There is however little evidence that the executive branch fully implemented Congress' decisions.

With the fall of the Berlin Wall and the Soviet enemy defeated, the U.S. had to redefine its foreign policy strategy and goals to meet the security needs of the new environment. With the Soviet threat gone, the U.S. opted for a deeper commitment in the defense of human freedom and dignity. As the humanitarian disaster worsened in Somalia, the media started broadcasting shocking images of looting and banditry amid poor people on the verge of starvation and death. The U.S. launched a rescue operation code-named Operation Restore Hope. The nature of the mission was changed and the operation ended in utter failure. Likewise, vivid images of Somalis unceremoniously dragging the dead bodies of U.S. soldiers provoked an outrage that prompted the Clinton administration to withdraw U.S. troops from Somalia. This "Somali syndrome" would prevent any U.S. action in favor of the victims of planned and calculated acts of genocide and ethnic cleansing in Rwanda. Presidential Decision Directive no. 25 signed in the aftermath of the debacle in Somali clearly restricted U.S. military involvement only to situations where U.S. interests were at stake.

Since the 9/11 attacks national security ranks top in the list U.S. foreign policy priorities in Africa. The "war on terror" has shaped policy initiatives and humanitarian assistance has been oriented toward addressing African governments'

vulnerability to terrorism. When a clash between normative goals and security has occurred like in Darfur the option has clearly been made in favor of security interests. The U.S. was among the few countries to recognize that genocide was unfolding in Darfur. But this recognition did not lead to action, clearly showing how security interests were able to trump accusations of genocide.

Barack Obama's election as the President of the most powerful country on earth came with great cheers and hopes among Africans to whom he is personally linked through his father. Despite this outpouring of joy across Africa, Obama's election had brought no significant shift in the course of U.S. policy toward the continent prior to Libya. His policy did not differ from the fundamentally realist orientation of his predecessors (The Economist 2009). So the decision to take the lead in the rescue operation in Libya comes as a surprise, a departure from the normal course of action.

CHAPTER 4

HISTORICAL CONTEXT OF U.S.-LIBYAN RELATIONS (PRIOR TO 2011)

From the Halls of Montezuma
To the Shores of Tripoli;
We fight our country's battles
In the air, on land and sea

Many may recognize in these verses the opening of the Marines' Hymn. "The shores of Tripoli" memorializes U.S. soldiers' assault and capture of the Tripolitan city of Derna during the First Barbary War, also known as the Tripolitan War (1801-1805). For the first time in history the United States' flag was raised in victory on foreign soil. This episode demonstrates the historical depth of U.S.-Libya relations, which go back to nearly the founding of the American Republic. Over the more than two centuries that have passed, this history of U.S.-Libya relations has alternated between friendly and peaceful relations at one time and strife and conflict in the next. These changes have occurred in response to the international environment, Libya's foreign ventures, U.S. strategic and security interests, and U.S. Presidents' political ideologies.

The remainder of this chapter is divided in four parts. The first part explores U.S.-Libya relations from the first contact at the end of the eighteenth century through the Second World War. The second part covers the period from the end of the Second World War to the fall of the Berlin Wall in 1989. The third part focuses on U.S. foreign policy toward Libya from the end of the Cold War to the 9/11 attacks on the World Trade

Center in New York City. The fourth and final part covers events from the aftermath of 9/11 through the beginning of the popular uprising in Libya in February 2011.

The Period Before the Second World War

During the period before the Second World War, U.S.-Libya relations obeyed the imperatives of security and commercial interests. The president's ideology and personality occasionally played a role. "The Shores of Tripoli" incident is the most outstanding episode worth recalling. This event shows a combination of security and trade interests and presidential ideology. The decision to use force was made by President Jefferson who took it upon himself to uphold the idea of U.S. as the land of freedom and commerce.

Towards the end of the 18th century, there were a series of confrontations between U.S. merchant ships and ships belonging to Tripoli and other neighboring North African Muslim city-states, known collectively as the "Barbary States." Barbary pirates from these states were attacking and seizing American merchant ships and holding the crews for ransom, and demanding the U.S. pay tribute to the Barbary rulers. These battles often ended in the destruction of U.S. maritime cargo and the seizure of U.S. hostages. Subsequent negotiations with these pirates led to bilateral treaties and the U.S. agreed to pay tribute to Tripoli in exchange for safe passage of U.S. ships off the Libyan coast. But attacks on U.S. merchant ships continued, forcing the U.S. government to find ways to protect and safeguard U.S. commercial activities in the Mediterranean. This continuing demand for ransom ultimately led to the formation of the United States Department of the

Navy in 1798 to prevent further attacks upon American vessels and to end the demands for extremely expensive tributes (U.S. Congress 2008a).

On Jefferson's inauguration as president in 1801, Pasha Yusuf demanded an exorbitant amount of money from the new administration. President Jefferson refused to yield to the demand and on May 10, 1801, the Pasha issued an informal declaration of war against the U.S. by vandalizing the U.S. Consulate in Tripoli. The ensuing Tripolitan war lasted 4 years, from 1801 to 1805. The turning point in the war was the Battle of Derna (April-May 1805). The city was captured with the help of five hundred foreign mercenaries. The fall of Darnah forced the leadership in Tripoli to stop demands to ransom the U.S. prisoners and sign a "Treaty of Peace and Friendship" (U.S. Congress 2008a; Blum 2003, 133–58; Rojas 2003, 159–86).

The next close contact between the two countries came almost a century and a half later during World War II, when the Libyan leader Muhammed Idris as-Sanusi participated in the Allies' campaign against German and Italian forces. In recognition for this assistance the United Nations Security Council, (of which the U.S. is permanent member) passed a resolution calling for the independence of Libya in 1949. Two years later, on 24 December 1951, the United Kingdom of Libya became independent Constitutional Monarchy with a federal system of government under King Idris (Stanik 1996, 2).

The Cold War Period

During the period from 1945 to 1989, U.S.-Libya relations were shaped by a combination of factors that included the U.S.-USSR superpower rivalry, the narrow

pursuit of strategic and economic interests, Libya's foreign ventures, and U.S. presidents' political ideology and personality. U.S. foreign policy toward Libya was mainly reactive – mostly in response to Qaddafi's erratic behavior.

During the first years of Libya's independence, from 1951 to 1969, the relations between the two countries were friendly. The U.S. regarded the position of the country as a strategic site against any Soviet attack in South Europe. In return for its economic and military aid, the U.S. was allowed to build the Wheelus Air Base near Tripoli (Stanik 1996, 2-3). But after nearly two decades of authoritarian rule under King Idris, there was widespread resentment against government corruption and the unequal distribution of oil revenues. Many Libyans were outraged by King Idris' political leanings and cooperation with the Christian West and they felt that he betrayed their vision of a unified Arab world bound by the Muslim religion and free from Western influence. The humiliating defeat of Egypt and other Arab countries by Israel in the Six Day War of June 1967 added to this frustration and convinced a number of junior officers in the Libyan armed forces that action had to be taken for change.

While the king was out of the country for medical care, this group of officers – calling themselves The Free Officers Movement – overthrew the monarch in a bloodless coup on September 1, 1969. They established a 12-member Revolutionary Command Council (RCC) to be the supreme governing body. The most dynamic member of this council was a 27-year-old Signal Corps captain named Muammar al-Qaddafi (Stanik 1996, 3). The new Movement boldly affirmed its Arab and Islamic identity and its support for the Palestinian people. Like Qaddafi, the other members of the RCC made

pan-Arabist and socialist claims. But the United States did not oppose the 1969 coup as the new Movement presented an anti-Soviet and reformist platform (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, p. 3). Because of Qaddafi's subsequent role in U.S.-Libya relations, it will be important to understand his background more completely.

Qaddafi and the New Revolutionary Ideology

Qaddafi was born to a Bedouin family near Sirt in 1942. Even at a very young age he showed signs of public dislike for the political establishment. At the age of 14, he was expelled from his school for leading a student strike in support of Nasser in 1956 during the Suez crisis. In 1961, he entered the Libyan military academy at Benghazi. Later on he was sent to study communications at the Royal Military Academy in Sandhurst, England. His contact with the British only increased his anti-Western feelings. Returning to Libya, he became an influential member of the aforementioned RCC. While the composition of the new council was still unknown and hazy in the mind of most Libyans, the RCC appointed him commander-in-chief of the Libyan armed forces and promoted him to the rank of colonel (Stanik 1996, 4; Habib 1975, 172-74; Pondi 2012, 7-15).

Qaddafi's revolutionary ideology is encapsulated in the Green Book, a short book setting out his political philosophy. His international political philosophy was articulated around the concept of Third Universal Theory, a philosophy of neutrality in superpower disputes. He presented it as an alternative to capitalism and communism, both of which, he claimed, were unsuitable for the Libyan people. For him, both the United States and the Soviet Union were imperialist countries whose only goal was to expand their

respective spheres of influence in the Middle East and North Africa (Stanik 1996, 4-6). In an interview with the French newspaper *Le Monde* on October 23, 1973, he declared:

The Russians are exploiting us in spreading hatred against the Americans in the Arab World. We are, of course, against the United States when we speak about it as a colonial power, but we don't want to serve, in such a manner, the Soviet interest in the region. (Rouleau 1973)

The new leaders were determined to safeguard their national independence through the promotion of populist and nationalist programs. They immediately secured the withdrawal of British and U.S. forces from military bases in Libya. The new government also renegotiated oil production contracts with U.S. and foreign oil companies. The RCC grew closer to the Soviet Union and extended its support to revolutionary, anti-Western, anti-Israeli movements across Africa, Europe, Asia, and the Middle East (U.S. Congress 2008a). Consistent with what he considered legitimate aspirations to self-determination, he offered his support to separatist, Islamist movements and terrorist groups around the world (U.S. Congress, *Libya: Background and U.S. Relations*, RL33142, November 2008, p. 4). He provided logistic and material support to terrorist groups and liberation movements in over 20 countries from South America to Southeast Asia. These groups included, among others, the Abu Nidal organization, the Irish Republican Army, the Japanese Red Army, Italy's Red Brigades, Peru's Shining Path and the most radical branches of PLO, rebel movements such as ZAPU and ZANU in Rhodesia, SWAPO in Namibia, PAIGC in Guinea-Bissau, FRELIMO in Mozambique, MPLA in Angola, and ANC in South Africa (ErWarfally 1988, 70; St John 1988, 126-129; St John 2002, 95; Stanik 1996, 6; *Libyan Arab Republic 1973*, 11-15; U.S. Congress 2008a)

In addition to supporting these revolutionary movements, Qaddafi's agents were accused of supporting opposition groups and were implicated in coups and assassination attempts in his neighboring countries. For example, his forces were regularly deployed into Chad to support rebels fighting against the central government there. In August 1971, Chad accused Libya of financing a coup attempt against Tombalbaye. In reaction to this accusation Qaddafi explicitly gave his full support to Chadian dissidents. Libyan troops often made incursions into the Chadian territory in the conflict that opposed them regarding the Aouzou Strip. In winter 1980-81, Libyan forces invaded Chad but they were forced to withdraw ten months later because of heavy pressure from both Africa and the West. In July 1971, Libya was also accused of fomenting the overthrow of King Hassan of Morocco (Legum 1982, Vol. 4, B-42- B-43; Vol. 5, B-62; Stanik 1996, 6).

The Arab-Israeli conflict was another issue of contention between the United States and Libya. Right after coming to power, Qaddafi made a considerable effort to reduce the diplomatic presence of Israel in Africa. In April 1972, Qaddafi decided to normalize diplomatic relations with Chad after the latter had announced its support for the Palestinian cause. After a visit in Tripoli where he received promise of economic and military help, Idi Amin Dada expelled Israeli diplomats from Uganda. Within two years Mali, Dahomey, Burundi, Congo, Zaire, Gabon – whose President was converted to Islam after a visit in Libya – and Togo broke diplomatic links with Israel in support for the Palestinian fight. Libya also cooperated with members of the Black September Movement, whose attack resulted in the killing of eleven Israeli athletes at the 1972 Olympic Games in Munich. The bodies of the five Palestinians killed during the raid

were received and given a ceremonial funeral in Libya (ElWarfally 1988, 47; St John 2002, 97; Habib 1979, 103).

Qaddafi had always been opposed to the peaceful settlement of the conflict throughout the Cold War and the 1990s, supporting armed struggle as the only effective means to end Israel's presence in the occupied territories. This position led to conflict with Egypt under Sadat as well as episodic tensions with P.L.O leader Yasir Arafat who did not approve of Qaddafi's support for the radical factions of the PLO and his control over the activities of Palestinian exiles in Libya. In return Qaddafi claimed Arafat had lost his revolutionary zeal and had become less radical (ElWarfally 1988, 70, 101; St John 2002, 97; Legum Vol. 5, 1972-73, B-54). After a brief reconciliation with Arafat during the first Palestinian Intifada in 1987, Qaddafi resumed his opposition to the Oslo Peace Process and called for Arab leaders to boycott further negotiation with Israel. He also called for a "one state solution" within a single state to be called "Isratine" (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, p. 4).

Another core principle in Qaddafi's foreign policy was Arab unity. One of the reasons that led the young free officers to take over the ailing monarchy was the humiliating defeat of the Arabs by Israel in June 1967. As a disciple of Nasser, he considered it a duty to realize his master's dream of Arab unity. This project had been hindered, however, by the disintegration of the Arab nations into tribal states and regions, the presence of colonial power and the Israeli occupation of Palestine. Arab unity, annihilation of the state of Israel, and support to revolutionary movements thus became

the pillars of Qaddafi's Libyan foreign policy (Middle East Economic Digest 1980, 24, 51/52, p. 98).

Qaddafi's efforts to unite the Arab nations resulted in the creation of the Union of Arab Republics that included Egypt, Syria, and Libya. After a series of negotiations between Cairo and Tripoli in 1972, Qaddafi and Sadat agreed to create a unified state under a unified government. The complete merger between the countries was scheduled to occur on September 1, 1973. The plan fell through, though, when serious disagreements arose regarding proposed laws and institutions of the new state in addition to Qaddafi's opposition to a negotiated settlement with Israel (Stanik 1996, 4; ElWarfally 1988, 48-49). In 1973, Libya and Algeria signed the Hassi Messoud Accords uniting the two countries. A year later Libya and Tunisia signed The Djerba Treaty uniting the two countries. The same thing also happened with Morocco in 1974 and Syria in 1980. But these treaties were dissolved either because of ideological differences or because of their concrete impracticability (Middle East Economic Digest 19-25 December, 1980; El-Kikhia 1997, 121; Deeb 1991).

Foreign Policy towards Libya under Qaddafi

After 1969, U.S foreign policy towards Libya was shaped by Qaddafi's violent and destabilizing activities overseas, his nationalistic fervor, his opposition to peace negotiations with Israel, and his rapprochement with the Soviet Union (U.S. Congress 2008a).

From 1969 to 1976. In February 1964, five years before Qaddafi seized power, the monarchy had already announced that Libya would not renew the base agreements

with the United Kingdom and United States that were due to expire in the early 1970s.

The Americans did not want to move the base to Europe and instead, suggested using it for joint training exercises. The new regime, however, rejected this offer and even increased pressure to halt what it considered a foreign occupation:

The lifetime of the bases has become limited the same as that of the occupier. That fate of the bases in our land is already doomed for we accept no bases, no foreigner, no imperialist, and no intruders. This is a clear-cut attitude, which is understandable to both friend and enemy. We will liberate our land from bases, the imperialist and foreign forces whatever the cost involved. (Qaddafi quoted in El Saardany 1994, 48)

The U.S. agreed to leave within one year, on June 11, 1970. June 11 the day the Americans evacuated Wheelus Field, became henceforth an official national holiday in Libya (El Saardany 1994, 48-49).

Despite his anti-imperialist rhetoric, U.S.-Libyan relations were not hostile at the beginning of Qaddafi's rule because U.S. interests were not threatened. The first thing Qaddafi did was to assure the United States that American oil companies would not be nationalized. In fact, most of the Libyan oil sector was staffed and operated by American companies. The country was in need of the advanced technology to run its development programs. The Libyan government made further positive steps towards normalization by appointing a new Libyan ambassador to the United States in 1971. Qaddafi also condemned the July 1971 communist coup attempt in the Sudan and voiced his support for Sadat's expulsion of Soviet advisers. In return for these "good intentions," eight of the sixteen U.S.-manufactured C-130 military transport planes purchased by Libya during the

monarchy were delivered as agreed, even while the delivery of other F-5 military aircraft was delayed (St John 2002, 104; (ElWarfally 1988, 65).

The benevolence of the U.S. toward the new regime was also reflected in the cooperation between their secret services. It is reported that between 1970 and 1972, the CIA informed Qaddafi of three separate plots to overthrow his regime. The first reported incident involved a close relative of the deposed king. He attempted to smuggle arms into southern Libya, where he intended to distribute them to tribal elements antipathetic to Qaddafi. This attempt was closely monitored by Israeli intelligence services. When the U.S. learned the plot, they firmly disapproved the plan. Beginning of October 1971, the New York Times reported that Ambassador Palmer betrayed a plot by army officers by faking sympathy with the group. He later denounced them to Qaddafi. A third incident, known as the “Hilton assignment” involved a group of European mercenaries hired by Libyan exiles to topple Qaddafi’s regime. The CIA informed Qaddafi. It is also reported that Israel wanted to attack Libya because of its support for guerrillas in Lebanon and for the survivors of the Black September attack on Israeli athletes at the Munich Olympics. They were dissuaded by a conciliatory America (Stanik 1996, 5; Cooley 1982, 80-100).

When Libyan aircrafts shot U.S. military planes in the Mediterranean in March and in April 1973, the United States decided not to respond or even raise the issue publicly. Washington cancelled and postponed any military maneuvers. In 1974, interpreting international law to his own advantage, Qaddafi claimed that the portion of the Mediterranean Sea south of 32°30’ north latitude – the entire Gulf of Sidra – was an integral part of the Libyan territory. But the 250-mile width of the Gulf of Sidra exceeded

the 24-mile allowed by the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, which Libya had not even signed. On 11 February 1974, the U.S. Department of State declared that this claim was “a violation of international law” and an encroachment upon “the long-established principle of freedom of the seas.” Regardless, neither side chose to press the issue further (Stanik 1996, 5; Cooley 1982, 80-100; Legum 1973, B53-55; ElWarfally 1988, 93).

The U.S. response to Libya’s oil policies during this period was generally passive, and at times supportive of Libya. President Nixon himself acknowledged that the U.S. did not have much leverage against Libya. Even in July 1973, when Qaddafi nationalized the Bunker Hunt Oil Company, Washington did not react with hostility or threat. Oil flow to the U.S. continued unimpeded despite fluctuations in prices and the marketing environment. In 1973, Libya was the second-largest Arab oil exporter to the United States and thousands of Libyan students were studying in different fields in the U.S. (ElWarfally 1988, 65; Waddams 1980, 251-260; Department of State Bulletin, September 24, 1975).

Deep-seated disagreements between the two countries began surfacing by mid-1973. Three factors contributed to the deterioration of their relations. The first was the growing Libyan military involvement in the 1973 Arab-Israeli war and its opposition to the U.S.-sponsored peace talks. The second reason was the increased pressure of Libya’s oil policies. Libya participated in the oil embargo of 1973 and was opposed to lifting it. On August 13, 1973, Libya issued a decree nationalizing the U.S.-owned Occidental Company. On February 11, 1974, after the Washington Oil Conference of the Consuming

States, felt by many Arab nations as an American intimidation, Qaddafi decided to nationalize three other American oil companies including the California Asiatic Company, the American Overseas Petroleum Company, and the Libyan-American Oil Company. The third reason was Libya's rapprochement with the Soviet Union. He praised the Soviets for their support for the Palestinian cause. The following year, in May 1975, a high-level Soviet delegation headed by Prime Minister Aleksei Kosygin visited Tripoli to conclude another massive and sophisticated arms deal with Libya (Pajak 1980, 51-56; ElWarfally 1988, 56-57, 89; St John 2002, 107).

In response to this change in foreign policy behavior, Washington refused to appoint a successor to Ambassador Palmer, who had resigned in late 1972. The U.S. embassy would eventually be closed in 1980. The U.S. also decided to stop selling arms to Libya. Delivery of the eight C-13 transport planes purchased by Libya was halted and the purchase of a 200-million dollar air-defense system – consisting of Westinghouse computer and radar equipment from Northrop – was delayed. In August 1975, the State department refused to allow Libyan air force trainees to enter the U.S. for training aircraft maintenance. In 1976, President Ford began using a different kind of political pressure. He accused Libya of supporting terrorism. In the thirty-first session of the UN General Assembly, the U.S. and a group of European countries officially accused Libya of financing and supporting terrorism. Libya was ranked fourth on the list of U.S. enemies. Surprisingly, however, these antagonistic relations did not spill over into the economic field. Both countries continued and even increased their bilateral economic relations during this time. Between 1973 and 1976, U.S.-Libyan economic relations grew even

stronger, with U.S. imports from Libya rising from \$215.8 million in 1973 to 2,188 million in 1976; within the same period, U.S. exports to Libya grew from \$103.7 million to \$277 million. From 1977 to 1980, the U.S. had become the largest purchaser of Libyan oil (Cooley 1982, 266, 285; Davis 1990, 37-38; Davis 1990, 35; Vandewalle 1998, 113).

It would be fair to conclude that during the seven years following the Qaddafi's coup, U.S. foreign policy toward Libya were driven by oil and economic interests and Libyan relations with the Soviet Union. As long as these interests were preserved and Libya kept away from the Soviet influence, the U.S. was ready to cooperate. Tensions started to surface as a result of Libyan change in oil policy and rapprochement with the Soviet Union.

The Carter administration (1977-1981). Qaddafi greeted with enthusiasm the election of Jimmy Carter, whom he considered a religious man. In June 11, 1977, he urged Carter to normalize their diplomatic relations by appointing an ambassador to Tripoli. These hopes were soon dashed, however, and diplomatic relations between the two countries became even more antagonistic by mid-1977. In May 1977, Carter ordered to block the sale of Italian transport planes to Libya, arguing that the engines used in these planes were licensed under an American company. In July 1977, the Carter administration supported Egypt in the conflict with Libya. It refused to sell military equipment to Libya but announced the conclusion of a \$200 million deal in heavy military hardware with Egypt after the conflict. Libya then accused the United States of committing acts of terrorism by maintaining military bases in other countries, violating the territorial waters of other states, and pursuing a nuclear program that endangered

international peace and stability. Qaddafi also accused the U.S. of violating human rights in Third World countries by protecting dictators and fascist regimes such as the Shah of Iran, Sadat in Egypt, and Somoza in Nicaragua (St John 2002, 110).

In late 1977, the U.S. uncovered evidence linking Libya to an assassination attempt against Herman Frederick Eits, the U.S. ambassador to Egypt who was working towards the normalization of diplomatic relations between Egypt and the U.S. Upon discovering the plot, President Carter sent a personal note to Qaddafi giving him details about the plan. He decided to cancel the delivery of the eight C-130 aircraft, which remained in storage in Marietta, Georgia. This plot reinforced the perception in Washington that Qaddafi was sponsoring terrorism. Qaddafi denied the claim and to prove that he was innocent of these terror-linked accusations, in early 1978, Libya signed three UN conventions related to airplane hijacking (ElWarfally 1988, 112-113; Legum vol. 11, 1978-79, B-65-71).

Qaddafi also initiated the so-called Arab-American People-to-People Dialogue Conference in Tripoli October 1978. Billy Carter, the president's brother, attended this meeting. Qaddafi used this forum to denounce the Camp David Accords. This conference did nothing to normalize the diplomatic relations. The C-130 planes were not released. Qaddafi then threatened to join the Warsaw Pact. However, commercial relations between the two countries did not suffer as a consequence of these diplomatic tensions. By mid-1978, the State department lifted its ban for the sale of two Boeing 727s ordered by Libyan Air Lines because they were warned that Libya might turn to the European airbus. This was followed by the sale of 400 heavy trucks from the Oshkosh Truck

Corporation from Wisconsin. Early in 1979, the State Department recommended the sale of three Boeing 747s to Libya. But later on, the same State Department recommended banning the export of the three planes because reports indicated that Libya had used a Boeing 727 to evacuate Libyan troops from Uganda (Newsom 1980, 61; Rizq and Allen 1979, 15; Cooley 1982, 265, 284; Davis, 1990, 37-38; Wright 1981, 24-25).

U.S.-Libya relations reached their most conflicted point in December 1979, when an angry crowd of Libyans stormed and burned the American embassy in Tripoli without any response from the Libyan security forces. As a result, the U.S. closed its embassy on 7 February for security reasons. Three months later, four officials of the Libyan People's Bureau were expelled from Washington under the charge of harassing anti-Qaddafi Libyan students in the U.S. The decision was linked to a wave of assassinations of Libyan political dissidents in Athens, London, Milan, Rome, and Valletta, Malta. In May of the following year, Secretary of State Alexander Haig ordered the closing of the Libyan People's Bureau in Washington after one of Qaddafi's agents was arrested for shooting a Libyan dissident in Colorado. President Reagan would later allow the provision of "non-lethal" aid and training to anti-Qaddafi exile groups. In January 1980, Tunisia accused Libya of sponsoring the Tunisian dissidents who led a raid on the border city of Gafsa. The United States immediately sent arms to Bourguiba, arguing that it was helping a friendly government against the Libyan threat (Wright 1981; Stanik 1996, 7; Reuters 1980).

On 16 September 1980, two Libyan MiG-23 Floggers attacked a U.S. Air Force RC-135 reconnaissance plane flying over the international airspace. Fortunately, the

plane escaped without damage. Qaddafi then used the Washington Post as a forum to write an open letter asking America to keep its naval and air forces away from the Libyan coasts. He warned:

Confrontation and the outbreak of an armed war, in the legal term, would regretfully be a possibility within view at any moment... Should a war break out – a possibility which cannot be ruled out – it will be a war forced upon us by America. (Qaddafi quoted in Halloran 1980)

At the end of the Carter Administration, with the storming to the U.S. Embassy in Tripoli, Qaddafi's opposition to the Arab-Israeli peace plans and the accusations of destabilization and terrorism almost shut the door to peaceful American-Libyan relations. When Reagan took office, Libya had achieved a reputation of an international pariah state (Stanik 1996, 6).

The Reagan administration (1981-1989). When Reagan took office in January 1981, defeating Israel was still the main foreign policy goal of Qaddafi, who hoped for a change in U.S. policy toward the Arab-Israeli conflict. On January 27, 1981, commenting on the inauguration of Reagan, he wrote:

On this occasion we call on America, under your administration, to play a different role, respecting the will of peoples and ending oppressive U.S. intervention, both covert and overt, in the international affairs of other countries... The Libyan Arab people look forward to sound and equitable relations based on mutual respect and interests. (Qaddafi, 1981)

Reagan altered both diplomatic and commercial policies toward Qaddafi, whom he considered as an enemy. He viewed Qaddafi as a Soviet satellite whose destabilizing activities needed to be curtailed. Sadat and Numeiry had convinced the new U.S. administration that Libya's intervention in Chad was aimed at spreading Soviet influence in the region. The evidence to back up this accusation was the visit in July 1981 of Soviet

frigates to the naval base at Tripoli. In fact, Libya continued its rapprochement with the Soviet Union. The two countries agreed to build a nuclear facility and a research center with a capacity of 300 megawatts. By 1981, the capacity of that nuclear station was increased to 400-megawatt units. During a state visit to Moscow, Qaddafi signed additional agreements in the area of oil and gas, nonferrous metals, and irrigation. Libya continued to purchase sophisticated Soviet weapons. In July 1981, two Soviet frigates visited the naval base of Tripoli (St John 2002, 124; Osgood 1987, 45)

Libya also pursued its policy of opposition to Israel. In April 1981, the Libyan regime sent some of its Soviet-built SAM-9 missiles into Lebanon to help the Palestinians in their conflict with Israel at the border with Lebanon. Israel intercepted the missiles and destroyed them. Qaddafi's anger reached its climax with Israel's invasion of Lebanon in June 1982 and the Arabs' failure to respond to his repeated calls for resistance. He publicly condemned all the Arab governments for accepting the Israel - American plan of evacuating the Palestinians from Lebanon. Qaddafi cheered Sadat's assassination on October 6, 1981 as a victory because it was an opportunity to break away from a policy that he considered a betrayal of the Arab cause. But his satisfaction was short-lived because soon after Egypt allowed 4,000 American troops to join Egyptian, Sudanese, Somali, and Omani troops in military exercises (ElWarfally 1988, 140-142; Legum Vol. 14, B-56).

One of the first steps that Reagan took against Qaddafi was to close the Libyan People's Bureau in Washington. All Libyan visa applications had to go through a restrictive security process. In October 1981, he advised U.S. oil companies to begin

planning their orderly withdrawal from Libya. NATO allies were requested to reject Libyan state visits. Reagan also expanded existing arms deliveries and oil exploration embargoes. He did it again in March 1982, when he declared an embargo on Libyan oil and imposed an export-license requirement for all American goods destined for Libya except for food, medicine and medical supplies. This was a departure from the policies pursued since 1969. Request to other NATO allies to support these sanctions were declined. Economic embargoes did little to change Libyan behavior. The real losers in the deal were American companies with economic ties to Libya. The Reagan administration resorted to new tactics, namely intimidation and accusation. This was the beginning of a series of accusation and counter-accusation (St John 1986, 113-14; U.S. Department of State 1981, 787, 796).

In 1981, there was a claim by U.S. officials that Qaddafi had hired an assassination squad to kill President Reagan and top U.S. officials. The plot, they alleged, was revealed by a non-American informant with strong connections within the Libyan secret services. But these allegations were never proven. Qaddafi denounced the rumor as false and argued that only a “silly” and “ignorant” person could believe a tale of that kind. For him,

[Reagan] was born to be an insignificant and unsuccessful actor; all his acting dealt with the smuggling of funds outside America. How could he become the president of the greatest state on earth? (...) America must get rid of this administration and fell it down, as they did with Nixon, and elect another respectful president to get respect for America. (Qaddafi 1981)

In reaction, the U.S. started a disinformation campaign, characterizing Qaddafi as a lunatic, a Soviet proxy, and as the major source of international terrorism. This

campaign was soon supported by an aggressive recruitment and mobilization of all Libyan dissidents in and outside Libya. Around the same period, two F-14 Tomcats from the Sixth Fleet downed two Libyan aircraft in the Gulf of Sirt. This was the second incident occurring in that area. On October 14, 1981, U.S. ambassador to Italy Maxwell M. Rabb was recalled to Washington because of an assassination threat by Libyan terrorists. On November 12, the acting U.S. ambassador to France was fired at in Paris. Testifying before the House Foreign Affairs Committee, Secretary Haig claimed that these attacks might have been orchestrated by Libya (Copson 1982; Qaddafi 1981; Ignatius 1981; Blum 1986, 668-77).

On August 1981, Libya sent a note to the Security Council to its members that the United States was preparing a military attack against Libya. In 1982 again, Libya wrote to the chairman of the OAU to warn him that the presence of American troops in Chad constituted a dangerous threat for the region. That same year, Libya had previously agreed to host the OAU summit in Tripoli. But American diplomats actively lobbied for shifting the venue from Libya to Ethiopia. Then Vice-President Bush toured African countries to dissuade them from attending the 1982 OAU summit meeting in Tripoli, Libya. Under U.S. pressure, many African countries broke diplomatic relations with Libya. The same isolation policy toward Libya was pursued in Europe. Italy, for example, was pressured not to allow Libyan state visits and to stop selling military spare equipment. Tensions between the two countries culminated in mid-1980s with a series of confrontations (Vandewalle 2006, 99-100; El Warfally 1988, 151-53; Wright 1981, 13).

In July 1985, a group of terrorists supposedly linked to Qaddafi bombed the Copenhagen offices of Northwest Orient Airlines. Another extremist group headed by Abu Nidal, a terrorist leader with strong connections with Qaddafi, attacked a café next to the U.S. embassy in Rome. In October, Mohammed Abu Abbas's terrorist group hijacked the Achille Lauro Italian cruise ship in Egyptian waters, murdering an elderly American man confined to a wheel chair, Leon Klinghoffer. Abu Abbas was later warmly welcomed in Libya after his release by Italian authorities. In November, Abu Nidal commandos hijacked an EgyptAir Jet killing fifty-nine people. In December of the same year, the same Abu Nidal organized the coordinated attacks on the Rome and Vienna airports, killing twenty-five people, including five U.S. citizens. Washington accused Qaddafi of complicity with these attacks (Chomsky 1986, 128-31; Ya'ari 1985; Ottaway 1985).

Reagan clearly pointed the finger at Qaddafi:

These murderers could not carry out their crimes without the sanctuary and support provided by regimes such as Colonel Qadhafi's in Libya. Qadhafi's long-standing involvement in terrorism is well documented, and there's irrefutable evidence of his role in these attacks. The Rome and Vienna murders are only the latest in a series of brutal terrorist acts committed with Qadhafi's backing. (Reagan, January 7, 1986)

As a response to these attacks, on January 7, 1986, President Reagan issued Executive Order 12543, prohibiting U.S. citizens and companies from participating in any transaction involving Libyan assets, in terms of exports, imports, credits, loans, and contracts. The following day, on January 8, 1986, he signed Executive Order 12544, prohibiting the transfer of property and interests in property of the government of Libya,

its agencies, instrumentalities and controlled entities in the United States. The latter order had the effect of freezing Libyan government assets in the United States. The United States, the texts claimed, had no business engaging in activities that would add revenues to the coffers of one of the globe's premier terrorists (The White House 1986a; The White House 1986b).

In mid-March 1986, Libya attacked a U.S. flotilla in violation of the 1958 Convention on Territorial Sea and Contiguous Zone, which allows nations to claim coastal embayment only within twenty-four miles outside their territory. The U.S. retaliated with a coordinated attack that sank several Libyan aircraft and damaged Libyan missile sites. On April 5, 1986, La Belle Discotheque, a nightclub regularly attended by U.S. servicemen deployed in the West German capital, was bombed. The blast killed three people and injured around 230. Two of the dead and 79 of the injured were Americans. In response, on April 15, President Reagan ordered a raid on the alleged centers of Libyan terrorist activities and training in Benghazi and Tripoli. The raid, code-named El Dorado Canyon, targeted the Tripoli airport, a port facility near Sidi Bilal, and the military barracks at Bab al-Aziziyah, Qaddafi's residence. These raids collaterally destroyed the French embassy and several other places, killing and wounding many civilians. Qaddafi escaped unharmed but claimed that the raid had killed his two-year-old adopted daughter and injured his two sons (New York Times 1986; Morris 1999, 586; International Herald Tribune, 26 March 1986; New York Times, November 14, 2001).

This time this policy of hostility between the two countries spilled over to the oil fields. The following month, on May 20, 1986, U.S. Congress passed a bill requiring U.S.

oil companies still operating in Libya to cease their participation in the production, marketing or distribution activities with respect to crude oil produced by Libya, by June 30 of the same year. This resulted in prohibiting five U.S. companies operating in Libya – Amerada Hess Corp., Conoco, Inc., W.R. Grace & Co., Marathon Oil Co., and Occidental Petroleum Corp. – from continuing their operations there (U.S. Congress 1986).

In December 1987, the Reagan administration charged again, publicly accusing Libya of building a nuclear plant near Rabta, forty miles away from Tripoli. This factory, America claimed, would be used for the production of chemical weapons. Qaddafi denied the charge and argued that the purpose of the plant was the production of medicines and pharmaceuticals because Libya was under U.S. embargo. He then went on to challenge the U.S. to destroy its own arsenal of chemical weapons. He claimed that possessing a nuclear bomb was a legitimate act of self-defense because Israel was allowed to develop its own nuclear program. He would eventually agree to an inspection, however, but the journalists who visited the plant were kept at a distance of approximately two thousand feet from the facility and the visit took place at night in complete darkness. The last significant clash that Libya had with the Reagan administration occurred on 21 September 1988, when Pan American Airways Flight 103, on a flight from London to New York, exploded over the village of Lockerbie in Scotland, killing all 259 passengers on board and 11 persons on the ground. Of the 270 total fatalities, 189 were American citizens and 43 were British citizens. The U.S. accused Libya of planning the terrorist attack. On January 4, 1989, just three weeks before the inauguration of George H.W.

Bush, two Libyan aircraft were downed by U.S. air forces over the Mediterranean Sea (Ottaway 1988; Wiegele 1992, 24-26; Parmelee 1989). Reagan's foreign policy towards Qaddafi with the same hostility ended as it had begun.

Many have argued that Qaddafi's actions were justified by his desperate need to generate international attention for himself. Despite the common perception of Qaddafi as a hostile agitator, there were reports that he had always wanted to dialogue and negotiate with the U.S. Already in June 1982, he had expressed this view with the Italian newspaper *La Repubblica*: "I believe dialogue is possible with the U.S. ... we are always willing to negotiate." At that time, he went so far as to request the mediation of Chancellor Kreisky of Austria. In the wake of the terrorist attacks in the mid-1980s, he wanted a settlement privately negotiated. He tried to use various Arab and European governments to open a dialogue with the Reagan administration, but all avenues of negotiation were shut down (Gurney 1996, 70-71).

U.S. foreign policy toward Libya during the Reagan administration was designed to oppose Qaddafi's support to extremist and terrorist groups, halt Libyan opposition to the Arab-Israeli conflict settlement, and curb its attempts to acquire and produce weapons of mass destruction. There was also a conflict of personalities. As the preceding section indicates, the two leaders hated each other (Fitchett 1989).

The Period between the End of the Cold War and the 9/11 Attacks

In the late 1990s Qaddafi's foreign ventures led him to diplomatic isolation and built his image as international pariah. However, by the end of the Cold War, he started an international campaign to shed out this negative image. In September 1987, with the

mediation of the OAU, Libya and Chad agreed to a cease-fire. Qaddafi ended the war with Chad at Matan Al-Sarta and the Aouzou strip. One year later, he restored diplomatic relations with Chad. In February 1989, Libya became member of the Arab Maghrib Union, normalized its bilateral relations with Sudan by signing integration pacts between both countries in March 1990. He also reestablished diplomatic relations with Egyptian President Hosni Mubarak and visited the country in October 1989 for the first time after sixteen years. These new foreign policy moves guaranteed him reintegration in the Arab world and reduced his isolation in African and in the world. In early January 1989, Libya was part of the 149 countries that arrived in Paris for an international conference on the development and use of chemical weapons. But again Despite the final declaration being unanimously approved by every country involved, Libya still opted not to sign the final document (St John 2002, 160; Ibrahim 1988; Deeb 1990, 149-52, 177-78).

The First Bush Administration (1989-1993)

Bush's first year in office coincided with the fall of the Berlin Wall. With the death of their sworn enemy, the U.S. had to redefine the shape and objectives of its global commitment. In search for new directions to U.S. foreign policy in the aftermath of the Cold War, the Bush administration came up with the concept of Rogue Doctrine. Coined immediately after the fall of the Berlin Wall in November 1989, the Rogue Doctrine would become the new U.S. foreign policy paradigm for the remainder of the decade. This new policy applied to the so-called "pariah" states, "backlash" and "maverick" states, or nuclear-outlawed regimes. Included in this category were countries like Iran, Iraq, Libya, North Korea, and occasionally Cuba; in short, countries routinely accused of

developing weapons of mass destruction, supporting international terrorism, violating human rights, and overtly opposing U.S. interests (Klare 2000, 49; O'Sullivan 2000, 56-57; Lake 1994, 45-46). So, in this aftermath of the Cold War, security concerns ranked top on the list of U.S. foreign policy priorities.

Qaddafi greeted the election of Bush with optimism, hoping that it would be an opportunity to improve the two countries' relations. To show his goodwill, he returned the body of the U.S. pilot shot during the U.S. attack in April 1986. He also offered to negotiate the release of American hostages then held in Lebanon. Despite these efforts on the part of Qaddafi, all avenues of negotiation had been previously shut by the Reagan administration and the new administration did not intend to open them. Besides accusations of terrorism, the new administration pressed Libya on the issue of weapons of mass destruction. Bush started pushing for a UN Security Council resolution that would impose sanctions on Libya. The new administration also continued Reagan's policy of training and covertly financing Libyan dissidents to destabilize the Libyan government (Ottaway 1989; Deeb 1990, 178). In fact, in 1991, Bush administration officials publicly recognized their failed attempts to destabilize the Libyan regime. In fact, the U.S. had provided paramilitary aid and training to a group of six hundred former Libyan soldiers captured during the conflict between Chad and Libya in 1988. These soldiers had volunteered to back up a coup against Qaddafi. But the plot failed when in December 1990, Libyan-backed rebels succeeded in overthrowing Chad's central government in N'djamena. The U.S. trained paramilitary group was then forced into exile. They were first transferred to Zaire and then to Kenya. In February 1991, the U.S. government was

forced to pay \$5 million in military aid to the Kenyan government supposedly for their improved record in human rights. But in reality, the money was paid in gratitude for giving the trained guerillas a temporary asylum. Some eventually chose to return to Libya while others were granted asylum in the United States (Kraus 1991).

Since the 1970s Libya had been engaged in efforts to acquire nuclear technology. After unsuccessful attempts, in 1979, Libya was able to open a small nuclear research reactor at Tajura with Soviet assistance. Several further attempts at enlarging the nuclear power facilities failed. There were reports that Libyan authorities finally reached an agreement for uranium enrichment technology with Pakistani nuclear scientist Dr. Abdul Qadeer Khan in 1997. During the late 1980s and early 1990s, the Libyan government developed chemical weapons production facilities at Rabta, Sebha, and Tarhuna with the assistance of western European and Asian firms (Sinai 1997, 92-100). President Bush called on the international community to support his efforts to stop the production of chemical weapons in Libya, highlighting the fact that they may find their way into terrorist hands. He even threatened to destroy the plant. While still denying the charge of building a nuclear plant at Rabta, Qaddafi continued to defend his right to manufacture them as long as other nations like Israel were allowed to possess them (Whitney 1989; Fitzwater 1990).

Early in 1990, it was discovered that an important shipment of Semtex explosives had been sent to Libya from Czechoslovakia in the 1980s. This was precisely the material that had been used in the terrorist attacks on Pan Am Flight 103 in 1988 and UTA Flight 772 in 1989. Evidence showed a similarity between a computer chip found in the

wreckage and parts of the bomb's detonator carried by a Libyan agent arrested in Senegal in February 1988. Moreover, London newspapers reported that a former Libyan diplomat had sent a letter to Qaddafi congratulating him for the success of the plot. Other reports claimed that the attack was planned during a meeting between Qaddafi and radical Iranian and Palestinian groups. In October 1991, a French judge indicted and issued an international arrest warrant against four Libyan officials for allegedly participating in the 1989 UTA bombing. The following month the United States and United Kingdom officially charged two Libyan agents with the Pan Am bombing. They also asked for their extradition and the payment of compensation to the relatives of the victims. The three governments demanded Libya to halt its support of terrorist activities (Le Monde 1990; Whitney 1990; Sennen 1990, 18-20; Wines 1990)

Qaddafi denied the charges and first refused to surrender the two Libyan suspects on the grounds that there was no extradition treaty between Libya and these countries. He rather attributed the crash to meteorological conditions. For him the indictment of Al-Megrahi was a case of mistaken identity, while Fhimah was just "a simple person who has nothing to do with politics or with the secret services." He promised, however, that they would be tried in Libya. In January 1992, the UN Security Council passed Resolution 731 calling the Libya government to fully cooperate with investigators and urging all states to encourage Libya to do so. When Libya refused to cooperate a tougher resolution was passed. Resolution 748 imposed an embargo on Libyan aircraft and arms sales. It also reduced Libyan diplomatic missions abroad. UN members were mandated to accept and implement this Resolution. The effects of this resolution were soon felt, when

on 15 April 1992, Libyan diplomats were expelled and Libyan airlines were turned back home. In November 1993, UN Security Council Resolution 883 was passed, freezing Libya's overseas assets (with the exception of oil-related assets), banning the sale of some oil-related equipment, and toughening the earlier decision against Libyan commercial air activities. This resolution added to U.S. sanctions already in place since December 1986 (St John 2002, 1966-68; New York Times Editorial 1991).

The Clinton Administration (1993 - 2001)

President Bill Clinton came to office when the "Rogue Doctrine" was still in vogue and security issues the defining principle of U.S. foreign policy. The Clinton administration continued with the same policy. In mid-February 1993, U.S. intelligence discovered an underground plant that Libya was building near Tarhuna. This was followed by U.S. threat to impose a global oil embargo if Libya did not accept to remand the two Libyans accused of the 1988 Pan Am bombing. In April 1993, The UN Security Council renewed the air and arms embargo but resisted the U.S.'s demand to expand them. In June 1993, the U.S. government intercepted and blocked a shipment of rocket fuel ingredients from Russia to Libya. After 1993, the U.S. repeatedly pressured its key European allies to impose a global embargo on Libyan oil sales but could not win their support. Germany and Italy, for example, heavily depended on Libyan oil (Hermida 1993, 8-9; Rowland 1993, 13; Graham and Corzine 1995; Gordon 1993).

In a surprising move, on May 14, 1994, Qaddafi announced his decision to sever all ties with organizations involved in international terrorism, to deny the use of its territory for terrorist activities, and to punish any terrorist act. The Clinton administration

renewed its accusation that Libya had built a second chemical weapons plant at Tarhuna, citing as evidence the fact that Libya had refused to sign the final declaration of the 1993 Paris Convention prohibiting the use, development, and storage of chemical weapons. Qaddafi denied the accusation and invited UN representatives for inspection. He further demanded that the U.S. surrender U.S. pilots and planners involved in the air attack on Benghazi and Tripoli in 1986. He referred the case to the United Nations (St John 2002, 172).

In 1995, Qaddafi threatened to violate the flight ban and to quit the United Nations. As a result, the UN agreed to lift the travel ban on Libyan pilgrims en route to Saudi Arabia. By 1997, African leaders had begun to take the lead in mounting opposition to UN sanctions against Libya. In February, the secretary general of the OAU requested an end to the sanctions citing evidence that Libya had been cooperating to solve the Lockerbie issue. This was followed by the Vatican, which in March established full diplomatic relations with Libya in response to what it considered positive steps in the direction of religious freedom. In September, the Arab League adopted a resolution authorizing flights to Libya for humanitarian and religious purposes. The organization also invited its members to unfreeze Libyan accounts with the exception of oil funds. In October, South African President Nelson Mandela visited Libya in gratitude for his support during his struggle against the white racist minority regime. He completed the last part of his trip by car in compliance with the UN sanctions. He called for the lifting of these sanctions and reiterated the OAU and Arab position that the Lockerbie suspects

be tried in an international court. The presidents of Gambia, Liberia, Tanzania, and Uganda also visited Libya (Hedges 1995; Fitchett 1997; Jehl 1997).

In May 1998, a deal was reached between the U.S. and Western European countries to ease U.S. commercial restrictions on companies doing business with Cuba, Iran, and Libya. In July, the UN travel ban was partially lifted to allow Egyptian President Mubarak to visit Tripoli after an alleged assassination attempt had injured Qaddafi in June. In mid-July, the United States and Britain announced the creation in the Netherlands of a special court for the trial of the two Libyan suspects. In August 1998, the Libyan government agreed to a trial at The Hague under Scottish Law. After intense diplomatic negotiations with Egypt, Saudi Arabia, South Africa, and the UN Secretary General Kofi Annan, Qaddafi finally handed over the two suspects on 5 April 1999. Nelson Mandela, who had participated at Tony Blair's request, played the most important role in the negotiations. At Qaddafi's invitation, Mandela addressed the Libyan General People's Congress in March 1999 and reassured the delegates that all the necessary measures had been taken to guarantee a fair trial. Qaddafi pretended, however, that since he had not held political power since 1977 when he handed over power to the Libyan people, the accused would be held individually responsible for their crimes if found guilty. This provision legally precluded any further investigation into the bombing in Libya. The extradition of the two suspects paved the way to the suspension of UN sanctions against Libya. In this way, Libya took steps to end its diplomatic and economic isolation (Swardon 1999; Elgood 2000; Pargeter 2012, 179).

In the 1990s Libyan foreign policy shifted its focus from engagement with other Arab states to a greater focus on Africa. Qaddafi justified this change by the failure of the Arab leaders to support him during the Lockerbie crisis. His foreign policy also changed from involvement in most regional insurgencies, whether direct or indirect, to peace facilitator between governments and rebel factions in neighboring Sudan, Niger, and Chad. He started pushing for the establishment of the United States of Africa (U.S. Congress, *Libya: Background and U.S. Relations*, RL33142, November 2008, p. 24). After Libya's defeat in 1987 in Chad, the Aouzou Strip dispute was referred to the International Court of Justice. When the court ruled in favor of Chad, Libya accepted the ruling and never challenged the decision. Diplomatic relations with Egypt were normalized and both countries joined their efforts to solve the civil war in Sudan. Qaddafi mediated the end of conflicts in the Congo, the Horn of Africa, Sierra Leone, and the Sudan. He brokered a cease-fire agreement between Congo and Uganda in April 1999 and sent Libyan troops in Uganda to help implement the plan. He visited South Africa as the last official guest of the Mandela administration. He attended the OAU summit in Algeria in July 1999, where he was warmly welcomed. He revived the idea of African unity and invited his African peers to attend an extraordinary OAU summit in Tripoli to discuss ways to rejuvenate the charter of the dying institution. He called for the creation of a United States of Africa with its own economic and financial institutions. In the September summit in Tripoli, African leaders agreed to the creation of a Pan-African Parliament in 2000 and an African Union in 2001 (Vandewalle 2006, 181; Schneider 1999; Thomasson 1999; Lynch 1999).

In addition to an increased focus on Africa, signs of cooperation with the West began to emerge in 1999 with Libya's agreement to compensate the families of the victims of the UTA Flight 772 and the extradition of the two Libyan intelligence agents suspected of orchestrating the bombing of Pan Am Flight 103 (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, p. 5). Qaddafi continued to distance himself from terrorist organizations. In 2000, Abu Nidal and his terrorist organization were expelled from Libya. New visa restrictions were put in place to prevent terrorists from entering and using Libyan territory as safe haven. Qaddafi stopped supporting radical Palestinian groups and instead gave his support to the Palestinian Authority chairman Yasser Arafat. In 1999, Libya approached U.S. officials with an offer to dismantle its chemical weapons programs in exchange for lifting U.S. sanctions. The offer was turned down because previous claims for a settlement in the Lockerbie airliner bombing case were still pending (U.S. Congress 2008a)

Despite the positive steps toward reconciliation undertaken by the Libyan government, the Clinton administration continued to maintain sanctions and announced that it would not follow Britain's example in resuming full diplomatic relations with Libya. The administration argued that its dispute with Libya had not yet been completely solved. Among other things, the U.S. was still concerned about the unchanged inflammatory rhetoric from the Libyan leader. In December 1999, the Clinton administration blocked the sale of twenty-four airplanes to Libya by the European consortium Airbus on the grounds that parts of the engine and electronic equipment were under U.S. license and their sale would violate the 1996 Iran-Libya sanctions.

By mid-2000 the Rogue Doctrine had run its course and was no longer in vogue in Washington. “Rogue states” were now considered “states of concern.” The Libyan decision to turn over the two suspects was quoted by the Clinton administration as an example of good behavior which justifying the change. Qaddafi praised the decision to step away from the Rogue Doctrine as just and reasonable. The idea of reestablishing diplomatic relations with Libya became a possibility. In March four consular officials were sent to Libya to assess the level of travel safety for Americans (Winfield 1999; Miller 1999; Neumann 2000, 142-145; Marquis 2000; Slavin 2000).

U.S. foreign policy toward Libya during the post-Cold War era was an ambiguous mix of security issues and economic interests. While publicly condemning the Libyan regime U.S. American economic interests and investments in Libya continued unimpeded. In August 1995, for example, the Libyan government inaugurated the Great Manmade River (GMR), a \$25-billion giant project intended to supply water in the Libyan Desert and arid lands. Libya made a contract with the British subsidiary of Brown and Root, an energy and technology Company that had merged with the Halliburton Company in 1962. The Chief Executive Officer of Halliburton Company was former Secretary of Defense Dick Cheney, the main proponent of the Rogue Doctrine (Henriques 2000; El-Kikhia 1997, 143-144; Cooper 2000).

After 9/11

The next major event in the evolving history of U.S.-Libya relations was the 9/11 terrorist attacks on the World Trade Center in New York City. Qaddafi instantaneously condemned the 9/11 attacks as “horrific and gruesome” and expressed sympathy for the

American people, organizing a high profile ‘blood drive’ to help the victims. He called members of Al Qaeda “heretics” and described his cooperation with the United States as “irrevocable.” He also defended the right of the American people to take revenge. He described Washington’s invasion of Afghanistan as a justified act of self-defense and offered counterterrorism and intelligence cooperation with the U.S. and the U.K. Libya took direct action to stop Al Qaeda activities within its borders. For example, in October 2004, Libya transferred then-deputy commander of the GSPC Amari Saifi, also known as Abderrazak al Para, to Algeria, where he had been condemned on terrorism charges (U.S. Department of State 2007). Libya also signed all the 12 international conventions and protocols relating to terrorism, including the International Convention on the Suppression of the Financing of Terrorism. Before leaving office, President Clinton started a secret dialogue with Libya in an attempt to coax the dismantling of its alleged nuclear project. Washington made it a condition for the full normalization of diplomatic relations and the lifting of unilateral sanctions (U.S. Congress 2008a).

When Bush took office, the process was delayed for fear of a negative reaction from the Lockerbie victims’ families. The 9/11 attacks were a golden opportunity to resume negotiations about Weapons of Mass Destruction (WMD). Qaddafi requested the help of Algerian President Abdulaziz Bouteflika who reported that Washington’s condition was still that Libya give up his WMD program. In response, Libya signed the Comprehensive Test Ban Treaty (CTBT) in November 2011 and announced its willingness to sign the Chemical Weapons Convention. But Washington still maintained Libya in the list of U.S. potential enemies because of its history of hostility, links to

terrorism and non-conventional weapons programs. In August 2002, U.K. foreign minister travelled to Tripoli to discuss the issue of WMD. He returned to the U.K. assured about Libya's intentions and cooperation. Three months later, Libya signed the International Code of Conduct against Ballistic Missile Proliferation. This time, Qaddafi's son Saif Al-Islam led the negotiations. After nine months of dialogue, in December 2003 Libya agreed to dismantle its WMD program and to open the country to international inspection (Vandewalle 2006, 180; Pargeter 2012, 185; Bowen 2006, 60-62; The White House 2003; Wyn 2006, 62; U.S. Congress 2008a).

The cache of nuclear technology that Libya uncovered in early 2004 was enormous, far more than American intelligence experts had suspected. Libyan nuclear stockpile had more than 4,000 centrifuges for producing uranium. Blueprints for how to build a nuclear bomb were also discovered. Even though Libya lacked critical nuclear weapons components the stock was important enough to get the work started. Much of the material came from Abdul Qadeer Khan, the architect of Pakistan's nuclear weapons program, responsible of the world's largest black market network in nuclear technology. The cache was so large that President Bush flew to the Oak Ridge National Laboratory in Tennessee to celebrate such a victory against nuclear proliferation. He praised Qaddafi of making America and the world safer (Sander 2011). As of October 2005, the International Atomic Energy Agency reported that all materials and components related to Libya's nuclear weapons program had been removed and all activities had stopped (International Atomic Energy Agency 2004).

Since 2001, Bush had announced that they would consider lifting UN sanctions on two conditions: acceptance by Libya of responsibility for the Lockerbie bombing and payment of appropriate compensation to the families of the victims. Negotiations between Libyan, American and British representatives started and continued throughout the year. According to Shalgam, one Libyan official involved in the negotiations, Qaddafi was hard to convince. The Libyan delegates went to him some fifty times to try to persuade him to agree to pay compensation. Qaddafi maintained that this was an injustice and that Libya was not ready to pay for a crime it did not commit. He reluctantly established a compensation committee chaired by businessman Mohamed Abdel Jawad. After several rounds of secret negotiations with the U.S. and U.K., a deal was finally reached in August 2003. Libya agreed to pay \$10 million to each victim's family. This would be paid in three installments: the first \$4 million would be paid after UN sanctions were removed; then \$4 million when U.S. unilateral sanctions were removed; and the final \$2 million would be paid when Libya's name would be removed from the State Department's list of States Sponsors of Terrorism. Libyan officials would complain later on that they had purchased the lifting of the sanctions. Shukri Ghanem, the secretary general of the General People's Committee told BBC in February 2004: "We thought it was easier for us to buy peace" (BBC News 2004; Takeyh 2001, 62-72; Pargeter 2012, 182-183). This agreement ushered in an era of rehabilitation into the international community.

Qaddafi also altered his bombastic and uncompromising rhetoric against Israel. His early dismissal of the Camp David Accords and of the 1993 Israeli-PLO Oslo

Accords gave way to a more moderate position. At the 2002 Arab League Summit in Beirut, he endorsed, though cautiously, Saudi Arabia's two-state solution for peace in Israel and Palestine. He also pledged to end his support for violent revolutionary political movements around the world. Libya subsequently participated in peacemaking efforts in number of African conflicts, including hosting and subsidizing U.N. World Food Program aid flights to Darfur, Sudan from Libyan territory (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, p. 5).

In return, U.S. sanctions were gradually removed and U.S. officials announced their intention to resume full diplomatic relations with Libya and remove Libya's name from the list of state sponsors of terrorism. On February 11, 2004, the U.S. opened a two-person interest section at the Belgian embassy in Tripoli. It was expanded four months later to a Liaison Office. On September 20, 2004, President Bush signed Executive Order 13357, ending most economic sanctions against Libya, allowing the resumption of air flights between the two countries, and releasing approximately \$1 billion in Libyan assets that had been frozen in the United States. Following the lifting of U.S. sanctions in 2004, Occidental Petroleum and the so-called Oasis group, consisting of Amerada Hess, Marathon, and ConocoPhillips, started negotiations to resume their oil production activities in Libya after Executive Order 12543 of January 1986 had forced these companies to stop their activities in Libya (U.S. Congress 2008, p. 24).

On September 28, 2005, President Bush issued two waivers of Arms Export Control Act restrictions on the export of defense articles to Libya. On May 15, 2006, the Bush Administration announced its intention to restore full diplomatic relations with

Libya and to remove Libya from the list of state sponsors of terrorism and a country not fully cooperating with U.S. counterterrorism efforts. Full diplomatic relations were restored on May 31, with the official opening of U.S. Embassy in Tripoli. On September 30, 2006, President Bush signed the Iran Freedom Support Act (H.R. 6198/P.L. 109-293), which removed Libya from the Iran and Libya Sanctions Act (P.L. 107-24). In October 2007, Libya was elected as a non-permanent member of the U.N. Security Council for 2008 and 2009. The country held the Council presidency in 2008 (U.S. Congress 2008, p. 24).

Despite these positive diplomatic steps there were still calls asking for more assurances from the Libyan government to resolve the claims of some U.S. terrorism victims. Libya also signed the Claims Settlement Agreement in 2008. On October 31, 2008, the Bush administration officials certified the receipt of \$1.5 billion in settlement funds. President Bush subsequently signed Executive Order 13477 officially recognizing the settlement through the Claims Settlement Agreement Act of 2008 (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, pp. 8-11). Congress supported the agreement by passing S. 3370, the Libyan Claims Resolution Act (P.L.110-301), allowing the creation of a body with legal immunity to manage and distribute the funds to U.S. plaintiffs (U.S. Congress, Libya: Background and U.S. Relations, RL33142, November 2008, p. 1).

The two countries further developed extensive relations in terms of bilateral agreements on trade and investment, economic development, defense and counter-terrorism including the signing of the Defense Contracts and Cooperation Memorandum

of understanding in January 2009. The same year, Qaddafi's son Moatassim was welcomed in Washington by U.S. Secretary of State Hilary Clinton in the capacity of Libyan National Security Commissioner. The resumption of diplomatic relations culminated in September 2009 when Qaddafi himself visited the U.S. for the first time to participate in the UN General Assembly in New York (Vandewalle 2006, 181; Pargeter 2012, 189).

During the period between the 9/11 attacks and the beginning of the Libyan civil war in 2011, U.S. foreign policy agenda towards Libya was mainly dominated by security and economic interests, the three top priorities being the Lockerbie airliner bombing settlement, cooperation in intelligence and counterterrorism activities, and the dismantlement of Libya's WMD and long range missiles programs. Libya positively cooperated on these issues and in response the U.S. fully normalized its relations with Qaddafi. President Obama inherited a U.S.-Libya relationship relatively free of hostility and longstanding constraints. He had the easy task to define new directions and priorities. And when the Arab Spring uprising broke out in the Middle East he chose the path to encourage governments in the region to respond to the needs and rights of their citizens, and to build institutions that promote transparency and accountability (U.S. Congress 2008a; U.S. Congress 2011a).

Conclusion

When looking back to the founding of the United States, U.S.-Libya relations are most naturally divided into four different periods. These four periods are: the pre-War era, the Cold War era, the period between the end of the Cold War and the 9/11 attacks,

and the post-9/11 period. Despite significant differences in political context among these four periods, a realist approach to security and geostrategic interests has been the overarching paradigm governing relations between the U.S. and Libya. Occasionally, the U.S. President's personality has played a role, especially with Reagan who showed public dislike for Qaddafi whom he called the "mad dog of the Middle East." (Phillips 1986). Qaddafi, for his part, referred to Reagan as "silly," "ignorant," and "insignificant and unsuccessful actor".

"The Shores of Tripoli" episode, the most outstanding event of the pre-War era, displays a mix of presidential ideology and security and trade interests. Jefferson's predecessor had agreed to pay a tribute to Barbaric States to secure the passage of U.S. merchant ships in the Mediterranean Sea. President Jefferson resented the deal, which he found unfair and contrary to his idea of political liberty and freedom of commerce. The ensuing war ended with the victory of U.S. Navy, which ushering in a long period of peace and friendship. Security issues mostly dominated the Cold War era and the U.S. had to calibrate its policy in reaction to Libya's foreign ventures, including support to extremist and terrorist groups, opposition to the Arab-Israeli conflict settlement, rapprochement with the Soviet Union, and attempts to acquire and produce weapons of mass destruction. Through this period Libya-U.S. relations were hostile and antagonistic. The history of this hostility reached its peak in 1986, when, in reaction the La Belle Discotheque terrorist attack in Berlin, Reagan ordered the bombing of the alleged centers of Libyan terrorist activities and training in Benghazi and Tripoli, Tripoli airport, a port facility near Sidi Bilal, and the military barracks at Bab al-Aziziyah, Qaddafi's

residence. The Cold War era in U.S.-Libya relations ended with the accusation of Libyan involvement in the Pan American Airways Flight 103 bombing over Lockerbie and the production of weapons of mass destruction.

Security and economic interests continued to rank high on the list of U.S. foreign policy toward Libya after the Cold War period and beyond. By this time, Qaddafi had begun a diplomatic campaign to shed his image as an international pariah. At the beginning of the 21st century, he took decisive steps to distance himself from terrorist groups by expelling Abu Nidal and closing all terrorist-training camps in Libya. He toned down his bombastic and uncompromising rhetoric against Israel and endorsed, though cautiously, the idea of a two-state solution. He also agreed to end his support for violent rebel movements around the world. As a result, Libya was upgraded from the category of “Rogue states” to “States of concern” by the Clinton administration.

After 9/11 security concerns were still the trump card of U.S. foreign policy. Qaddafi positively responded to three security issues: the Lockerbie airliner bombing settlement, cooperation in intelligence and counterterrorism activities, and the dismantlement of Libya’s WMD and long range missiles programs. In return the U.S. fully normalized its relations with Qaddafi.

Regarding the main question of this project about R2P and humanitarian concerns in Libya, next to nothing is said about the defense of the Libyan people human rights and freedom. The precedent chapter had made abundant case of human rights and humanitarian concerns in the list of U.S. foreign policy priorities in Africa. The only mention here is the closure in 1986 of the Libyan diplomatic representation in

Washington on the suspicion that Qaddafi's attempts to assassinate Libyan exiled Libyan political opponents in the U.S. And. This appears in the height of the conflict between the two countries. Overall, in dealing with Qaddafi the U.S. never made mention of the Libyan regime's domestic human rights records. So, in following the path of R2P and humanitarian intervention the Obama administration significantly veered from the normal course of action.

CHAPTER 5

R2P NORM OF “PREVENTION” IN U.S. FOREIGN POLICY TOWARD THE LIBYAN CIVIL WAR

This chapter covers the sequence of events from the beginning of the uprising on February 15, 2011 up until the debate about the possibility of military action to stop the Qaddafi regime forces from recapturing Benghazi. It describes the efforts made by the U.S. and the international community to prevent and later, halt the wave of violence against civilians unleashed by Qaddafi’s forces. I call it the Responsibility to Prevent. The methodology used here is a detailed narrative in the form of a chronicle that highlights how the decision to intervene was made (George and Bennett 2005, 210). It is a chronological description of major events as they unfolded day by day based on what was written or said in the public media and the U.S. government official documents.

The Uprising

The events began with mass demonstrations in February 2011. Participants seem to have been inspired by the popular uprisings in the neighboring Tunisia and Egypt, revolts that culminated in the resignation of President Zine El Abidine Ben Ali and President Hosni Mubarak, respectively. Perhaps Qaddafi saw it coming in his own country. In the early weeks of the month he met with groups of students, journalists, lawyers and other members of the civil society to learn of their complaints and

grievances, including among other things, shortage of housing and rampant corruption (Walt 2011a).

February 15th is a Libyan national day commemorating the massacre of Libyans by Italian forces in 1951. That date was chosen by the people of Benghazi to remember another massacre: the massacre of the Abu Salim Prison. On June 29, 1996, Libyan security forces opened fire on inmates in the infamous prison of Abu Salim. These prisoners had been calling for better conditions including access to health care, family visits and the right to have their cases heard before the courts. When riots began in the prison, some 1272 inmates were killed by the machine gun fire of prison guards. They had received orders from Abdullah al-Senusi, then head of Libyan security forces. The bodies were buried in the prison's courtyard and in mass graves in Tripoli. The relatives of the prisoners had always refused to accept Qaddafi's offer of compensation in lieu of judicial process. The families of the victims had chosen Fathi Terbil, a young lawyer and activist, to defend their cause. While the families were demonstrating peacefully, security forces arrested Fathi Terbil. Protestors gathered that night outside the police station to demand the release of Mr. Terbil. He was arrested with other high profile political figures including Jamal al Haji, Farag, Al-Mahdi, Sadiq and Ali Hmeid, all of whom had called for public demonstrations against the regime (Walt 2011c; UN Report A/HRC/17/44, 22-23).

Demonstrations spread to Al-Bayda, Al-Quba, Darnah and Tobruk. On February 17, the "Day of Rage" commemorating the fifteenth anniversary of the government crackdown, protests – largely organized through social networks – intensified in Al-

Bayda, Tobruk, Tajurah, Tripoli, Misrata, Darnah and especially Benghazi, where thousands gathered in front of the courthouse. Security forces reacted with force, opening fire with live ammunition in several locations. For example, there were reports of incidents of protestors being injured by government in front of Al-Fahdil bin Omar Katiba in Benghazi and the Al-Abraq airport. By 20 February, some demonstrators began taking more offensive actions including attacking government buildings and other facilities in Benghazi. Clashes intensified in Tripoli, where media reported that security forces had used fighter jets and live ammunition against protestors. Riots were also reported in Sabha, Sabratah and Az-Zawiyahh including the attack of a mosque where protestors were holding a sit-in. By 24 February, protestors were in control of Tobruk, Benghazi, Misrata and Zuwarah (UN Report A/HRC/17/44, 3-24; BBC News 2011; Al-Jazeera 2011; Associated Press 2011).

Libyan authorities also resorted to threats. For example, in a National Television address on 21 February, Saif al-Islam, the son of Gaddafi, warned: “We will fight to the last man and woman and bullet.” The following day, Gaddafi himself announced that he would lead “millions to purge Libya inch by inch, house by house, household by household, alley by alley, and individual by individual until I purify this land”. He accused foreigners and called protestors “rats” that needed to be executed. By the end of February, the protests had become armed conflict between the opposition forces and the Libyan government forces (Qaddafi Saif al Islam 2011; UN Report A/HRC/17/44, p. 24).

On 25 February, the United Nations Human Rights Council passed a resolution expressing “deep concern with the situation in Libya”, strongly condemning

“indiscriminate armed attacks against civilians, extrajudicial killings, arbitrary arrests, detention and torture of peaceful demonstrators”. The resolution also called upon “the Government of Libya to meet its responsibility to protect its population” (UN Report A/HRC/S-15/1, p.3-4). The Libyan government disputed the report, claiming that security forces had refrained from using live ammunition and instead were using tear-gas to disperse crowds. The government further argued that protestors’ violent actions and attacks on police stations necessitated the use of force. Protestors, on their part, insisted on the peaceful nature of their manifestations.

Death Casualties

Many argued that there was no evidence of violence against civilians, including Congressman Dr. Paul of Texas who said: “this is said to be a war that is to prevent something (...) They say there is going to be a slaughter, but there has so far not been a slaughter. In checking the records the best I can, I have seen no pictures of any slaughter” (U.S. Congress 2011d). Another skeptic, a columnist of Time, wrote: “Time has asked the administration for evidence of war crimes for several weeks and they have not provided it.” The article concluded, “It is somewhat shocking that the U.S. is preparing to take military action against Libya and neither of those arguments have been convincingly made” (Calabresi 2011c). Most of the evidence of death casualties presented throughout this study is drawn from the UN Human Rights Council’ Document A/HRC/17/44 entitled Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, 1 June 2011. The commission was chaired by Cherif Bassiouni, an Egyptian-born American, assisted

by Asma Khader from Jordan, and Philippe Kirsch, a Canadian citizen who was born in Belgium.

According to human rights groups, by February 20 around 233 persons had been killed (Human Rights Watch 2011b). Saif al-Islam had a different estimate. In an interview the same day he made reference to 98 dead, saying on Libyan State Television: “the number of deaths reached 14 in Bayda and 84 in Benghazi, in total... some mass media were exaggerating... Personally I heard the day before yesterday that more than 250 people were killed and more than 180 injured. This was an unimaginable exaggeration” (Qaddafi Saif al-Islam 2011a). The office of the Prosecutor of the International Criminal Court estimated that between 500 and 700 people were killed in the month of February alone (International Criminal Court 2011, p. 4). Whatever the figures are, it is agreed by both sides that government forces used disproportionate force, including the use of firearms and other heavy weaponry against peaceful demonstrators in several locations in the early days of the protest. There is little evidence that demonstrators were engaged in other than peaceful assembly (UN Report A/HRC/17/44, 36-37).

In Benghazi, there is evidence that 20 demonstrators were killed on February 17 with an additional 20 killed on 19 February and 60 more killed on 20 February (Human Rights Watch 2011a; Amnesty International 2011). In one hospital, doctors and nurses testified that 90% of the 11 fatalities registered on February 17 were shot in the upper part of the body, particularly in the chest and head. In Tripoli on February 17, witnesses said that security forces loyal to Qaddafi had fired on demonstrators in Green Square and

Algeria Square, leaving several protestors dead. By February 21, protests became violent with demonstrators burning government buildings and police stations in place like Omar al-Mukhtar Street and the People's Hall on Andalus Street and the Friday market area. Even if the use of force was indeed justified, it still seems indiscriminate. For example, a 21-year-old woman was killed while watching the scene in Sidi Khalifa Street (A/HRC/17/44, p. 37). Between 20 and 22 February, at least 62 corpses were brought to the morgues after security forces had fired randomly on protestors (Human Rights Watch 2011c).

Investigators of the Human Rights Council International Commission of Inquiry were told that on February 20, security forces fired at demonstrators, killing 15 persons and injuring many more in the Fashlum, Tajurah and Al-Dibri neighborhoods of Tripoli. Repression continued on February 23 and 25. Several witnesses reported that government forces collected the corpses of dead people from streets and hospitals; that buried bodies were exhumed by bulldozers; and that hospitals were raided to remove injured persons. Several wounded patients were denied access to hospitals and the majority of others did not seek medical attention for fear of being detained or killed by security forces (A/HRC/17/44, p. 37-38). In Darnah, six persons were killed on February 17 when a crowd of around 150 people was marching in protest against the regime. No tear-gas nor warning shots were fired to deter the protesters. In Tobruk, security forces from the Internal Security Agency (ISA), the riot police, and the Revolutionary Committees stationed on the roofs of nearby buildings used live ammunition against protestors in Ash-Shuhada. At least four demonstrators were killed and 51 others injured. In Al-Bayda,

medical records show that at least 40 persons were killed while peacefully demonstrating between February 16 and 19. On February 16, members of Al-Bayda ISA branch fired at demonstrators in Al-Salhi Square, killing several persons. On February 17, security forces of Khamis Katiba deployed in the city shot at demonstrators without prior warning, killing at least 11 persons. On February 18, demonstrations near Al-Abraq Airport resulted in the death of 11 persons including the Commander of Husein al-Jiwiki Katiba, who was killed by his own security fellows for refusing to shoot at demonstrators. An 11-year-old child sitting inside a house close to the place of the incident also received a bullet in the head. According to medical sources and forensic specialists, 90% of the casualties had been shot in the chest, neck or mouth. Most of the dead were shot with only one bullet (A/HRC/17/44, p. 38-39).

In Misrata, on February 17, live ammunition was again used by riot-control police against demonstrators, killing at least one person, a man named Khaled Abushamah. Following the funeral of Mr. Abushamah, thousands of people demonstrated on Tripoli Street to protest. They were shot at by the riot control police and the members of the Baltajiyah, a group of armed young men acting in a “gang like” fashion to disrupt uprisings. AK47’s and anti-aircraft weapons were used against protestors. On 21 and 22 February, protestors attacked government offices, police stations and military barracks. In “The Great Socialist People’s Arab Jamahiriya Response to Accusations Relating to Human Rights Violations”, the report submitted to the Commission by the Libyan Ministry of Foreign Affairs on 16 May 2011 in Geneva, the government states that security forces were given orders to withdraw from police stations and security premises.

The report further notes that demonstrators attacked and took arms against security forces, destroying approximately 17 stations in various cities across Libya. Thus, the official view was that the use of force was justifiable. There is consensus, however, that in many cases, the government forces used live ammunition against unarmed and peaceful protestors against which the use of force could never be justified. Despite that in certain locations demonstrators took up arms as early as on 19 February, the Commission concluded that the early days of the manifestation were peaceful (A/HRC/17/44, 38).

Participants in the demonstration and security personnel corroborate this view. Records from the Benghazi General Prosecutor's Office show that members of security forces received orders from commanding officers to use force against protestors. At least one transcript admits the involvement of security forces in the random shooting of demonstrators in Benghazi on 20 February. In the same office, evidence was found of orders being given to fire at protestors in Ras Lanuf on 17 February as well as compliance with the said orders by using anti-aircraft weaponry. In any case, the information, received together with the videos and photos, clearly shows that early protests were peaceful and that excessive force was used against demonstrators, resulting in significant deaths and injuries. In several locations, the nature of injuries inflicted – in the head and upper parts of the body – indicate “shoot to kill” operations (A/HRC/17/44, p. 38-39).

Witnesses said that the streets were occupied by mercenaries and special forces loyal to Qaddafi. Mercenaries roved the streets, freely shooting as planes dropped “small bombs” and helicopters fired on demonstrators. These mercenaries were ferried from

African countries to an air base in Tripoli. Those arrested in eastern Libya came mainly from Chad and Niger. Cellphones passed around among friends showed black men, dead or being beaten. One resident, who wanted to be identified only as Waleed for fear of his security, said that, “the shooting is not designed to disperse the protesters. It is meant to kill them... This is not Ben Ali or Mubarak, this man has no sense of humanity”

(Kirkpatrick and El-Naggar 2011b; Shadid 2011a; Fahim 2011).

Libyan Regime Genocidal Rhetoric

In the aftermath of the early bloody days of protests, the son of Gaddafi Saif al-Islam told Libyans on state-run television that “rivers of blood” would flow with thousands of deaths if the demonstrations did not stop. “There is a plot against Libya”, he said. He denied the claim that there was turmoil in Tripoli. He did admit that the heavy casualties in Benghazi and elsewhere were partly due to “mistakes from the army”. But he also warned that soldiers would not hesitate to fire on protestors, in contrast to Tunisia and Egypt. “The army now will have a fundamental role in imposing security and bringing normality into the country”, he said. “We will destroy all these elements of sedition. We will not give up any inch of the Libyan territory” (Walt 2011b). He blamed Islamic radicals and Libyan exiles for the revolt. In the same televised speech, he proposed a series a reform including a new flag, national anthem and confederate system of government. Following on his father’s promise to double state employees’ salaries and release 110 suspected Islamic militants from jail (Cowell 2011), he promised a dialogue on new political freedoms. But the main point of his speech was to threaten the people with the prospect of civil war, colonization and oil-resources take over by Western

countries. “Libya is made up of tribes and clans and loyalties,” he said. “There will be civil war.” He blamed Islamic radicals and Libyan exiles for the revolt. He warned, “the West and Europe and the United States will not accept the establishment of an Islamic emirate in Libya” (Kirkpatrick and El-Naggar 2011a).

Demonstrations were not broadcasted on the state-run National Television, which focused instead on rallies of pro-Gaddafi demonstrators chanting slogans critical of Al Jazeera, the Qatari satellite network that had been covering protests against the autocratic leaders of the Arab world. Because much of the happenings were broadcasted using satellite connections, the Libyan government imposed a blackout on information from the country. Foreign journalists were not allowed in the country. Internet access was almost totally severed and cellphone service was down. To contradict rumors that Gaddafi had fled the country, the National Television showed him riding atop a truck in the middle of crowds chanting his name. Around 2 a.m. on Tuesday, February 22, he appeared after a rainy day, holding an umbrella up through the open door of a passenger car. He denied the claims that he had fled to Venezuela and called the cable news channels covering the events “dogs.” Later the same day, he appeared on television wearing a beige robe and turban and reading his manifesto, *The Green Book*. He vowed to die as a martyr and called the protesters “cockroaches”. He blamed the unrest on foreigners, whom he described as a small group of people distributing pills and brainwashing young people. He called on citizens to take to the streets and beat back the protestors. He concluded, “Muammar Qaddafi is history, resistance, liberty, glory, revolution” (Fahim and Kirkpatrick 2011a; Cowell 2011; Kirkpatrick and El-Naggar 2011b; Walt 2011b).

Condemnations and Defections

A number of senior officials started breaking with Qaddafi. The Justice minister, Mustafa Abud al-Jelil, resigned in protest against the deadly response to the protests. On 20 February, Libya's representative to the Arab League as well as its ambassador to New Delhi both resigned in protest. Abdel Monem al-Howni, the Libyan representative to the Arab League said, "I no longer have any links to this regime, which lost all legitimacy," he said, calling what was happening in Libya a "genocide." In New York, the Libyan delegation to the United Nations also defected. In a letter, the deputy ambassador and more than a dozen members of the Libyan mission to the United Nations called on the dictator to step down and leave the country. "He has to leave as soon as possible. He has to stop killing the Libyan people", Ibrahim Dabbashi, the deputy ambassador said. He also called on African nations to stop sending mercenaries to help Qaddafi crush the uprising. Two Libyan fighter pilots ordered to bomb demonstrators changed course and defected to Malta, according to the Maltese government. A senior military official, Col. Abdel Fattah Younes, resigned in Benghazi. It was also reported that Qaddafi had ordered the incarceration of one of his top generals, Abu Bakr Younes, after he had disobeyed an order to fire on protesters in several cities. The powerful al-Warfalla and al-Zuwayya tribes broke their loyalty to the regime and asked Qaddafi to leave the country. Fifty prominent Libyan Muslim religious leaders issued an appeal that called all Muslims in the security forces to stop participating in the crackdown of peaceful protesters. Condemnations of Qaddafi's brutality also came from the United Nations Security Council and the Arab League, the latter suspending Libya as a member. High profile

Libyan officials continued to defect, including the interior minister and the country's ambassadors to India and Bangladesh (Fahim and Kirkpatrick 2011a; Kirkpatrick And El-Naggar 2011a; Walt 2011b; Kirkpatrick and El-Naggar 2011b).

On Friday February 25, 2011, in an attempt to buy support, the Libyan authorities announced on state television that the government was ready to give \$400 to every Libyan family and to raise the salaries of state employees by up to 150 percent. But this gesture came too late. The wave of defections continued. Libya's ambassador to the United Nations, Abdurrahman Shalgham, a longtime friend of Qaddafi, denounced the repression and compared his former boss to Pol Pot and Hitler. Libya's entire Arab League mission resigned the same day the country's mission in Geneva defected. Ahmed Gadhaf al-Dam, one of Qaddafi's top security official and a cousin, also denounced his cousin's "grave violations to human rights" and left for Egypt. These defections, combined with promises of help from rebels outside the capital, emboldened the rebellion, which brought the fight to the capital's doorstep (Kirkpatrick and Fahim 2011a).

As for the rebels, they had no leader. Protests in Tripoli appeared to be more spontaneous and unorganized than in Benghazi, where attempts at rudimentary governance were made. In a ransacked internal-security building, hundreds of volunteers were trying to manage Benghazi's security. Another group was trying to set up a media wing to broadcast anti-Qaddafi news. Other rooms of the building were filled with lawyers, doctors, and intellectuals trying to figure out how to keep the cities of the eastern part of Libya running and united. A large force comprised of armed fighters

sympathetic to the protesters, active duty soldiers who had defected to the rebels, reserved soldiers and army reservists all converged on Tripoli. Witnesses said that 200 to 250 army soldiers and a group of approximately 60 officers had left their barracks in Benghazi and headed to fight Qaddafi's forces in Tripoli. On the battlefield, however, the opposition was losing ground and everyone knew that the worst was far from over. People were afraid that they could lose the territory recently won. They wanted foreign aid and intervention as Saad Abeidi, a retired oil-company bureaucrat said: "we are requesting intervention from the international community to stop him. If they come too late, we are finished. We want a no-fly zone. He has all of the ammunition under his control" (Hauslohner 2011; Kirkpatrick and Fahim 2011a).

The U.S. First Reaction

The Obama administration condemned the violence and the bloody clashes between the protesters and security forces loyal to the Libyan leader, Col. Muammar el-Qaddafi through the voice of Secretary of State Hilary Clinton. On Sunday, Feb. 20, 2011, she said that the U.S. was "gravely concerned" about the use of lethal force by Libyan security forces against peaceful protestors, with credible reports indicating that hundreds of people had been killed and many more injured. She said that the level of violence in Libya was "completely unacceptable" and she blamed the Libyan government for the bloodshed. She added that the U.S. government was in touch with the Libyan officials in a common effort to come to a solution. For her, the situation was still too confused to plan further action. On Monday February 21, 2011, all nonessential U.S. personnel, diplomats and their dependents were ordered to leave the country. Even before

violence erupted, the United States had already been alarmed about the safety of its diplomats in Libya. Ambassador Gene A. Cretz was called back home after Wilileaks disclosed his embarrassing comments on Qaddafi's personality. Libya's Foreign Minister Moussa Koussa pledged to cooperate in helping the United States to evacuate its nationals. Phillip Crowley, the State Department spokesman said that commercial carriers had been asked to send larger planes to Tripoli. On Wednesday, the U.S. government chartered a ferry from Tripoli to Malta asking American citizens wishing to leave Libya to be at the dock by 10 a.m. (Kirkpatrick and El-Naggar 2011b; Landler 2011a). Once all U.S. nationals had left Libya, the U.S. and the international community started applying coercive measures to counter Qaddafi's violent attacks and to curb his genocidal intent.

Assessing the Responsibility to Prevent Criteria

This section assesses the presence and the absence the 13 factors that should be present if the Responsibility to Prevent is operative. These factors are divided in 4 sub-categories. All the factors under the "political and diplomatic" category were actually present, 7 out of 7. The economic and social strategies consist of 2 factors; but only one is present. There is no indication that any possibility of development assistance and better aid conditionality was offered to the Qaddafi regime. There is only one factor indicative of the presence of the "legal" strategies and this strategy was applied. The 2 factors under the "security strategies" were applied. 11 out the 12 factors indicating the presence of R2P at this stage were actually applied.

Political and Diplomatic Strategies

Threat of political sanctions. President Obama first addressed the deteriorating situation on the evening of February 23 evening. In his brief remarks from the White House, he threatened Gaddafi of “accountability,” even though he did not mention him by name. This was his first time publicly addressing the situation in Libya, after issuing only a written statement on Friday, February 18 (Calabresi 2011a). President Obama did not name the Libyan leader because of the administration’s concern about the security of American diplomats and their families in Tripoli. The ferry meant to take them out of the country was still stuck at the port because of high winds in the Mediterranean Sea. With 35 diplomats and their dependents in the country, as well as about 600 other American citizens, the administration was worried that personal threat to Qaddafi might provoke him to take Americans hostage. Previous efforts to evacuate the country had been hampered by a shortage of seats on commercial flights and the Libyan denial of landing rights to flights chartered by the United States. Bad meteorological conditions kept a chartered ferry sent to evacuate American citizens from Libya docked in Tripoli port with 285 passengers, including 167 U.S. citizens and 118 people of other nationalities (Quinn and Spetalnick 2011; Cooper and Landler 2011a).

Just minutes after a charter flight left on Friday night carrying the last American citizens who wanted to leave, the White House toughened its language and actions against the Libyan regime. With the evacuation of Americans almost complete, he said:

We strongly condemn the use of violence in Libya (...) The suffering and bloodshed is outrageous, and it is unacceptable. So are threats and orders to shoot peaceful protesters and further punish the people of Libya. These

actions violate international norms and every standard of common decency. This violence must stop. (The White House 2011a)

The call, he said, was not coming only from the U.S. but from the European Union, the Arab League, the African Union and the Organization of the Islamic Conference. It was a multilateral operation that needed the coordination of all U.S. international partners.

“North and south, east and west, voices are being raised together to oppose suppression and support the rights of the Libyan people,” the President said. He also considered the possibility of humanitarian intervention but at that point, he did not yet call for Gaddafi’s resignation.

Like all governments, the Libyan government has a responsibility to refrain from violence, to allow humanitarian assistance to reach those in need and to respect the rights of its people. It must be held accountable for its failure to meet those responsibilities and face the cost of continued violations of human rights. (The White House 2011a)

In a briefing that was delayed to allow the last Americans to take off, the White House press secretary Jay Carney stated, “it’s clear that Colonel Qaddafi has lost the confidence of his people... His legitimacy has been reduced to Zero” (The White House 2011b).

The biggest challenge was to limit Qaddafi’s ability to harm his own people.

Preventive diplomacy. Philip J. Crowley, the State Department spokesman said that the United States had raised objections with senior Libyan officials, including Musa Kusa, the foreign minister. Neither President Obama nor Secretary Hilary Clinton had direct contact with Qaddafi. In stark contrast to other Arab nations that had cultivated deep ties with the Pentagon, the United States had few contacts inside the Libyan army and very little influence on its leadership. But according to State Department spokesman P.J. Crowley, Secretary Williams Burns spoke twice with Foreign Minister Moussa

Koussa. He said that Qaddafi had sent “messages” through Libyan officials to the U.S. government. But President Obama had already begun making contact with foreign leaders to end the crisis and to stem the bloodshed. He called British Prime Minister David Cameron, French President Nicolas Sarkozy and Italian Prime Minister Silvio Berlusconi – each of whom closer contact with Qaddafi. He delegated Secretary of State Hilary Clinton to Geneva to an international meeting where a number of foreign ministers would convene for a session of Human Rights Council. Mrs. Clinton was tasked with trying to build consensus for more action against the Libyan government’s violent crackdown of the revolt. The U.S. government was supporting a draft resolution suspending Libya from the Human Rights Council and calling for an independent inquiry to investigate alleged human rights violations (Quinn and Spetalnick 2011).

Withdrawal of diplomatic recognition. On Friday, Feb. 25, 2011, White House spokesman Jay Carney said that the United States was imposing unilateral sanctions and cutting diplomatic ties with Libya as Muammar Qaddafi continued his bloody repression of manifestations. All operations at the U.S. embassy in Tripoli would be suspended and its entire staff would be withdrawn. Secretary Hilary Clinton announced before a congressional panel that the State Department was severing its ties with the Libyan embassy in Washington. This announcement was but one episode in the diplomatic saga between Tripoli and Washington. On Feb. 25, Mr. Aujali denounced Col. Qaddafi’s violence against the Libyan people and organized a big celebration in his residence to replace Libya’s green flag with the red, green, and black pre-Qaddafi flag. But in the embassy office a large picture of Qaddafi still hung on the wall between the green

Qaddafi-era flag and the flag of the United States. Embassy officers seemed to be going about their regular business under the command of man named Mr. Fatih.

The State Department itself only added to the confusion over who actually represented Libya. On March 1, after an unsuccessful attempt by protesters to physically tear down the Qaddafi flag from the embassy office, State Department spokesman P.J. Crowley stated that Aujali “no longer represents Libya’s interests in the United States.” But the same State Department changed its mind two days later and said it was now considering Aujali as Libya’s chief of mission in Washington. It is reported that Libyan Foreign Minister Musa Kusa had sent a fax telling the State department officials not to deal with Aujali; the administration chose to ignore the communiqué because its authenticity could not be verified. On March 7, Crowley confirmed that Kusa Musa had called Assistant Secretary of State Jeffrey Feltman on March 4 to talk about the situation in Libya. But this issue never came up.

The testimony of Under Secretary William Burns before the U.S. Senate, Committee on Foreign Relations, on March 17, did little to dispel the confusion. “We have suspended the operations of our Embassy in Tripoli and their operation in Washington,” he said. “So we no longer have diplomatic representatives accredited – I mean accredited to that government. We have allowed – we have made it possible for the Libyan National Council to open up a representative office in Washington” (U.S. Congress 2011a). The same imbroglio was going on in New York where Libya’s deputy U.N ambassador Ibrahim Dabbashi and Ambassador Mohamed Shalgham stated that Qaddafi was trying to replace them. This was a complicated situation because, from a

legal and protocol standpoint, the Qaddafi government was still accredited to the United Nations (Rogin 2011; Snow 2011; Luxner 2011).

Expulsion from international organizations. On Saturday, Feb. 26, 2011, in Geneva the generally amorphous United Nations Human Rights Council voted unanimously the suspension of Libya's membership. The vote came after a junior delegate of the Libyan mission announced that he and his colleagues had decided to resign and side with the Libyan people. This defection drew a standing ovation and a handshake from Eileen Donahoe, the United States ambassador. On March 1, 2011, welcoming the statement issued by the League of Arab States on February 22, 2011 and the communiqué issued by the Peace and Security Council of the African Union on February 23, 2011, the United Nations General Assembly endorsed the Human Rights Council resolution suspending the rights of membership of Libya in the Human Rights Council (U.N. General Assembly, A/RES/65/265 2011). The 192 U.N. member nations agreed unanimously to suspend Libya's membership on U.N. Human Rights Council for committing "gross and systematic violations of Human Rights". This was the first time any country had been suspended from the 47-member body since its creation in 2006. Prior to that, Libya had been among the seven member countries accused of human rights violations, alongside Angola and Malaysia. Venezuelan Ambassador Jorge Valero voiced reservations about the vote, saying "a decision such as this one could only take place after a genuine investigation." Venezuelan President Hugo Chavez said that he would not condemn his "friend" Qaddafi. Israeli Ambassador Meron Reuben called the vote a "wake-up call" about the way the Council chooses its members. Candidates for

membership are virtually assured approval since regional groups propose just enough candidates to fill the seats despite their human rights records, without any options or competitors (Snow 2011).

On Saturday, March 11, 2011, the Arab League, in an extremely rare move, asked the U.N. Security Council to impose a no-fly zone over Libya to protect Qaddafi's attacks on his own people. Amr Moussa, the Secretary General of the Arab League said that they were shocked by the recent events in Libya. The organization had suspended Libya's membership and opened talks with rebels even though they did not recognize the Libyan National Council as the representative of the Libyan people. The Arab League request was made to protect ordinary people. "Our one goal is to protect the civilian population in Libya after what has been reported of attacks and casualties in a very bloody situation," he said at news conference following the vote. But they did not say explicitly which countries would be in charge of enforcing it. The measure itself came after fierce debate. Algeria and especially Syria's ambassador Youssef Ahmed, argued that foreign intervention would destabilize the region and violate the political sovereignty and territorial integrity of Libya. Qaddafi's son Saif dismissed the vote saying that Libya did not need the League or even Arab workers, but would henceforth rely on Bangladeshis and other Asian workers, instead. This invitation increases the pressure on the Obama administration that has been hesitant to intervene in what it thought would be a protracted war. This could also convince China and Russia, which had objected that such intervention needed two things: a legal basis and regional support. The Arab League's

announcement only checked one condition off the list (Bronner and Sanger 2011; Bumiller 2011).

Public condemnation in international forums (Naming and Shaming). In a bid to secure support against the rebellion, Qaddafi turned to religious leaders both inside and outside Libya. Sheik Ayed al-Qarni, a prominent Saudi cleric renowned in Arab countries, said that he had refused a phone appeal from one of Qaddafi's sons, Saadi el-Qaddafi, to issue a fatwa, banning demonstrations against the Libyan regime. "I refused to back him because they were killing innocent people, killing old men and peaceful demonstrators", Sheik told Al Arabiya television. Instead he issued a fatwa against Qaddafi, saying that it was a religious obligation to fight oppression and to provide medical and humanitarian assistance to the protesters. He said that those who died fighting to free their country from injustice were "martyrs". Most Islamic groups and scholars mocked Qaddafi's sons' attempts to gain their support. Qaddafi, it should be remembered, once earned the title of "kafer" or non-believer from the Saudi Council for Grand Scholars, the Saudi Arabia's highest fatwa authority, when he tried to market his Green Book as an alternative to the Koran. The grandson of Omar al-Mukhtar, the historic resistance leader who led the Libyan fight against the Italian occupation, threw his support on the anti-government rebels. Mr. al-Mukhtar called Qaddafi's policies oppressive and divisive. Sheik Ahmed el-Tayeb, head of al-Azhar University in Cairo, one of the most prominent Sunni learning centers, called Qaddafi an "oppressor". Sheik Youssef al-Qaradawi, the head of the Islamic Scholars Authority, an independent group comprised of dozens of Islamic scholars from across Muslims countries, went even

further saying that it was now acceptable to “put a bullet to Qaddafi’s head in order to end the bloodshed” (Mekay 2011).

On Monday, Feb. 28, 2011, President Obama had a meeting with United Nations Secretary General Ban Ki-moon. The meeting was meant to reinforce the sense of international consensus. After the meeting, Susan Rice again denounced Qaddafi’s attitude: “When he can laugh in talking to American and international journalists while he is slaughtering his own people, it only underscores how unfit he is to lead and how disconnected he is from reality” (Broder 2011; Landler and Shanker 2011). Several foreign ministers met in Geneva the same day to discuss steps to stop the Libyan campaign to crush the two-week-old protest against Qaddafi’s 41-year rule. Secretary Hilary Clinton accused Qaddafi of using “mercenaries and thugs” to suppress the uprising. “We have seen Colonel Gaddafi’s security forces open fire on peaceful protesters. They have used heavy weapon on unarmed civilians. Mercenaries and thugs have been turned loose to attack demonstrators,” she said. She claimed that Qaddafi had lost his legitimacy to rule the Libyan people and that the time had come for him to go, “now without further violence or delay”. For her, exile was one option, but he still would be held accountable for the crimes he had committed: “If the violence could be ended by his leaving and ending the killing of so many people who are trying to assert their rights, that might be a good step”, she said. “But of course, we believe accountability has to be obtained for what he has done”, she added (Quinn 2011).

Travel bans for influential individuals. The same day the United Nations Human Rights Council was meeting in Geneva to suspend Libya’s membership, the

United Security Council passed Resolution 1970 imposing immediate measures aimed at stopping the violence and ensuring and facilitating humanitarian aid. The resolution referred the situation to the International Criminal Court considering that “the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity”. It also recalled “the Libyan authorities’ responsibility to protect its population”. It imposed targeted sanctions on key regime figures. Seventeen Qaddafi loyalists were subjected to an international travel ban. It froze the foreign assets of six of these individuals, including Qaddafi himself and his immediate family members (UNSC Resolution 1970, S/RES/1970 (2011); Cooper and Landler 2011b).

Threat of international criminal prosecution. The Security Council acted in a shorter period of time than it ever had before because of a combination Qaddafi’s horrific actions against peaceful demonstrators, his self-destructive comments demonstrating his genocidal intents, and the mass defection of his ambassadors, military and civil servants, and close allies in Libya and around the world. But the resolution – sponsored by France, Germany, Britain and the United States – to refer Colonel Qaddafi and his top aids to the ICC for prosecution was passed only at the end of prolonged debate. Turkey’s Prime Minister Recep Tayyip Erdogan warned that the sanctions would do more harm to the Libyan people than to Qaddafi’s security forces. Before the vote, he said, “We call on the international community to act with conscience, justice, laws and universal humane values – not out of oil concerns.”

Libya's delegation to the United Nations, which had renounced Colonel Qaddafi at the beginning of that week, sent a letter to the Security Council President, Ambassador Luiza Ribeiro Viotti of Brazil, supporting such a referral. The letter gave a green light to members still reluctant. The only uncertainty throughout the afternoon was China, which had expressed some doubt about the referral to the ICC. But after consulting with Beijing, the Chinese delegation signaled that they would approve the measure. The White House reported that Mr. Obama had called Mrs Merkel later that night and told her that "when a leader's only means of staying in power is to use mass violence against his own people, he has lost the legitimacy to rule and needs to do what is right for his country by leaving now." Susan Rice, the U.S. ambassador to the United Nations, stated that it was "a clear warning to the Libyan government that it must stop the killing." A similar vote, calling for an investigation of violence and crimes against humanity in the Darfur region, was cast in 2005. This led to the conviction of Omar Hassan Al-Bashir on charges of genocide. The United States abstained from that vote. When reminded of the event, a U.S. official attributed that vote to "a different administration" (Wyatt 2011; Cotler and Genser 2011).

Economic and Social Strategies

Assets freezing and targeted economic sanctions. The Obama administration also said that it was studying sanctions including asset freezes, a no-fly zone and other military options. After his phone conversations with the leaders of Britain, France and Italy, Obama discussed with Turkish Prime Minister Tayyip Erdogan immediate steps to end the crisis. In a bold step, the U.S. Treasury told American banks to closely monitor

transactions to make sure that state assets were not being used to crush the unrest. This move came after Switzerland announced that it was freezing any assets owned by Gaddafi and his family in the country (Covin and Bull 2011; Quinn and Matt Spetalnick 2011; Schmitt 2011a). On February 25, President Obama signed an Executive Order 13566 freezing assets in the United States of Muammar Qaddafi, his family and senior officials of his regime and companies associated with it. The Order explained that the

Prolonged attacks, and the increased numbers of Libyans seeking refuge in other countries from the attacks, have caused a deterioration in the security of Libya and pose a serious risk to its stability, thereby constituting an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare emergency to deal with that threat. (The White House 2011c)

The order targeted “the persons listed in the Annex” to the document and

Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be a senior official of the Government of Libya; to be a child of Colonel Muammar Qadhafi, to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of human rights abuses related to political repression in Libya. (The White House 2011b)

Individuals listed in the Annex included Ayesha Qadhafi, Khamis Qadhafi, Muammar Qadhafi, Mutassim Qadhafi, and Saif Al-Islam Qadhafi. The United States also announced that it was cutting off military cooperation with the Libyan army. Both countries had only resumed full diplomatic relations in 2008; U.S. officials noted that the impact of these sanctions would be limited. U.S. officials also said that they were not taking any options off the table in the future, even if there were no immediate plans to intervene militarily (Cooper and Landler 2011b).

Following President Obama's executive order late Friday night, the Treasury Department said on Monday that the United States had blocked \$32 billion in Libyan government assets. David Cohen, acting Undersecretary for terrorism and financial intelligence, stated that a number of American financial institutions shuttered access to funds belonging to both the Libyan government – its oil-heavy sovereign wealth accounts – and the Qaddafi family. Cohen said Qaddafi was “paying mercenaries. He’s paying his troops. He’s in a cash-intensive business. And not having access to the Libyan Investment Authority assets, the Central Bank of Libya assets, other assets that he and his children have overseas, is going to be a problem for him.” The Obama administration used the same global electronic networks and tactics that dictators use to move billions in state assets. Identifying and freezing Qaddafi's assets took only 72 hours – instead of the customary weeks or months – thanks to the cooperation of a wide range of financial firms in the United States, including the bank holding the bulk of Libyan assets. The assets included holdings by individuals and Libya's sovereign wealth fund. The frozen \$32 billion represents a significant portion of a country whose gross domestic product is evaluated at \$62 billion. British officials said that Britain had seized more than \$19 billion in Libyan assets. Plans to identify and freeze assets began on Feb. 23, during an 8:30 a.m. meeting of senior officials in the White House Situation Room. The effort was shepherded by Stuart Levey, who had also worked with George W. Bush. The sheer value of the assets, blocked in just three days, is the largest amount of foreign assets ever frozen in an American sanctions action. This amount is separate from other Libyan

government funds blocked by other countries (Cooper 2011a; O'Harrow et al. 2011; The New York Times Editorial 2011).

Later, on March 11, 2011, the U.S. Treasury Department announced that more sanctions were placed on nine more friends and family members of Muammar Qaddafi, including Abu Zayd Uma Dorda, the director of Libya's external security organization; Abdullah al-Senussi, the chief of military intelligence responsible for the killings of the Abu Salim prison; Defense Minister Abu Bakr Yunis Jabir and Matuq Muhammad Matuq, the secretary general of the People's Committee for Public Works. Qaddafi's wife and more of his children were also added to the list. Such actions, acting Undersecretary for terrorism and financial intelligence David Cohen said, "should send a strong signal to those responsible for the violence inflicted by Qaddafi and his government that the United States will continue to steps to increase pressure and to hold them accountable." This came in addition to Canada's announcement on Tuesday, March 1, 2011, that it was freezing 2.3 billion Canadian dollars in assets belonging to the Qaddafi's regime. But the government did not provide more details. Canada also sent a warship to the Mediterranean (Snow 2011; Cooper 2011b; Bumiller 2011).

Legal Strategies

Facilitation of avenues for direct legal resolution of disputes. At the height of the conflict President Jacob Zuma tried to negotiate a peaceful settlement on behalf of the African Union. During his first visit to Tripoli early April, he presented the African "roadmap" to end the conflict. The plan called for an immediate cease-fire, including a halt to NATO air attacks, international supervision of the truce, and direct negotiations

between Tripoli and the rebels. Mr. Zuma told reporters that Colonel Qaddafi was ready to accept the African plan and that he had insisted that “all Libyans be given a chance to talk among themselves” about the country’s future. But he made no concession on the issue at the center of the conflict, that is, the demand that he abandon power and seek exile outside Libya. After first accepting the African plan in April, Qaddafi rejected it and resumed his military offensive against the rebels who had rejected the plan outright (Burns 2011; Bearak 2011).

Security Strategies

Preventive military deployment or gunboat diplomacy. After freezing \$30 billion of Libyan assets, the U.S. government began moving warships toward Libya. But U.S. officials said that direct military action was still unlikely. The move was designed to warn Qaddafi and to show support to the protesters. Further steps could include offering temporary sanctuary for refugees and imposing a no-fly zone like what the United States, Britain and France used to protect Kurds in Iraq from the butchery of Saddam Hussein. After Bosnia, Kosovo and Rwanda, NATO’s allies vowed to act together to prevent mass atrocities. As part of this potential military role in the humanitarian effort, aircraft carriers, ships and an amphibious landing vessel with Marines and helicopters were positioned in the nearby Red Sea. Adm. James G. Stavridis, NATO’s supreme allied commander ordered warships to move in the direction of Libya to supplement the three U.S. warships already in the area: a destroyer, The Barry; an amphibious landing ship, The Kearsarge; and an amphibious transport dock, The Ponce. Military transports to deliver food and medicine were also sent into the region. This display of military

equipment also had an element of gunboat diplomacy. These naval vessels and warplanes were also meant to persuade members of Qaddafi security forces to turn against him. The possibility of military intervention could have deterrent impact even if force was not to be used. But a U.S. official said that no decision had been made. Ban Ki-moon was scheduled to meet President Obama on Monday, February 28, in the White House. Plans to disrupt communications to prevent Qaddafi from broadcasting in Libya were also discussed. Another concern was the possibility of establishing a corridor in neighboring Tunisia and Egypt to provide security assistance to refugees (Broder 2011; Landler and Shanker 2011).

On Sunday 27 February, the U.S. government started talks with European and other allied governments about the possible imposition of a no-fly zone over Libya to prevent further civilian casualties in Libya. To further increase international pressure on Colonel Kaddafi, Italy suspended a treaty of nonaggression with Libya. This would allow Italy to be part of an international coalition in case of intervention against Libya. In August 2011, Berlusconi and Qaddafi had signed a treaty in which Italy pledged not to use military force against Libya or to allow its territory to be used “in any hostile act against Libya”. Italy also pledged to pay \$5 billion over a period of 20 years in compensation for its colonial past. In return, Libya offered to stop the flow of undocumented immigrants to Italy and to grant privileged treatment to Italian companies operating in Libya. The Italian Foreign Ministry spokesperson stated that the treaty had been suspended but not revoked and that Italy would assess the situation as the conflict in Libya evolved (Broder 2011; Landler and Shanker 2011).

Threat of arms embargo. On Saturday, Feb. 26, 2011, the United Nations Security Council unanimously adopted Resolution 1970, a comprehensive resolution to respond to the outrageous violence perpetrated by Qaddafi against the Libyan people. The resolution imposed an arms embargo and other arms restrictions and prohibited any state from allowing the transit of mercenaries to Libya. It also allowed suspected shipments of arms to be halted and inspected (UNSC Resolution 1970, S/RES/1970 (2011); Cooper and Landler 2011b).

Table 1. List of the Responsibility to Prevent criteria.

Political and diplomatic strategies	
Preventive diplomacy	X
Threat of political sanctions	X
Diplomatic recognition of withdrawal thereof	X
Expulsion from international organizations	X
Public condemning (naming and shaming)	X
Travel bans for influential individuals	X
Threat of international prosecution	X
Economic and social strategies	
Development assistance	
Asset freeze/economic sanctions	X
Legal strategies	
Facilitation of avenues for disputes resolution	X
Security strategies	
Gunboat diplomacy	X
Threats of arms embargo	X

Qaddafi's Response

In a speech before the Libyan Peoples General Congress on March 2, 2011, Qaddafi denied that demonstrations against him were taking place in the country. He blamed the insurrection on radical islamists and young people who had been drugged by external forces. He once again called the rebels “terrorists” and asked parents to convince their children to give up their weapons. He defied international pressure and warned of the kind of civil war seen in Iraq or Afghanistan. He ridiculed the information that the U.S. had frozen \$30 billion of his family assets, arguing that it was not true because he and his family lived and had always lived a simple life. He accused the United Nations Security Council of passing a resolution without investigating the situation first and justified the wave of defections by the fact that the United States was spreading misinformation. He said that his son Saif al-Islam had convinced him that Libya needed a constitution and that the country's best experts had been enlisted to draft one that would guarantee freedom of speech - even against the government. He promised to double the salaries of government employees and offer no-interest loans of as much as \$100,000 to Libyans to buy a car or a home. To the surprise of many in the audience, he had words of praise for President Obama: “Obama's policies as I have seen them so far are rational, and he is not going to create a new Iraq or Afghanistan” (Kirpatrick 2011a).

In an interview with Christiane Amanpour on ABC News, Qaddafi offered no hint of surrender. He rather accused the West of trying to reoccupy his country and called protesters “terrorists.” He said the Libyan people loved him, “my people love. They would die for me”. In Tripoli, Musa Ibrahim, a spokesman for the Qaddafi government

attributed the uprising to what he saw as an alliance between radical Islamists and the Western powers, the former wanting a Somalia-style base on the Mediterranean, the latter oil. Both were plotting chaos and civil war in the country, turning a small protest into an armed rebellion. He firmly denied that any massacre had taken place in the country (Fahim and Kirkpatrick 2011b; ABC News 2011a).

On the battlefield government forces were prevailing over an insurgency that began as a disparate ragtag protest movement and was still a chaotic and leaderless army. Libyan forces' counteroffensive started on March 4, fighting rebel forces with brutal forces on two fronts, firing on unarmed demonstrators. The elite Khamis Brigade, a militia named for the Qaddafi son who commands it, surrounded the rebel-controlled city of Zawiyah and opened indiscriminate fire using mortars, machine guns and other heavy weapons. Witnesses report that they took aim at a group of unarmed protesters who were trying to march toward the capital. Many rebels were killed, including Col. Hussein Darbouk, the commander of rebel forces who had defected from the Libyan army. There were also fierce fighting in the eastern city of Ras Lanuf, the site of a military base and an oil terminal. On Thursday, the eve of Mr. Clapper's report, Libyan security forces defeated opposition fighters in Ras Lanuf and recaptured the city of Zawiyah, 27 miles west of Tripoli. The victory was celebrated by Qaddafi's son Saif al-Islam, who warned the rebels: "Hear it now. I have only two words for our brothers and sisters in the east: We're coming." In view of the threats it became urgent for the United States and the international community to do what they could to prevent the kind of mass killings that

took place in the Balkans and Rwanda in the 1990s (Kirkpatrick 2011b; Mazzetti and Sanger 2011).

The government's swift reversal intensified rebel calls for foreign military support. Abdul Hafidh Ghoga, the vice chairman of the Libyan National Council pleaded for a no-fly zone that would allow the anti Qaddafi forces to better organize. "We feel we have the right to ask for help... if the international community chooses to play the role of bystander, we will have to defend ourselves", he said. "We are telling the West we that want a no-fly zone, we want tactical strikes against those tanks and rockets that are being used against us and we want a strike against Gaddafi's compound," he added on Monday, March 14. His call, however, also made it clear that preventing Gaddafi's air forces from using the skies would not decisively reverse the sweeping recapture of lost territory by Libyan security forces. The illusion of overthrowing the regime in Tripoli with pickup trucks was now met with hard reality. Rebels had retreated from most of the cities captured earlier and were now waging a desperate last battle to save Benghazi, the cradle of the revolution. It is true that the Qaddafi's regime forces had used air power to retake the coastal towns that fell to the rebels, but most accounts reported that air strikes were at best secondary, as the regime forces battled with superior armaments and were better trained, organized and disciplined than a group of armed citizens with no command structure and little military experience. Rebel forces were driven out of most of the cities and vital ports along the Gulf of Sirte between Benghazi and Tripoli. Ajdabiya was already under heavy shelling and there were now plans to launch the final assault on Benghazi, the rebel stronghold (Karon 2011a; Bronner and Sanger 2011).

Conclusion

As can be seen, eleven out of the twelve preventive strategies dictated by the Responsibility to Rebuild were applied including preventive diplomacy, threat of political sanctions, preventive diplomacy, withdrawal of this recognition, expulsion from international organizations, public condemnation in international forums (naming and shaming), travel bans for influential individuals, threat of international prosecution, asset freeze, targeted calibrated economic sanctions; preventive military deployment, and arms embargo. But Qaddafi ridiculed all these measures and the advance of his troops towards Benghazi continued unimpeded. This refusal and continued defiance sparked a debate about the possibility of military intervention against the Qaddafi regime.

CHAPTER 6

R2P NORM OF “REACTION” AND U.S. FOREIGN POLICY TOWARD THE LIBYAN CIVIL WAR

This chapter, the Responsibility to React, deals with U.S. response to stop Qaddafi forces recapturing Benghazi and the human tragedy that would have followed. It starts with the internal bureaucratic and international debate that led to the decision to intervene; then describes the actual use of force and the conduct of the operations on the battlefield. The chapter ends with the controversy around the nature and the goal of the military intervention.

U.S. Administration Internal Debate

Shortly after forming an “interim national government council” led by former justice minister Mustafa Abdel-Jalil, rebels in Benghazi called on Western powers to conduct airstrikes against the “strongholds of the mercenaries” and any equipment “used against civilians and people”. They even wanted more than just a no-fly zone.” The White House was caught between President Obama’s sense of caution on the one hand, and on the other hand, those who believed that he had to more assertive in helping the rebels and protecting the population. Obama was worried that American military involvement could play into Qaddafi’s narrative that it was all about seizing Libyan oil. He was worried that any U.S. involvement would fuel the arguments of those who see American conspiracy behind the Arab Spring. He was also afraid that any military

involvement could undermine the legitimacy of the Libyan uprising as an internal, grass-roots revolt (Sanger and Shanker 2011a; Landler and Shanker 2011).

One of the most fervent advocates of military intervention was Senator John Kerry, the chairman of the Foreign Relations Committee. He warned that the U.S. should not be “on the sidelines” watching as Qaddafi’s jets attacked anti-government insurgents. For him a no-fly zone was a serious option. “We have a number of tools, and we should not remove any of them from the table,” Kerry said. Senator Joseph Lieberman, a Connecticut independent, and Senator John McCain, Republican of Arizona, also called for a no-fly zone. Defense Secretary Robert M. Gates was not among those who favored military intervention. Although he did not rule out the possibility of a no-fly zone, he admitted that such action needed careful consideration. He was worried about the overstretching of the U.S. military in yet another country in the Middle East. He warned against another intractable land war like in Iraq and Afghanistan.

Let’s just call a spade a spade. A no-fly zone begins with an attack on Libya to destroy the air defenses. That’s the way you do a no-fly zone. And then you can fly planes around the country and not worry about our guys being shot down. But that’s the way it starts. (Gates quoted in Sanger and Shanker 2011)

Even if American airpower would have no match, Libya’s Soviet-designed surface-to-air missiles still presented significant risks. During the 1986 bombing of Tripoli, at least one American plane was shot down by Libyan anti-aircraft battery (Sanger and Shanker 2011).

Speaking after a meeting with President Felipe Calderon of Mexico, President Obama for the first time admitted the possibility of imposing a no-fly zone over Libya

even if he avoided using the term itself. He made it clear that he wanted the Libyan people to own their revolution without foreign help, as did protesters in Egypt or Tunisia. He also acknowledged that with forces loyal to Qaddafi staging a counteroffensive to regain the lost territory, the country was sinking into a civil war of the exact kind the United States had tried to avoid in Libya. President Obama also announced that he had authorized military airlifts to transport Egyptian refugees stuck at the Tunisian border. The United States Agency for International Development was also ordered to charter civilian planes to evacuate refugees from several other countries. President Obama clarified the U.S. position on his address of March 3, 2011. He said wanted to be sure that the

United States has full capacity to act – potentially rapidly – if the situation deteriorated in such a way that you had humanitarian crisis on our hands or a situation in which civilians were – defenseless civilians were finding themselves trapped and in great danger. (The White House 2011d)

He also reaffirmed the position that Qaddafi had lost the legitimacy of his people and had to step down.

And so let me just be very unambiguous about this. Colonel Gaddafi needs to step down from power and leave. That is good for his country. It is good for his people. It's the right thing to do. Those around him have to understand that violence that they perpetrate against innocent civilians will be monitored and they will be held accountable for it. (The White House 2011d)

He also added that he wanted the Libyan people to be the masters of their own uprising.

One of the extraordinary successes of Egypt was the full ownership that the Egyptian people felt for that transformation. That has served the Egyptian people well; it serves U.S. interests as well. We did not see anti-American sentiment arising out of that movement in Egypt precisely because they felt that we hadn't tried to engineer or impose a particular outcome, but rather they owned it. (The White House 2011d)

His options included possible military action in concert with other nations, opening humanitarian corridors into Libya for the provision of food and other supplies, and delivering aid outside the country. The idea of creating a no-fly zone was rejected by Russia and its ambassador to NATO, Dmitry Rogozin, who cautioned against any action in Libya without U.N. approval. But British Foreign Minister William Hague said on Tuesday that his country and other allies could move on without a U.N. mandate. While the ideal would be to secure a U.N. resolution, the latter was not essential, he told BBC television (Snow 2011; Landler 2011b; Calabresi 2011b).

Obama's call for Qaddafi to leave power and his threat to use force to achieve that goal signaled that the United States could not stand idle while Libyan planes bombed innocent civilians. He was walking a well-trod path previously taken by predecessors including Ronald Reagan (Lebanon), George H. W. Bush (Somalia), Clinton (Somalia, Bosnia and Kosovo). Mr. Clinton later remembers the Rwandan genocide as one of the greatest failures of his presidency, saying that he was preoccupied at that time by Bosnia and haunted by the memory of American soldiers being dragged through the streets of Mogadishu, Somalia. Mr. Obama instructed his staff – including Samantha Power, whose book *Problem from Hell* chronicles U.S. foreign-policy responses to genocide – to study previous uprisings in Eastern Europe, the Middle East and South Asia to learn about how they unfolded, minding the role played by the United States to influence each outcome (Landler 2011c; Shanker 2011).

U.S. officials said on Sunday, March 6, that preparations for a passive operation, using signal-jamming aircraft in international airspace to muddle Libyan government

communications with military units, were under way. The 26th Marine Expeditionary Unit aboard two amphibious assault ships, the Kearsarge and the Ponce, drew within striking distance of the Libyan capital. This task force consists of Harrier jump-jet warplanes, able not only to bomb, strafe and engage in dogfights, but also capable of carrying surveillance pods for monitoring military action on the ground. It can also transport aircraft including cargo helicopters and the fast, long-range Osprey as well as 400 ground troops. On Sunday March 6, the military airlift of refugees started, using four flights of propeller-driven C-130s planned to evacuate refugees and to carry relief supplies for refugee camps outside Libya (Landler 2011c; Shanker 2011).

In the meantime, internal deliberation about the possibility of enforcing the no-fly zone continued. In an interview on NBC's "Meet the Press", the White House chief of staff William Daley said, "Lots of people throw around phrases like no-fly zone – they talk about it as though it's just a video game." He supported Mr. Gates saying, "who knows the difficulty of war and the challenges". Mr. Daley also explained that there were no vital U.S. vital interests in Libya, saying "it's in our interest as human beings," (NBC "Meet the Press" 2011; Berger 2011). Senator John Kerry suggested another way of crippling Qaddafi's airpower. "Well, that's actually not the only option for what one could do," he said on CBS's "Face the Nation." "One could crater the airports and the runways and leave them incapable of using them for a period of time" (CBS's "Face the Nation" 2011a)

Senator Mitch McConnell of Kentucky and Senator John McCain of Arizona echoed Mr. Kerry's support for a military air campaign. Senator McConnell said a no-fly

zone had to be seriously considered. He also explored the possibility of “aiding and arming the insurgents,” an option that had to be handled with a lot of care. “We ought to make sure whom we’re dealing with here,” he said. He too did not believe that U.S. vital interests were at stake in Libya but he thought that the United States “ought to look for ways of being helpful to those seeking to overthrow dictators, short of sending our own personnel”. Speaking on ABC’s “This Week with Christiane Amanpour”, Senator McCain repeated, “We can’t risk allowing Qaddafi to massacre people from the air.” Even if sending ground forces was not appropriate “at this time”, he spoke in favor of measures such as a no-fly zone, humanitarian aid and offers of intelligence (ABC’s “This Week with Christiane Amanpour” 2011a; CBS’ “Face the Nation” 2011a; Berger 2011).

At a press conference President Obama gave at the White House after a meeting with Australia’s Prime Minister Julia Gillard, he made clear that military options were not off the table:

We’ve got NATO as we speak consulting in Brussels around a wide range of potential options, including potential military options, in response to the violence that continues to take place inside of Libya... The violence that’s been taking place and perpetrated by the government in Libya is unacceptable... We stand for democracy, we stand for an observance of human rights, and that we send a very clear message to the Libyan people that we will stand with them in the face of unwarranted violence and the continuing suppression of democratic ideals that we’ve seen there. (The White House 2011e)

The President was more concerned about the perception that America was once again meddling in the Middle East affairs after orchestrating the overthrow of Saddam Hussein (Landler 2011d).

Critics in Congress said that the White House was too much concerned about perceptions and too scrupulous because of Iraq. The military was too cautious of a humanitarian operation that might put the lives of troops at risk for a venture remotely connected to U.S. interests. Senator John Kerry, one of Obama's closest allies, kept warning against the mistakes made in Iraqi Kurdistan, Rwanda, and Bosnia and Herzegovina, where nothing was done to halt mass atrocities. While very critical of the war in Iraq, he figured Libya was completely different. He blasted the administration's reluctance. He said, "showing reticence in a huge public way is not the best option... What haunts me is the specter of Iraq 1991 when former President George Bush urged the Shia to rise up, and they did rise up, and tanks and planes were coming at them – and we were nowhere to be seen." In an interview on Monday, Senator McCain and Senator Joseph I. Lieberman justified the need for establishing a no-fly zone over Libya by the fact that the rebel leaders themselves called for military assistance. Mr. Lieberman stated, "We cannot allow them to be stifled or stopped by brutal actions of the Libyan government". He added that waiting too long would be detrimental to the cause of saving human lives.

As mentioned before, the most outspoken voice of caution against military intervention was Secretary of Defense Robert Gates. During budget testimony before Congress he warned that imposing a no-fly zone meant that the U.S. had to take down Libyan air defenses first, which meant a prolonged military operation that the U.S. could not afford because of its involvement in Afghanistan and Iraq. A no-fly zone also required missile attacks on air defense sites of a sovereign state, which could be seen by

some as an act of war. He was also worried about attacking yet another Muslim country. His other reticence was U.S. involvement in the post conflict resolution. If the U.S. had to play a major role in the ouster of a government, it would have a major responsibility for assisting the new regime. In a testimony to a subcommittee of the House Appropriations Committee, Secretary Hilary Clinton appeared to have changed position and aligned herself with Secretary of Defense Gates' warnings about military intervention in Libya. She insisted that such a move would need the authorization of the U.N. Security Council, which, many experts thought, could not come soon, if at all. Moreover, no-fly zones did not have a record of success in the past. The no-fly zone implemented over Iraq "did not prevent Saddam Hussein from slaughtering people on the ground and it did not get him out of office", she said. Serbian leader Slobodan Milosevic did not leave power "until we had troops on the ground," she continued. On March 10, the White House announced its partial cooperation with the opposition movement. President Obama's national security adviser, Thomas E. Donilon, told journalists that U.S. officials were looking for ways to help the Libyan opposition. "We are coordinating directly with them to provide assistance", he said, stopping short of recognizing them as the legitimate body representing the Libyan people. He insisted on the necessity of humanitarian relief. Secretary of State Hilary Clinton announced Thursday that she would meet with Libyan rebel leaders during her visit next week in France, Tunisia and Egypt (Myers 2011a; Sanger 2011; Mazzetti and Sanger 2011; Sanger and Shanker 2011b).

National Intelligence Director James Clapper's Assessment

The White House efforts to convince Qaddafi and his loyalists to leave Libya knew a setback with the military assessment given by the director of national intelligence, James R. Clapper. He told the members of the Senate Armed Services Committee that the situation on the ground showed that forces loyal to Qaddafi would prevail in the long run. "This is kind of a stalemate back and forth," he said, "but I think over the longer term that the regime will prevail." Mr. Donilon did not have the same assessment, and hours later said that Mr. Clapper's view was narrow. He underestimated these military successes and insisted on the need to provide humanitarian assistance. He also disclosed the names of the opposition leaders that would meet with Secretary of State Hilary Clinton: council representatives Mahmoud Jibril and Ali al-Essawi. Senator Lindsey Graham of South Carolina's criticism of Mr. Clapper was even sharper. He suggested that the latter had to be fired from his job because his assessment "undercuts our national efforts to bring about the desired result of Libya moving from dictator to democracy" (Sanger 2011; de Young et al. 2011)

Despite these criticisms, Mr. Clapper, the director of national intelligence, had an extensive background in the field. He meets regularly with the President and is in charge of delivering daily intelligence briefing at the White House. He said in his testimony that the rebels were "in for a tough row, because a very important consideration here for the regime is that, by design, Qaddafi intentionally designed the military so that those select units loyal to him are the most luxuriously equipped and the best-trained." He also

believed that Qaddafi would not give up as easily as the leaders of Egypt and Tunisia and predicted that Qaddafi was likely to defeat the rebels (Mazzetti and Sanger 2011).

Speaking after Mr. Clapper's comments, President Obama said that Mr. Clapper's assessment was "a hard-headed assessment about military capability" but not a policy statement. He added,

I believe that Qaddafi is on the wrong side of history. I believe that the Libyan people are anxious for freedom and the removal of somebody who has suppressed them for decades now. And we are going to be in contact with the opposition, as well as in consultation with the international community, to try to achieve the goal of Mr. Gaddafi being removed from power. (The White House 2011f)

He said that he was now seriously considering a no-fly zone over Libya. "I have not taken any options off the table," he said. But, he added, "when it comes to U.S. military action, whether it's a no-fly zone or other options, you've got to balance costs versus benefits, and I don't take those decisions lightly." He also said that he would appoint a special representative to Libya's rebel leaders and that NATO members would meet on Tuesday to consider the possibility of a no-fly zone over Libya. Contacts were also made with Arab and African countries to support that effort (de Young et al. 2011; Cooper 2011b).

Both Defense Secretary Robert Gates and NATO Secretary General Anders Fogh Rasmussen agreed that any military action in Libya would depend on the needs on the ground. It would also require legal authorization from the United Nations and support from Arab nations. But there were deep disagreements among NATO members. While the United States and Germany were the hesitant about a no-fly zone, France and Britain frantically called for one. Germany voiced the strongest opposition. "We do not want to

get sucked into a war in North Africa”, German Foreign Minister Guido Westerwelle said on Thursday. But Germany agreed to freeze Libyan government assets in the country. Germany Finance Minister said the 193 accounts amounting to billions had been moved at 14 financial institutions in Germany. “The brutal oppression of Libyans’ right to freedom can no longer be financed with money that has been placed in German banks,” he said (Snow 2011; Cooper 2011b)

The Role of the “Dream Team”

On March 14, Mr. Obama reiterated his position that Qaddafi had to leave power but did not elaborate on specific action. Appearing with the Danish Prime Minister, Lars Loekke Rasmussen, he said:

It’s going to be very important for us to look at a wide range of options that continue to tighten the noose around Mr. Qaddafi and apply additional pressure... And so we will be continuing to coordinate closely both through NATO as well as the United Nations and other international for a to look at every single option that’s available to us in bringing about a better outcome for the Libyan people. (The White House 2011g)

The next day, on March 15, there were alarming reports that forces loyal to Qaddafi had routed the ragtag army of insurgents who were still holding Ajdabiya, the last city before Benghazi. Qaddafi had warned the rebels that they had only two choices: flee or surrender. A shift in tone from the Obama administration came with the prospect of the rebels losing Benghazi, their eastern stronghold. The events on the ground were forcing its hand. It became clear to the Obama administration officials in Washington that a no-fly zone would not be enough and was too late to help the rebels stranded down in Benghazi. Among the options considered were the possibility of jamming Libyan government radio signals and financing the rebels with the Libyan government and

Qaddafi frozen assets, which could be used for weapons and humanitarian relief. With events moving faster on the battlefield the White House moved on to consider direct airstrikes on Qaddafi's tanks and heavy artillery – an option that came to be considered as a “no-drive zone”. Other options included sending military personnel to advise and train the rebels (Shadid 2011b; Landler and Bilesky 2011; Mataconis 2011).

President Obama's decision to intervene came after a two-hour White House meeting on Tuesday night with senior national-security advisers. Susan Rice's public declaration followed. Up until Sunday, Mrs. Clinton was still skeptical of backing U.S. military intervention in Libya. The sweeping recapture of the lost territory by the Libyan forces and the imminence of an attack on Benghazi, however, left her with no alternative. She joined the league of top aides who finally convinced the president that it was time to act. According to officials speaking on condition of anonymity, this shift came after a strong push by the “dream team” of genocide prevention - Mrs. Clinton, Samantha Power and Susan Rice (Stolberg 2011).

Samantha Power was the first to unroll plans for military intervention in Libya to prevent humanitarian atrocities. The Daily Beast called her “the femme fatale of the humanitarian assistance world.” A fervent human rights activist, Power visited refugee camps in Chad and Darfur in 2004 on a mission for The New Yorker. She interviewed survivors and witnessed villages burned to the ground. Many suspect that her work might have persuaded President Bush to apply the label “genocide” to what was happening in Darfur. She successfully convinced the Obama administration to embrace Congressional legislation calling for the arrest of Joseph Kony, the leader of the Lord's Resistance

Army, which enslaves girls and enroll children as guerilla fighters in Northern Uganda (Stolberg 2011).

Power was joined by Susan Rice, the U.S. ambassador to the U.N. who was a member of the Clinton administration when it failed to stop the Rwandan genocide (Calabresi 2011d). Indeed, Rice later expressed regret for not doing enough to prevent the Rwandan genocide. In her book *A Problem from Hell*, Samantha Power, a former journalist now U.S. Ambassador to the United Nations, wrote about her:

At an interagency teleconference in late April, Susan Rice, a rising star on the NSC who worked under Richard Clarke, stunned a few of the officials present when she asked, “if we use the word ‘genocide’ and are seen as doing nothing, what will be the effect on the November election?” Lieutenant Tony Marley remembers the incredulity of his colleagues at the State Department. “We could believe that people would wonder that,” she says, “but not that they would actually voice it.” Rice does not recall the incident but concedes, “If I said it, it was completely inappropriate, as well as irrelevant. (Power 2003, 359)

These words did not certainly endear Power to Rice but did change something within her: “I swore to myself that if I ever faced such a crisis again, I would come down on the side of dramatic action, going down in flames if that was required,” Rice later said. The situation in Libya put her in a position to test her words. She made an alliance with Power right away to advocate for the protection of the Libyan civilians against Qaddafi’s brutality. It is said that both now have a strong relationship (Crowley 2011; Power 2001). Power’s relationship with Hilary Clinton, the other member of the “dream team,” were not initially smooth. When Samantha Power was an Obama campaign advisor, she called Mrs. Clinton “a monster”. The two women finally reconciled with the mediation of

the late diplomat Richard C. Holbrooke, a friend to Mrs. Clinton and a mentor to Ms. Power (Stolberg 2011).

The three women were joined by Senator John Kerry who said that “the memory of Rwanda, alongside Iraq in ’91, made it clear” that the United had to act in conjunction with the international community. Mrs. Clinton’s change was a break from Secretary Gates, Thomas Donilon, and the counterterrorism chief, John O. Brennan, who had opposed military involvement since the beginning, arguing that the U.S. had no vital interests and that there was very little knowledge of the Libyan rebels, some of whom could have ties with al-Qaeda. During the meeting – a teleconference with Ms. Rice from New York and Mrs. Clinton from Paris – Ms. Rice argued for an intervention that would go beyond the no-fly zone as Qaddafi forces swiftly made progress towards Benghazi. “Susan basically said that it was possible to get a tougher resolution” that could include bombing Libyan government tanks on the verge of entering Benghazi, a White House official said. “That was the turning point” for Mr. Obama, the same anonymous official continues. Before leaving for a dinner with the military veterans scheduled that night, the President ordered military plans and instructed Ms. Rice to push for a broader resolution, which included the authorization to use force to back an arms embargo against Libya. “We knew it would be a heavy lift to get any resolution through; our view was we might as well get as much as we could,” Ms. Rice said in a telephone interview. The military plans ordered by the President were hand-delivered to the White House the next day by Adm. Mike Mullen, chairman of the Joint Chiefs of Staff (Cooper and Myers 2011; Thompson 2011a).

The first time Obama discussed the military argument came that Tuesday at 4 pm, when he convened a meeting with his top advisers to decide whether his administration could back up the Lebanon-sponsored U.N. Resolution allowing military intervention in Libya. Rice, Power and Secretary of State Hilary Clinton supported the resolution. The President was told by the Pentagon and his top national security advisors that preventing atrocities would need more than just a no-fly zone. After the meeting, he had dinner with war veterans. At 9 pm, he reconvened a meeting with the National Security Council. The meeting lasted 2 hours. At the end he tasked Rice with trying to get U.N. approval for tougher resolution. The decision to act also came only after the pledge of active participation by some Arab countries in a military campaign against a Muslim country (Calabresi 2011d).

As events quickly deteriorated on the battlefield, American officials now acknowledged that a no-fly zone alone would not be effective because Qaddafi's forces were not using warplanes in their campaign. A no-fly zone would have little effect against helicopters or artillery, both of which were largely used by the Libyan government. Moreover, the establishment of a no-fly zone would require that the West play a leading role. In Paris, Russia's representative at the United Nations, Vitaly Churkin raised the questions as to how would a no-fly zone operate and who would enforce it. "To say we need to act quickly, as fast as possible, but not to provide answers to those fundamental questions is not really helping, it is just beating the air," he said. Apart from Russia, no other country had the level of military sophistication, firepower and surveillance equipment needed to cripple Libyan anti-aircraft defenses to enforce the

zone. And NATO was far from reaching an agreement (Myers 2011b; Bronner and Sanger 2011).

On Tuesday, March 15, foreign ministers of eight of the most powerful industrialized nations met but failed to adopt a common position on how to assist the Libyan opposition. They referred the matter to the United Nations Security Council, urging it to increase pressure on Qaddafi. France and Britain were pushing for a no-fly zone. Germany and Russia opposed any military intervention, while the United States was cautious. Alain Juppé, the French foreign minister, blamed inaction on China, Russia and criticized U.S. ambiguity.

If today we are stuck, it's not only because Europe is impotent, it's because at the Security Council, for now, China doesn't want any mention of a resolution leading to the international community's interference in a country's affairs (...) Never mind that there's European impotence, but what about American power? What about Russian power? What's China's power over Libya? (...) Russia is evolving and the Americans haven't yet defined their position on Libya. (Juppé quoted in Erlanger 2011a)

Qaddafi praised Germany's position, telling journalists of the German television station RTL that Libya would sign oil contracts with Germany in the future. He also said Libya would stop dealing with the West and would now turn to Russia, China and India.

The International Coalition

On Tuesday, March 15, 2011, diplomats gathered at the United Nations Security Council to debate a proposed draft resolution calling to ban on all flights in Libyan airspace and asking member states to "take all necessary measures to enforce compliance". China, Russia, and Germany had already expressed their reservation about the legality of a foreign intervention in another country's domestic affairs. The decision

to intervene had not been made and the U.S. was still worried about military overstretch in yet another Muslim country. Lebanon, the only current Arab member in the Council, spoke in the name of the Arab League and reiterated the request of a no-fly zone to protect Libyan civilians. Lebanon Ambassador Nawaf Salam argued that such intervention would not constitute foreign intervention in Libya, even if that meant using force. He also warned of the urgent necessity to act as Qaddafi's forces were moving fast. "We hope that no need for military force will be required," he said. "Nothing is too late. But it may not be enough". French and British officials, who drafted the resolution, expressed the same concern about time running out. "We are deeply distressed by the fact that things are worsening on the ground and that Qaddafi's forces are moving forward extremely quickly and this council has not reacted," French Ambassador to the United Nations Gerard Araud said. "The goal is to prevent Qaddafi from bombing his own people" (Bilefsky 2011).

As soon as the decision was made in Washington, the U.S. began to pressure the United Nations to authorize an air campaign against Qaddafi's tanks and heavy artillery to stop their advance. It now considered a military intervention step beyond a no-fly zone, which officials in Washington thought would be "too little, too late". They suggested more aggressive measures – a "no-drive zone" – to prevent Libyan tanks from recapturing Benghazi. Encouraged by the call from the Arab League to use military force against one of its own members, Susan E. Rice, the U.S. ambassador to the United Nations, took the lead in negotiating the language of a resolution sponsored by Lebanon

and backed by France and Britain (Shadid 2011b; Landler and Bilesky 2011; Mataconis 2011).

French President, Nicolas Sarkozy, sent a letter to the United States and other members of the Security Council, urging them to vote for the resolution before it was too late. It was only a matter of hours. Senator John Kerry expressed the same sense of urgency and regretted that endless debates in Washington over intervention had allowed Qaddafi to regain ground. “I don’t like that we’ve lost this time”, he said. “It’s compacted the choices, diminished the options. And it’s changed the state of play somewhat”. As mercenaries and forces loyal to Qaddafi were rounding up the city of Ajdabiya, Libya’s deputy to the United Nations, Ibrahim Dabbashi, who earlier denounced Qaddafi’s genocidal intent, warned that if the international community did not intervene within the next 10 hours, a genocide would occur in Benghazi. To be adopted and become a resolution, the draft needed to win nine votes and avoid a veto from the five permanent members (Landler and Bilesky 2011; Mataconis 2011).

In the meantime, Susan Rice was working furiously on a resolution draft. Her comments stunned many on Wednesday night when she argued that more could be needed than just a no-fly zone. “The U.S. view is that we need to be prepared to contemplate steps that include, but perhaps go beyond, a no-fly zone at this point, as the situation on the ground has evolved, and as a no-fly zone has inherent limitations in terms of protection of civilians at immediate risk,” she said. In her visit to Tunisia, Secretary of State Hilary Clinton said that military help had become critical to rebels. She characterized Qaddafi as an evil man. “We want to support the opposition who are

standing against the dictator”, she said on Thursday. “This is a man who has no conscience and will threaten anyone in his way”. She added that Qaddafi had done “terrible things” to his country and its neighbors. “It’s just in his nature. There are some creatures that are like that” (Kirkpatrick and Fahim 2011b; Thompson 2011a).

A surprising episode was added to the whole saga, when on Thursday night, the ambassador for South Africa, an ally courted to obtain the nine votes needed to pass the resolution, failed to show up for the final vote. Ms. Rice had to rush out in search of him. Eventually the South African ambassador arrived and voted yes. Prior to this incident, President Obama had called President Zuma to secure the South African vote, White House officials said. After the vote, Mr. Obama insisted that this would be an international operation.

The change in the region will not and cannot be imposed by the United States or any foreign power... Ultimately, it will be driven by the people of the Arab world. (The White House 2011g)

He then signed the order allowing American pilots to join the international community in military strikes against Libya. But the operation would be limited to “days, not weeks”, one official recalled him saying (Cooper and Myers 2011; Thompson 2011a).

The UN Security Council Debate

On March 17, 2011, the UN Security Council opened its session with the situation in Libya as the only point on the agenda. Introducing the resolution, French Foreign Minister Alain Juppé said that the situation on the battlefield was alarming and that the world could not stand by while Qaddafi was slaughtering his own people. The world, he said, was going through an unprecedented “wave of great revolutions that would change

the course of history” with people in North Africa and the Middle East calling for freedom and democracy. For him the “new Arab springtime is good news for all” except for the Libyan regime, which had met these historical events with violence and brutality. The international community quickly responded to halt the killings with the suspension of Libya from the Human Rights Council and the referral of the Libyan regime to the International Criminal Court. Despite these measures and many others, the violence against civilians had redoubled. He urged the international community not to stand by and “let the warmongers flout international legality.” The need to protect the civilian population could not be delayed. “We have very little time left – perhaps only a matter of hours,” he concluded. Nawaf Salam of Lebanon indicated that the Libyan people had suffered at the hand of the Qaddafi regime with hundreds of victims and thousands of displaced. Signs and warnings were sent to Qaddafi, who chose to ignore them. The Libyan authority had lost the legitimacy of the people and the resolution’s purpose was to protect Libyan civilians. But the representative of Lebanon cautioned against any occupation of “one inch” of the Libyan territory by foreign forces (United Nations, SC/10200 2011).

Mark Lyall Grant of the United Kingdom agreed that the Libyan regime had lost legitimacy, ignored previous warnings and was on the verge of committing large-scale killings in Benghazi. He also pledged participation in any military action. Susan Rice of the United States argued that earlier measures had been taken by the Council to send a strong message to Qaddafi, who had not heeded and had continued to violate the Libyan people fundamental rights. For Rice, the Council’s action was a response to the Libyan

peoples' cry for help. And the goal was clear: to protect the Libyan civilians. She insisted that the future of Libya had to be decided by the Libyan people themselves. Ivan Barbalic of Bosnia and Herzegovina acknowledged the urgency of a resolution as the situation on the ground was rapidly deteriorating. He stressed the need of humanitarian assistance and access to relief. He called on the Libyan regime to stop killing its own people and said that the resolution was a response to the call of the Libyan people and of regional organizations. Nestor Osorio of Colombia said he believed that the resolution would solve the humanitarian crisis and was a path to protecting the people against the attack from a regime that no longer had legitimacy. The Council, he said, was forced to act because the Libyan government had not lived up to its obligation to protect and promote the basic rights of its people. The Colombian delegate also voiced his disappointment that the measures under resolution 1970 had been ignored; hence the necessity to ratchet up pressure on Qaddafi and enact further sanctions (United Nations SC/10200 2011).

Jose Filipe Moraes Cabral of Portugal said that his country had voted in favor of the resolution because the Libyan regime had been attacking innocent civilians and did not stop despite earlier sanctions. The situation was deteriorating, he claimed, and the international community had to do something to protect civilians, to facilitate the flow of humanitarian aid and to promote national dialogue. Portugal, he continued, would support all diplomatic efforts aimed at a peaceful resolution of the conflict. U. Joy Ogwu of Nigeria said that the decision was prompted by the dire situation on the ground in Libya. "The current state of affairs leaves an indelible imprint on the conscience and compels us

to act,” she said. She added that it was a matter of survival and the international community had to respond. “Today, we have sent an unequivocal message to the Libyan people that the dignity and safety of every man, woman and child is paramount”, she said. Baso Sangqu of South Africa said that his country was gravely concerned by what had turned into a full-blown civil war in Libya. He supported the idea of sending an African Union special mission to Libya to try to mediate a cease-fire. South Africa, he continued, regretted that the Libyan regime had ignored the Council’s previous resolution and believed that the next resolution was an answer to the Libyan plea for help. He also supported the full implementation of the resolution (United Nations SC/10200 2011).

German representative Peter Wittig said that the Security Council’s goal was to halt violence in Libya and to tell the Libyan regime “that their time is over, they must relinquish power immediately”. While deeply concerned by the suffering of the Libyan people, Germany believed that the use of military force always comes with great risks and the likelihood of a large-scale loss of life. An armed intervention could lead to a protracted conflict that could spill over into the entire region. For these reasons, he said, Germany had decided not to support the resolution and would not participate in any military efforts. Germany did not vote against the resolution but instead abstained.

Manjeev Singh Puri of India expressed the solidarity of the Indian people with the people of Libya and supported the appointment of the Secretary-General’s Envoy. He said that the report of the Envoy had not been received and that his country had therefore little information of what was going on inside Libya. There was also uncertainty about who was going to enforce the resolution. The Indian representative said that the priority had to

be given to political and diplomatic efforts. For these reasons India also abstained from voting (United Nations, SC/10200 2011).

After expressing solidarity and concern for the suffering of the Libyan people, Maria Luiza Riberio Viotti of Brazil regretted that Qaddafi had not heeded the previous sanctions and had continued to carry out violence against his own people. She explained that Brazil's abstention should not be interpreted as condoning the unacceptable brutality of the Libyan regime or its failure to live up to its obligation to protect civilians. While supporting the Arab League's call for strong measures to stop the violence through a no-fly zone, she said that the measures adopted in the resolution went beyond that call. "We are not convinced that the use of force as provided for in operative paragraph 4 of the present resolution will lead to the realization of our common objective – the immediate end of violence and the protection of civilians," she said. Her country was mostly concerned by the unintended consequences and the risk of "causing more harm than good to the very same civilians we are committed to protecting". A peaceful and lasting settlement would require a political process including all the parties involved in the conflict (United Nations, SC/10200 2011).

Vitaly Churkin of the Russian Federation began his remarks by making clear that his country was opposed to any violence against civilians in Libya. But the question remained as to how the resolution would be enforced and by whom, and the limits of engagement. Russia, he said, still believed that an immediate ceasefire was the best way to stop the loss of life and avoid unintended consequences and further destabilization in the region. Speaking in his capacity as the representative of China and not as the Security

Council President, Li Baodong expressed concern and solidarity with the Libyan people but continued to stress that the United Nations Charter should be respected and that violence could end only through peaceful means. China, he insisted, would allow the use of force only as a last resort. He also said that his country did not block the resolution because of the requests of the League of Arab Nations and the African Union. China also supported the efforts of the Secretary-General's Envoy to solve the conflict by peaceful means. The Security Council rejected Libya's request for a meeting to discuss the situation further (United Nations, SC/10200 2011; Bumiller and Fahim 2011).

The Council approved Resolution 1973 authorizing military action, including airstrikes against Libyan tanks and heavy artillery and a no-fly zone. It authorized member states to take "all necessary measures" to protect civilians. The resolution passed with 10 votes, with abstentions from Russia, China, Germany, Brazil and India. Diplomats were unanimous in recognizing the moral imperative of protecting civilians from Qaddafi's brutality and the political imperative of not standing idle while genocide was about to occur. The resolution explicitly mentioned that the goal was the protection of civilians in the rebel stronghold Benghazi. "While excluding an occupation force", the resolution called to "establish a ban on all flights in the airspace", and an immediate cease-fire. Diplomats present said that the specter of former conflicts in Bosnia, Rwanda and Darfur haunted the room and gave a sense of moral urgency to the debate. Others also reminded that a no-fly zone alone did little to prevent the massacres of Srebrenica in the 1990s (UNSC Resolution 1973, S/RES/1973 (2011)).

The Security Council authorized member states to take “all necessary measures to protect civilians under threat of attack in the country, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory – requesting them to immediately inform the Secretary-General of such measures”. The Resolution demanded an immediate cease-fire, a ban on all flights in the country’s airspace – a no-fly zone, and further sanctions for the Qaddafi’s regime and its supporters. The Resolution also demanded that Libyan authorities comply with their obligations to ensure the rapid and unimpeded passage of humanitarian aid. In that respect, only flights with the sole purpose of humanitarian assistance would not be banned as well as those used to evacuate foreign nationals. It further specified that all member states should not allow Libyan commercial aircraft to land in or take off from their territory unless a particular flight had been approved by the U.N. (United Nations Meetings and Press Releases, SC/10200 2011).

After the U.N. vote, Qaddafi’s son, Saif, told ABC News reporters via a phone interview that Resolution 1973 was a “big mistake” and that the best way to help the country was in fact to help the government. “We want to live in peace, so we want even Americans to help us get rid of the remnants of those people and to have a peaceful country, more democratic.... If you want to help us, help us to, you know, to be democracy, more freedom, peaceful, not to threaten us with air strikes. We will not be afraid. Come on!” (Dwyer and Martinez 2011).

After the vote, European officials reported that President Obama met with the Security Council to discuss possible options. He also called British Prime Minister David

Cameron and French President Sarkozy, the White House said. All agreed that the Arab League should be part of the military operation to dispel the view that it was another plot by the West to attack another Muslim country. Qatar and the United Arab Emirates expressed the desire to take the lead, while Jordan, Saudi Arabia and Egypt agreed to participate. This sort of international collaboration was a prerequisite for the United States' involvement. The Chief Prosecutor of the International Criminal Court, as far as he is concerned, warned Qaddafi that attacks on civilians in the city of Benghazi and other towns would amount to war crimes. The message was also directed to Libyan military commanders. "If they attack civilians they risk getting arrest warrants". Hours before the critical vote at U.N. when Qaddafi's forces were about to launch their final assault on Benghazi, Libya's Defense Ministry had asked civilians to leave the area. But this warning did not give immunity from prosecution for indiscriminate attacks against civilians, which are violations of international law and humanitarian law. "I'd like to be clear: such a warning does not provide an excuse for attacks on civilians.... Warning them in real time is the best way to demonstrate that they are informed", he said by telephone from The Hague (Simons 2011; Bilefsky and Landler 2011)

R2P as The Official Justification for U.S. Intervention

In his remarks on the situation in Libya held in the East Room of the White House on March 18, 2011, President Obama clearly spelled out the reasons that led him to take the decision to intervene. For him, the starting point was the Libyan people's demands for "their universal rights, and a government that is accountable and responsive to their aspirations". Qaddafi's response, he said, was instead intimidation, brutal repression,

beating, imprisonment, and in many cases, death. This was not new. Qaddafi was for a long time considered as a “pariah” in the international community. President Obama explained that

For decades, he has demonstrated a willingness to use brute force through his sponsorship of terrorism against the American people as well as others, an through the killings that he has carried out within his own borders. (The White House 2011h)

He added that U.S. and U.N. sanctions were put in place and “ample warning was given that Qaddafi needed to stop his campaign of repression” but he chose to ignore them.

Left unchecked, we have every reason to believe that Gaddhafi would commit atrocities against his people. Many thousands could die. A humanitarian crisis would ensue. The entire region could be destabilized, endangering many of our allies and partners. The calls of the Libyan people for help would go unanswered. The democratic values that we stand for would be overrun. Moreover, the words of the international community would be rendered hollow. (The White House 2011h)

For President Obama, the time had come for Qaddafi to meet the clear conditions set by the U.N. Security Council Resolution.

Now, once more, Moammar Qaddafi has a choice. The resolution that passed lays out very clear conditions that must be met. The United States, the United Kingdom, France, and Arab states agree that a cease-fire must be implemented immediately. That means all attacks against civilians must stop. Qaddafi must stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misrata, and Zawiya, and establish water, electricity and gas supplies to all areas. Humanitarian assistance must be allowed to reach the people of Libya. Let me be clear, these terms are not negotiable. These terms are not subject to negotiation. If Qaddafi does not comply with the resolution, the international community will impose consequences, and the resolution will be enforced through military action. (The White House 2011h)

The President also made clear that the main goal was the protection of civilians in Libya.

We are not going to use force to go beyond a well-defined goal – specifically, the protection of civilians in Libya. In the coming weeks, we will continue to help the Libyan people with humanitarian and economic assistance so that they can fulfill their aspirations peacefully. (The White House 2011h).

He also mentioned that the U.S. was supporting the call for change in the Middle East and North Africa but that this had to first come from the people themselves.

But I want to be clear: the change in the region will not and cannot be imposed by the United States or any foreign power; ultimately, it will be driven by the people of the Arab World. It is their right and their responsibility to determine their own destiny. (The White House 2011h)

He concluded by saying that Qaddafi's actions endangered global peace and security and that it was the duty of America to act. "The United States of America will not stand idly in the face of actions that undermine peace and security" (The White House 2011h).

Libya's Non Compliance with U.S. Ultimatum

In response, Libya's deputy foreign minister, Khalid Kim, said at a new conference on Friday morning that the Qaddafi government agreed with the resolution's calls for the protection of civilians, which he claimed had always been their goal. He also said that the government was ready for a cease-fire with the rebels, but he added: "We need to talk to someone to agree on the technicalities of the decision." Hours before, Musa Kusa, Libya's foreign minister, appeared, with his hands shaking, to announce a cease-fire. But reports from the rebel-controlled cities still indicated that shelling and assaults against civilians by Qaddafi's forces continued unabated. Several hours after declaring a cease-fire there was no break in the fighting. Credible reports indicated that Misrata was still under siege, without electricity and water, and that at least 25 people had been killed, including 16 unarmed civilians. Repression continued in Tripoli where

gunshots were still being fired. “What cease-fire?” asked Mohamed, a spokesman for the rebels in the recaptured city of Misrata. Despite Khalid Kaim, the deputy foreign minister’s announcement, Qaddafi loyalists were now attacking Benghazi’s outskirts with tanks, missiles and other heavy artillery. “What lies, what murder!” Iman Bugaighis, a spokesperson for the council of transition said. He reported that Qaddafi’s forces were quickly moving toward Benghazi even after the cease-fire. “They are using their grenades to shoot up to 30 kilometers,” he said (Bumiller and Kirkpatrick 2011b; Bilefsky and Landler 2011).

Operation Odyssey Dawn and the Conduct of the Military Operation

To stop Qaddafi’s forces from entering Benghazi, President Obama signed the order allowing American pilots to join the international community in military strikes against Libya. “Today I authorized armed forces of the United States to begin a limited military action in Libya in support of an international effort to protect the Libyan civilians.” He justified his action by Qaddafi’s effective refusal to comply with the terms of Resolution 1973.

Even yesterday, the international community offered Muammar Qaddafi the opportunity to pursue an immediate cease-fire, one that stopped the violence against civilians and the advances of Qaddafi’s forces. But despite the hollow words of his government, he has ignored that opportunity. His attacks on his own people have continued. His forces have been on the move. And the danger faced by the people of Libya has grown... We cannot stand idly when a tyrant tells his people that there will be no mercy, and his forces step up their assaults on cities like Benghazi and Misurata, where innocent men and women face brutality and death at the hands of their own government. (The White House 2011i)

He described this operation as a very limited military action. “As I said yesterday, we will not, I repeat, we will not deploy any U.S. troops on the ground,” President Obama said from Brazil. He also stressed that this was part of an international coalition:

“I’m also proud that we are acting as part of a coalition that includes close allies and partners who are prepared to meet their responsibility to protect the people of Libya and uphold the mandate of the international community (...) Today we are part of a broad coalition. We are answering the calls of a threatened people. And we are acting in the interests of the United States and the world,” he concluded. (The White House 2011i)

Operation Odyssey Dawn was the U.S. contribution to a multilateral military effort to enforce a no-fly zone and protect civilians in Libya. The mission was carried out U.S. Africa Command, better known as U.S. AFRICOM, a command with no assigned troops. Africom is comprised of around 1,500 staff and it is headquartered in Stuttgart, Germany. It faced difficulties establishing itself in Africa because its mission and scope of activities alarmed African leaders who saw it as another projection of U.S. power. For example, the project was opposed by Libyan defense officials who told their U.S. Department counterparts that they were worried that AFRICOM could introduce a significant non-African military presence on the continent (U.S. Congress 2008b).

U.S. AFRICOM’s commander, General Carter Ham, then 59, is a native of Cleveland and a four-star commander, who had commanded troops in Northern Iraq, overseen military operations at the Pentagon’s Joint Staff and had helped conduct reviews into the Defense Department’s “Don’t Ask, Don’t Tell” policy and the fatal shooting at Fort Hood, Tex. The son of a Navy PT boat officer in World War II, General Carter Ham holds a B.A. in Political Science from the John Carroll University, as well as an M.A. in National Security and Strategic Studies from the Naval War College. He joined the Army

in 1973 and, after earning his commissioning as an officer, he worked as an adviser to a Saudi Arabian National Guard Brigade and commanded the Army's storied First Infantry Division. Before his assignment he commanded all Army forces in Europe. He gained the reputation of being a great team builder and a true leader. "He's not only a great soldier who studies his profession, he's the kind of normal guy you can drink a beer with," said Lt. Gen. Mark P. Hertling who succeeded him in the Army's European command. One of his most traumatic experiences remains his tour as commander of the American forces in northern Iraq, when a suicide bomber killed 22 people, including 18 Americans, in a dining hall at a military base in Mosul. A few months after returning to Fort Lewis, Wash., General Carter Ham spoke openly about his personal struggles following his exposure to that carnage. General Carter Ham said in an e-mail message on Sunday, March 20, that plans to transfer command of military operations were already under way. "It's fairly complex to do that while simultaneously conducting operations," he said. "But we'll figure it out" (Schmitt 2011a; Lawrence CNN 2011).

Initial discussions about the operation began on March 15, 2011, between Secretary of Defense Robert Gates, the Chairman of the Joint Chiefs of Staff, General Carter Ham and other officials from the DoD. After the passing of UNSC Resolution 1973, there was another round of meetings and a conference call in which the President participated. Even at the planning stage, it was already agreed that the operation would be a multinational effort. The first direct conversation that General Ham had with the President was on March 19, the first day of the military operation (Interview with General Carter Ham, Georgetown, Washington DC, May 2015).

The Joint Task Force of the operation was commanded by U.S. Navy Adm. Sam Locklear, aboard the command ship USS Mount Whitney in the Mediterranean Sea. General Carter Ham gives great credit to his predecessor General “Kip” Ward, the first commander of AFRICOM. Even though he could not foresee what would happen later, he had a good sense that the conditions in North Africa and in Libya specifically were changing very rapidly. “Before I arrived as a commander,” General Carter Ham told me, “it was on the 9th of March, General Ward had already established the Joint Task Force under Admiral Locklear’s direction. So I don’t think anyone knew exactly what the nature of the mission might be but there was a sense from General Ward and within the headquarters that there would be some requirement for Africa command pretty quickly. So his foresight, I think, allowed us to move quiet quickly”. The Joint Task Force was headquartered in Naples, Italy. The condition upon the U.S. forces being there is that they should be used for NATO’s planning and operations. Because this was not, at least initially, a NATO operation, to be compliant with the agreement between the two nations, Admiral Locklear and his staff had to go afloat in the USS Mount Whitney, which is a command control ship and then, sail outside of the territorial waters of Italy. This was easy. “Frankly it presented no difficulty,” General Carter Ham told me (Interview with General Carter Ham, Georgetown, Washington DC, May 2015).

In the middle of March, when it became apparent that the U.S. would likely lead some kind of military effort, General Carter Ham made personal contact with the chiefs of defense of many of the nations that had pledged to participate, the United Kingdom, Canada, and many others. Germany had chosen not to participate but because U.S.

AFRICOM was based in Germany he spoke with the Germans as well. There was a great deal of liaison among participating countries. Teams were sent to the UAE and to Qatar. Most countries sent liaison officers and planning cells to the command, to Admiral Locklear on USS Mount Whitney, and to the air operations center in Ramstein Air-Base, Germany, which quickly became a multinational command and control center for air operations. U.S. ambassadors were also intimately involved in the process. One of the greatest advantages of AFRICOM being located in Stuttgart, Germany, is its proximity to U.S. European Command headquarters. Admiral James G. Stavridis, Commander, U.S. European Command and NATO's Supreme Allied Commander Europe, directed his staff to be supportive of AFRICOM, using relationships with the European Nations who would be participating in this operation. General Jim Mattis, Marine Corps, Commander of U.S. Central Command at the time, was very helpful in facilitating meetings with the UAE and Qatar (Interview with General Carter Ham, Georgetown, Washington DC, May 2015).

Military operations began on March 19, 2011. U.S. forces quickly took air control over Libya's major cities, destroying portions of the Libyan air defense network and attacking pro-Qaddafi forces deemed to pose a threat to the Libyan population (U.S. Congress 2011c). The military operation was carried out as implementation of the Responsibility to React.

Assessing the Responsibility to React Criteria

This section makes an assessment of the 10 factors indicative of the presence of the Responsibility to React. These factors are divided in three sub-categories. Only one

strategy was applied in the “political and diplomatic” category. The political sanctions or incentives were not applied. The “economic and legal strategies” include two factors but only one was applied. There is no evidence that economic cooperation and ties were severed. As for the military strategies, all the measures indicating the presence of the Responsibility to React were implemented. Overall, 8 out of the 10 factors were applied.

Political and Diplomatic Strategies

Diplomatic peacekeeping. Because of his military advantage and his rapid recapture of lost territory, the Qaddafi regime closed all the possible avenues of a peaceful and negotiated solution to the conflict. In an interview with the Italian newspaper *Il Giornale* on Tuesday, Qaddafi described the rebels as terrorists with whom he was not prepared to dialogue. “Dialogue with whom? The people are on my side”, he said. He added, “They have no hope. Their cause is lost. There are only possibilities: to surrender or run away” (Shadid 2011b; Erlanger 2011). On Wednesday, Seif al-Islam warned the rebels to leave the country. “Within 48 hours everything will be finished. Our forces are almost in Benghazi” (Landler and Bilesky 2011; Mataconis 2011). In a call-in radio show on Thursday, Qaddafi promised forgiveness to those who would surrender but no mercy or compassion for those who will fight. “We are coming tonight,” he said. “You will come out from inside. Prepare yourselves for tonight. We will find you in your closets.” (Kirkpatrick and Fahim 2011b; Thompson 2011a).

Moreover, Qaddafi continued with threats of retaliation against foreign intervention. “Any foreign military act against Libya will expose all air and maritime traffic in the Mediterranean Sea to danger and civilian and military facilities will become

target of Libya's counter-attack," he told the official news agency, JANA. He added, "The Mediterranean basin will face danger not just in the short-term, but also in the long-term". Musa Ibrahim, a spokesman for the Qaddafi government explained their tactics: "it starts in the beginning by surrounding the city, then moving slowly to avoid casualties," he said. "It should be finished up tomorrow if not today". In fact, in places where rebels controlled the inner city, they would be surrounded by loyalist forces, which would then penetrate through the rebels' weak points of defense. In Tripoli, Qaddafi's entourage was already savoring the victory. In an interview with a French television channel, Seif al-Islam warned the rebels: "We don't want to kill, we don't want revenge. But you, traitors, mercenaries, you have committed crimes against the Libyan people: leave, go in peace to Egypt". He added: "Military operations are over. Within 48 hours everything will be finished. Our forces are almost in Benghazi. Whatever the decision, it will be too late" In Qaddafi's address, he portrayed himself as the liberator of Benghazi. He called the city his "sweetheart," and asked "his children" of Benghazi to come back home before things went too much out of control (Tharoor 2011; Kirkpatrick and Fahim 2011b). The U.S. had no choice but to turn to the Libyan opposition.

The first U.S. contacts with the Libyan opposition were made through Gene Cretz, the U.S. ambassador to Libya. The contact with the opposition forces was facilitated through the U.S. Defense Attaché. When U.S. embassy closed on February 25, 2011, the ambassador went back to Washington and the attaché went to work with U.S. AFRICOM. He was the principal contact with the Libyan opposition forces even though the United States had not yet made a decision as to whether or not they would recognize

the National Transition Council as the legitimate representative of the Libyan people. Mr. Chris Stevens was appointed as the special envoy to the Libyan opposition. He was expected to fly to Benghazi for a series of meetings with the Libyan opposition (Erlanger and Schmitt 2011; Bumiller and Kirkpatrick 2011b; Interview with General Carter Ham 2015).

Libya's Transitional National Council had put forward a plan for a more stable, tolerant, and more democratic Libya. They wanted to build democratic institutions and a secular society in which Libyan citizens would be able to participate in a way they had not for the last four decades. The U.S. supported their plan and met with their leaders including Mahmud Jibril who has a doctorate from the University of Pittsburgh and their Finance Minister who was an economics professor at the University of Washington. These two met with Secretary Clinton and Senator Kerry in Cairo and by mid-April they were invited for a visit in Washington, where the Transitional National Council was authorized to open a representative office. They met with Senator Graham of South Carolina and Senator McCain who said that the leadership of the council would be glad to pay back for any assistance the U.S. could provide if they could get their hands on the Libyan frozen assets (U.S. Congress 2011b; U.S. Congress 2011d; U.S. Congress 2011h).

Economic Strategies and Legal Strategies

Arrest, trial, and proper punishment in competent courts. Under increased pressure by NATO-supported rebels and after the fall of Tripoli into rebels' hands on August 21, Qaddafi fled to Surt in a small convoy that traveled through the loyalist bastions of Tarhuna and Bani Walid. The decision to go in Surt, a close aide Mr Dhao

said, came from his son Muatassim who argued that the city was an important pro-Qaddafi stronghold and being under frequent bombardment by NATO airstrikes, it was the last place anyone could think of. The same aide revealed that Qaddafi was travelling with around ten close aides and guards, while his son Muatassim, the commander of the loyalist forces traveled separate from the father to avoid being caught in case the satellite phone was tracked. For weeks the rebels had been indiscriminately firing heavy weapons at Surt though no one knew that Qaddafi was there. One of the houses where Qaddafi was staying was even struck by a rocket or a mortar shell, wounding three of his guards and a chef who was traveling with the group. So everyone had to cook, Mr. Dhao said. Two weeks before his death, the rebels stormed the city center of Surt and caught Qaddafi and sons trapped between two houses in a residential area called District No. 2 (Fahim 2011b).

The Colonel, his family and close aides were surrounded by hundreds of rebels, firing at the area with heavy machine guns, rockets and mortars. The only solution was to leave. The plan was to flee in a convoy of more than 40 cars at around 3 a.m. But because of disorganization among the loyalists the convoy did not leave until 8 a.m. Colonel Qaddafi traveled with his chief of security, a relative, the driver and Mr. Dhao in a Toyota Land Cruiser. NATO warplanes and rebel fighters spotted them half an hour after they left. A missile struck near Qaddafi's car. The colonel tried to escape walking first to a farm, then to the main road, toward some drainage pipes where he was caught and killed by an angry mob. By November 2011, two of Muammar Gaddafi's sons – Saif al-Islam Gaddafi and his younger brother, Saadi – and three dozen former officials were

arrested and face court for alleged war crimes committed during the 2011 uprising (Fahim 2011b; Al Jazeera 2014).

Military Strategies

Effective force on the ground. The air campaign began with the bombing of targets around Tripoli, Misurata and Benghazi. The operation was meant to suppress air defenses and telecommunication systems. The first attacks came after a 22-nation summit in Paris. Dutch Prime Minister Mark Rutte told BBC that the first sorties were to be flown by French, British and Canadian planes. In addition to U.S. military arsenal, Canada sent six F-18s; Spain allowed two of its bases to be used; Britain agreed to deploy Tornado and Typhoon warplanes, as well as aerial tankers and refueling tankers; Belgium sent six F-16s; the Netherlands pledged to contribute whatever would be needed; even Germany – which abstained from voting – agreed to send aircrews to Afghanistan to free up U.S. crews for Libyan missions; Qatar sent Mirage fighters; the United Arab Emirates contributed six F-16 and six Mirage warplanes. The United Arab Emirates and Qatar were the only two members of the Arab League to commit planes to the operation (Erlanger and Schmitt 2011; Thompson Time 2011b).

Bombing campaign and arms embargo patrolling. U.S. warships launched their first cruise missiles against Libyan forces on Saturday on March 19, 2011 at 2 p.m. ET. These air strikes targeted air defense missile sites, early warning radar and key communications facilities around Tripoli, Misrata, and Sirte, Vice Adm. William Gortney told reporters at a Pentagon briefing. He insisted that no U.S. aircraft had participated in the initial strikes. The campaign targeted radar installations, fixed and mobile anti-aircraft

sites, Libyan aircraft and hangars – at least one Scud missile site was hit – communications centers, tanks and other ground forces. As part of a round the clock mission, the B-2s struck combat aircraft shelters at Ghardabiya Airfield in the opening hours of Operation Odyssey Dawn. The F-15Es and F-16CJs engaged ground forces loyal to Qaddafi that were attacking opposition forces in Benghazi and threatening civilians. KC-135s refueled the strike aircraft en route to an unmanned forward air base, and C-130Js moved ground equipment and personnel to that forward base, as did theater-based C-17s (Thompson 2011a; Tirpak 2011).

No-fly zone and jamming of radio frequencies. From official reconnaissance, it was determined that U.S planes had nothing to fear from Libya's airpower. Assessing Libyan air forces capabilities, Department of National Intelligence Director James Clapper said that the Libyan air force had a large number of aircrafts, including 100 MiG warplanes. Most of them were outdated and obsolete in terms of avionics and upgrades. Only few of them, around twenty percent, could actually fly. The danger could come from its anti-aircraft missiles, which included 50 SA-6s. The carrier USS Enterprise, destroyers Barry, Mason and Stout, the amphibious Kearsarge, Ponce, and USS Bataan and the attack submarine Providence had been positioned and waiting in the area, ready to strike (Schmitt 2011b; Dwyer and Martinez 2011).

The no-fly zone operation started with a strike against Libyan air-defense assets and other targets using 110 Tomahawk and Tactical Tomahawk cruise missiles and strikes by three B-2 Spirit bombers delivering 45 Joint Direct Attacks Munitions (JDAMs) against Libyan air bases. Tomahawks were also fired from British ships in the

area, and British Tornado GR4 aircraft flying from the Royal Air Force base at Marham, England, reportedly employed Storm Shadow cruise missiles (Defense Tech 2011). In a DOD press briefing, Rear Admiral Gerald Hueber said that strikes were targeting “mechanized forces, artillery ... those mobile surface-to-air missiles sites, interdicting their lines of communications which supply their beans and their bullets, their command and control and any opportunities for sustainment of that activity” when forces were “attacking civilian populations and cities” (Schmitt 2011b; Dwyer and Martinez 2011; Department of Defense 2011).

Peacekeeping for civilian population protection. The overall strategy was to hit Libyan forces hard enough to avoid a long and protracted war. The goal was to push Qaddafi’s forces to withdraw from the disputed towns. “Our mission right now is to shape the battle space in such a way that our partners may take the lead in.... execution,” he said. The U.S. Air Force’s mission would consist of providing airborne surveillance, refueling and jamming radar capabilities, and patrolling no-fly zones in the skies of Tripoli and Benghazi. The U.S. also played a leading role in gathering intelligence, intercepting Libyan radio communications, and using these information to direct attacks on Libyan ground forces. According to an air commander, when planes intercept communication from Libyan troops on the ground, they relayed that information to a Global Hawk drone, which zoomed in on the location to detect the moving target. The data is passed to the command center for targeting (Schmitt 2011b; Dwyer and Martinez 2011; Thompson 2011a)

On Sunday, March 20, nineteen U.S. aircrafts hit targets inside Libya following Saturday's Tomahawk strikes. Air Force B-2 bombers, F-16 fighter-bombers, and ship-based Marine AV-8B Harrier jump-jets hit Libyan targets in an effort to keep the skies as safe as possible for the aerial campaign. Adm. Mike Mullen said on NBC's Meet the Press that operations "went well." U.S. military officials said that there were fewer American airstrikes on Monday, and that the number would decline as the campaign evolved. According to General Carter Ham, the head of the United States African Command, only 40 sorties were flown on Monday against Qaddafi's mobile air defenses (Bumiller and Fahim 2011; Interview with General Carter Ham 2015; Thompson 2011c).

In response to the first wave of strikes, Qaddafi vowed retaliation, saying that foreign forces unjustly attacked him. He claimed his right to self-defense and promised to open arms depots to the Libyan people who were still ready to die for him. From some bunker somewhere, Qaddafi spoke by phone on Libyan television declaring that those attacking his country were "new Nazis" and "terrorists." He added, "You have proven to the world that you are not civilized, that you are terrorists – animals attacking a safe nation that did nothing against you." On Monday, March 21, his forces were still engaged in scattered fighting, trying to hold out against the allied military campaign. Rebel forces trying to recapture the city of Ajdabiya reported, for example, that the government forces were still controlling the city. Adm. Samuel J. Locklear said that intelligence reports clearly showed that Qaddafi's forces were still attacking civilians. In a brief television appearance on Tuesday night, Qaddafi denounced the bombings and promised victory. "I

am here. I am here. I am here,” he shouted to handful of supporters (Landler and Erlanger 2011; Thompson 2011b; Thompson 2011c; Bumiller and Fahim 2011).

Ten days into the assault, the U.S. used six tank-killing A-10 Warthogs able to fire laser-guided Maverick missiles or 30-millimeter cannons. Two B-1B bombers were also deployed along with two AC-130 gunships. One of the most important targets was the headquarters of the Libyan 32nd Brigade, based in Tripoli and commanded by one of Qaddafi’s sons, Khamis Qaddafi. The overall objective was to create havoc among Libyan forces, cut off their logistic pipeline, sever their communication with their headquarters in Tripoli, and to frighten the troops with round-the-clock attacks. From Sunday, March 28, 2011 onwards, EC-130J Commando Solo warplanes started broadcasting messages in English and Arabic warning Qaddafi’s security forces: “Libyan sailors, leave your ship immediately. Leave your equipment and return to your family and your home. The Qaddafi regime forces are violating a United Nations resolution ordering end of hostilities in your country.... To the degree that you defy these demands, we will continue to hit you and make it more difficult for you to keep going.” During the first stage of the operation, the U.S. contributed more air firepower than any other country. Ten days into the campaign, of the 200 Tomahawk cruise missiles, only 7 were not from the U.S. The United States had flown about 370 attack missions, a number similar to all its allied partners combined, but the Americans had dropped 455 precision-guided munitions compared with 147 from other allies (Bumiller and Fahim 2011; Interview with General Carter Ham 2015).

Even before imposing a no-fly zone President Obama focused his efforts on humanitarian relief. \$10 million was set aside for emergency relief. On March 14, he had authorized an additional \$15 million for emergency relief operations in the border regions of Libya, where tens of thousands of refugees were stuck as they fled the violence. His administration was working with the United Nations to make sure that enough aid was getting to refugees. Two teams of aid workers were sent to Libyan borders with Tunisia and Egypt to help the tens of thousands of refugees desperately fleeing war-torn cities. When NATO took over, the U.S. government has provided \$47 million to meet humanitarian needs (U.S. Congress 2011d; Broder 2011; Landler and Shanker 2011).

Table 2. List of the Responsibility to React criteria.

Political and diplomatic strategies	
Diplomatic peacemaking	X
Political sanctions and incentives	
Economic and legal strategies	
End of economic cooperation	
Arrest/trial/conviction in competent courts	X
Military strategies	
Effective force on the ground	X
Bombing campaign	X
No-fly zones/safe havens	X
Arms embargoes patrolling	X
Jamming of radio frequencies	X
Peacekeeping for civilian protection	X

The Transition from Operation Odyssey Dawn to Operation Unified Protector

When NATO took over the command of operations, General Carter's formal role as commander ended. However, AFRICOM continued its support, particularly in the provision of intelligence. While NATO had the responsibility to oversee the military campaign however long that might take, in the long run the enduring military relationship with Libya would remain the responsibility of U.S. AFRICOM. As General Carter said, "the staff of AFRICOM remained very engaged with Libyans, including those in the opposition forces who might have a pivotal role in the post conflict Libya... Everything, except immediate operation, remained the responsibility of AFRICOM." On the military side, there were lots of communications with individual NATO members, as well as with the Supreme Allied Commander Europe and his subordinate commanders. The advantage was that Admiral Locklear, while he was the Joint Task Force Commander and the Commander of U.S. Naval forces in Europe and Africa, he was also NATO's Commander, Allied Forces South. The transfer of military operations was made easy given that Adm. Locklear had a foot in both camps, both U.S. and NATO. However, there were some mechanical difficulties. In the area of communications, for example, the U.S. military uses principally a U.S. classified network for the issuance of orders and communications between various headquarters. So the U.S. had to transition from that basis to a multinational NATO system known as CENTRIX, the NATO multinational standard for communications. This was not simple. It was very technical and required a lot of efforts from the information and technology community to make that happen. Other

challenges included precision munitions, working with non-NATO members such as Qatar, UAE, and Sweden (Schmitt 2011b; Interview with General Carter Ham 2015).

NATO Confusion

In taking the lead at the beginning of the campaign, the U.S. made it clear that it would play only a supporting role, letting France, Britain and the Arab nations take on the bulk of the fighting after the complete establishment of the no-fly zone. “We are on the leading edge of coalition operations... In the coming days we intend to transition it to a coalition command,” Vice Adm. William Gortney told reporters. Defense Secretary M. Gates told reporters on Sunday, March 20, 2011, that the United States would turn control of the operation over to a coalition “in matter of days”, but that the American force would continue to fly missions. After four days and after the coalition had fired 162 Tomahawks and the U.S. had lost its first plane, an 15E Strike Eagle, tension and confusion arose as to who would take charge of the operation after the U.S. stepped back. “This is complicated,” Defense Secretary Robert Gates said to reporters in Moscow. “This command-and-control business is complicated. We haven’t done something like this, kind of on the fly before. So it’s not surprising to me that it would take a few days to get it all sorted out,” he added (Landler and Erlanger 2011; Thompson 2011c; Schmitt 2011a).

The meeting in Brussels was particularly tense and ended with the French and German ambassadors walking out of the room after their countries’ positions were criticized by the NATO Secretary General, Anders Fogh Rasmussen. The most contentious point in the negotiations about NATO taking over was what military officials

called the “no-drive zone”, the bombing of Qaddafi’s ground forces. France wanted to have clear control of the operations, while Turkey – the only Muslim member of the NATO – was worried that the campaign would end up involving ground troops. Turkey was excluded from the meeting in Paris because of its opposition to the use of force in Libya. France argued that the Arab League viewed NATO as a Western interference in the Muslim world. In fact, some members suspected that France wanted to use air strikes in support of regime change, while NATO’s Secretary, General Anders Rasmussen, had made it clear that the mission would be restricted to implementing the UN security Council resolution requiring the protection of civilians - not regime change (Karon 2011b).

The United States and Britain wanted to see NATO take over the control in maintaining a no-fly zone and arms embargo after the first stage. It was always the hope of the U.S. government that NATO would be the entity to assume control of the mission, both from a political and military standpoint. The geographic proximity, Europe interests in North Africa and in the Mediterranean affairs, economic trade, longstanding diplomatic and cultural ties, all these factors made NATO the logical choice to assume this mission. As a result of the French opposition, Norway refused to fly its warplanes and Italy said it was rethinking the ways its air bases were being used. Both countries threatened to withdraw their participation unless NATO took charge of the command. On Monday, Italian Foreign Minister, Franco Frattini, said that if NATO did not take over, his country would have to “reflect on the use of its bases. If there were a multiplication in the number of command centers, which will be a mistake on itself, we will have to study

a way for Italy to regain control of its bases,” he said. Italy provided seven air bases and eight warplanes for the operation (Interview with General Carter Ham 2015; Erlanger 2011b).

President Obama phoned the French President and Prime Minister, David Cameron, on Tuesday, March 22, to bridge the differences between allies and work out an agreement to manage the transition of command once the initial stage of the operations was completed. Speaking in a news conference in El Salvador, he said “I would expect that over the next several days you will have clarity and a meeting of the minds of all those who are participating in the process.” The U.S. president also called the emir of Qatar, Sheik Hamad bin Khalifa al-Thani, on Tuesday to settle management disputes. Up until then, Qatar was the only Arab nation that had contributed fighter jets to help enforce a no-fly zone. The day before, on Monday evening, the White House reported that Mr. Obama had called Prime Minister of Turkey, Recep Tayyip Erdogan, and confirmed that Turkey was now supporting the operation. Turkey agreed to the operation as long as ground forces did not occupy Libya. Obama and Erdogan “underscored their shared commitment to the goal of helping provide the Libyan people an opportunity to transform their country, by installing a democratic system that respects the people’s will,” the White House said (Landler and Erlanger 2011; Erlanger 2011b; Bumiller and Fahim 2011; Interview with General Carter Ham 2015).

Finally after days of imbroglia, On March 27, 2011, NATO announced that it would take over command and control of all ongoing military operations in Libya. NATO Secretary General Anders Fogh Rasmussen reasserted that the goal of NATO’s Operation

Unified Protector is “to protect civilians and civilian-populated areas under threat from the Gaddafi regime.” That meant enforcing UN-mandated arms embargo; enforcing a no-fly zone over Libyan territory; and protecting civilians and civilian population areas from being attacked by military forces from the Qaddafi regime. Operation Unified Protector was commanded by Canadian Air Force Lt. Gen. Charles Bouchard and headquartered at the Allied Joint Force Command in Naples, Italy. He had to report to Joint Force Commander U.S. General Samuel J. Locklear III, who in turn had to report to NATO Supreme Allied Commander U.S. Admiral James Stavridis (U.S. Congress 2011c).

When NATO took over the control of operations, U.S. set back to assume a supporting role in the coalition’s efforts. As described in the Letter from the President About Efforts in Libya, from April 4 onwards, U.S. participation has consisted of non-kinetic support, including intelligence, logistical support, and search and rescue assistance; assistance in the suppression and destruction of air defenses in support of the no fly zone; and precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets. The White House also reported that the coalition specially needed U.S. airpower during periods of bad weather because U.S. capabilities exceeded that of other nations (The White House 2011m; U.S. Congress 2011e).

NATO’s Illegal Expansion of UN Security Council Mandate

The Security Council approved a resolution authorizing the international community to take “all necessary measures,” to protect civilians in Libya. The resolution did not authorize removing or facilitating a regime change. President Obama himself acknowledged, “We are not going to use force to go beyond a well-defined goal,

specifically the protection of civilians in Libya” (The White House 2011g). But as soon as the campaign began, voices were raised to remind that the objective of Resolution 1973 was to protect Libyan civilians from attacks by their own government. But the White House and its NATO allies had expanded the understanding of the resolution, interpreting it as an assault on the Libyan regime forces. Not only were the allied warplanes bombing Qaddafi’s troops, but they were also using psychological warfare to break their morale and will. Their tactic was to broadcast messages in Arabic and English, asking Libyan soldiers and sailors to abandon their positions and return to their homes and families. Brazil was the first to voice its objection. Hours after Obama left the country, Brazil issued a statement condemning the violence and urging parties in the conflict to start dialogue. On Tuesday, March 22, China joined Brazil, India and Russia in calls for an immediate cease-fire and compliance with the spirit of Resolution 1973. This criticism came amid claims by Libyan government that the bombings had killed and wounded innocent civilians. Chinese Foreign Ministry spokeswoman, Jiang Yu, had a stronger response to the campaign. She cautioned that the campaign could result in a “humanitarian disaster”. “We’ve seen reports that the use of armed force is causing civilian casualties, and we oppose the wanton use of armed force leading to more civilian casualties,” she said. Chinese news media claimed that the campaign was all about oil and the expansion of Western hegemony in the region. Russian Prime Minister Vladimir Putin was bitter in his criticism, calling the allied campaign a “medieval call for crusade.” President Dmitri Medvedev later criticized Putin’s language as unacceptable. In a more conciliatory tone, Anatole Serdyukov called for a cease-fire as the best way to avoid

civilian casualties. Indian officials also called for a cease-fire: Pranab Mukherjee, the country's finance minister and a leader of the lower house of Parliament stated that the coalition had no right to overthrow the ruler of a sovereign country (Jacobs 2011; Schmitt 2011b; Cooper 2011c).

South Africa was one of the few African countries criticizing what it considered a foreign occupation. Despite having voted in favor of the United Nations resolution, the country was very critical of NATO's air strikes. "South Africa did not vote for regime change," Foreign Minister Maite Nkoana-Mashabane said. "By the time we voted on this resolution, more than 2,000 people were mowed down by their own government that was supposed to protect them" (Burns 2011). In a meeting in Malabo on July 2, 2011 in Equatorial Guinea, the African Union called on its member states to disregard the arrest warrant issued by the International Criminal Court against Col. Qaddafi. African Union officials said that the warrant seriously hampered efforts by African leaders to find a political solution to the crisis in Libya. African Union chairman, Jean Ping, bitterly complained that the Court was "discriminatory," focusing on crimes committed in Africa while ignoring those committed by Western powers in countries like Afghanistan, Iraq or Pakistan. "With this in mind," he said, "We recommend that the member states do not cooperate with the execution of this warrant." Qaddafi's chief of staff, Bashir Saleh, who was present at the meeting, applauded the group's decision. Within the African organization, however, there was internal division between those who believed that Qaddafi should step down immediately and those who wanted to find a more dignified exit for a fellow tyrant (Burns 2011).

At home, the most vocal critic of NATO's ongoing operations was Rep. Dennis J. Kucinich of Ohio. He wrote several letters to the UN Secretary General to express concerns about what he considered a violation of UNSCR 1973. When news media reported that France and Britain were urging NATO to expand their operations to include regime change, he wrote:

It is imperative the UN remind France and Britain that regime change is not part of the UN mandate. An attempt at regime change would likely expand a civil war creating a large number of civilian casualties on both sides. NATO is not authorized to go beyond the UN mandate and France and Great Britain should not demand they do so. The UN Secretary General must intervene to stop an expansion of the war even though two member states, for whatever reason, appear intent on pursuing that expansion. (U.S. Congress 2011f)

In a letter written on April 14, he also called the UN Secretary General's attention on the fact that the State of Qatar had been supplying weapons to Libyan rebels. He did the same when The Washington Post reported that a strike conducted by NATO on April 30 hit a compound in Tripoli that reportedly killed Saif al-Arab Gaddafi, the youngest son of President Muammar Gaddafi, along with three grandchildren. Part of his letter read:

A NATO strike on a compound that resulted in the death of family members of President Gaddafi clearly exceeds this mandate and must not be tolerated. The lack of accountability for UN member states and international arrangements if they act beyond the UN mandate makes it clear that UN resolutions can be violated with impunity. Despite the mandate to protect Libyan civilians, it is clear that actions are being taken in Libya by member states that endanger the civilians. (U.S. Congress 2011f)

He also called UN Secretary General out when it was reported that flights destined to shuttle personnel, food and medicine were allowed to carry weapons and communications equipment to rebels in the eastern city of Benghazi. He clearly reminded the Secretary

General that the UN could not stand idly by as its member states used UNSCR 1973 to serve their national interests instead of protecting Libyan civilians (U.S. Congress 2011f). With NATO's bombing campaign getting off the rails President Obama was increasingly under pressure to clarify the exact nature of the U.S. mission in Libya.

The Goal of the Mission: R2P or Regime Change?

A few days into the operation, there was still unanimity among military and national-security officials that the goal of the operation was not to remove Qaddafi from power even if Adm. Mullen said that it was "certainly potentially one outcome." The initial message to the Libyan opposition was that the U.S. was not there to support them. That was not the goal given to the U.S. military neither by the U.N. Security Council Resolution nor by the U.S. government. This mission was carried out to protect civilians. A concerted effort was made to warn opposition forces that if they threaten civilians – a possibility that could be envisioned in towns like Sirte with people mostly loyal to Qaddafi – they would be subjected to the same kinds of attacks as the Qaddafi regime forces. As General Carter Ham said during the interview, "they didn't like that message very much, but it was important that they understood the nature of our mission." (Bumiller and Fahim 2011; Interview with General Carter Ham 2015).

But the political rhetoric quickly changed and became ambiguous. For example, when asked if the campaign was meant to protect the Libyan people against Qaddafi's forces, French Foreign Minister Alain Juppé answered: "The plan is to help Libyans choose their future." From Santiago, Chile, President Obama made a statement trying to distinguish the United Nations mandate – protecting Libyan civilians, enforcing a no-fly

zone, and the withdrawal of Libyan forces from the cities – from the U.S. demand that Qaddafi had to step down. “It is U.S. policy that Qaddafi needs to go,” he said at a news conference with the Chilean president, Sebastian Pinera. “And we’ve got a wide range of tools in addition to our military effort to support that policy,” he added (The White House 2011i – 1); Bumiller and Fahim 2011; Thompson 2011c).

At home, Obama’s statement raised eyebrows on Capitol Hill. Some Republicans said his statement amounted to a demand for regime change. For example, Rep. Ileana Ros-Lehtinen of Florida argued that there was a double language in the President’s speeches. He has called for Qaddafi to leave power in favor of a government that is representative of the Libyan people. At the same time, administration officials claim that Qaddafi himself is not a target and that the U.S. is not pursuing regime change (U.S. Congress 2011d).

House Speaker John Boehner pointed out the ambiguity of Obama’s mixed message. The military mission was to stop attacks on civilians but at the same time Obama was separately calling for the overthrow of the Qaddafi’s regime. He said that the mission in Libya was not sufficiently clear. On March 21, 2011, President Obama wrote a letter to Congress explaining the reasons for his decision to commit U.S. forces in Libya. In the Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the President justified his decision by the necessity to prevent a humanitarian catastrophe and the protection of the Libyan people. As part of an international coalition, he added, the mission would be limited in nature, duration, and scope:

Dear Mr. Speaker:

(Dear Mr. President:)

At approximately 3:00 p.m. Eastern Daylight Time, on March 19, 2011, at my direction, U.S. military forces commenced operations to assist an international effort authorized by the United Nations (U.N.) Security Council and undertaken with the support of European allies and Arab partners, to prevent a humanitarian catastrophe and address the threat posed to international peace and security by the crisis in Libya. As part of the multilateral response authorized under U.N. Security Council Resolution 1973, U.S. military forces, under the command of Commander, U.S. Africa Command, began a series of strikes against air defense systems and military airfields for the purposes of preparing a no-fly zone. These strikes will be limited in their nature, duration, and scope (...)

The United States has not deployed ground forces into Libya. United States forces are conducting a limited and well-defined mission in support of international efforts to protect civilians and prevent a humanitarian disaster. (The White House 2011i)

He further explained that the attacks came as a last resort after Qaddafi's refusal to heed the international pressure and to comply with the ultimatum given by the international community:

Muammar Qadhafi was provided a very clear message that a cease-fire must be implemented immediately. The international community made clear that all attacks against civilians had to stop; Qadhafi had to stop his forces from advancing on Benghazi; pull them back from Ajdabiya, Misrata, and Zawiya; and establish water, electricity, and gas supplies to all areas. Finally, humanitarian assistance had to be allowed to reach the people (...)

Although Qadhafi's Foreign Minister announced an immediate cease-fire, Qadhafi and his forces made no attempt to implement such a cease-fire, and instead continued attacks on Misrata and advanced on Benghazi (...) Qadhafi has forfeited his responsibility to protect his own citizens and created a serious need for immediate humanitarian assistance and protection, with any delay only putting more civilians at risk. (The White House 2011i)

He warned that these violent actions posed serious threats to the region and to international peace and security.

Qadhafi's continued attacks and threats against civilians and civilian populated areas are of grave concern to neighboring Arab nations, as expressly stated in U.N. Security Council Resolution 1973, constitute a threat to the region and to international peace and security. His illegitimate use of force not only is causing the deaths of substantial numbers of civilians among his people, but also is forcing many others to flee to neighboring countries, thereby destabilizing the peace and security of the region. Left unaddressed, the growing instability in Libya could ignite wider instability in the Middle East, with dangerous consequences to the national security of the United States. (The White House 2011i)

In his answer to the President, Speaker of the House of Representative, John A. Boehner, began by acknowledging U.S. tradition to come to the aid of victims suffering abuses at the hands of their own government. But the President's letter left many questions unanswered, the most important one being the goal of the mission. Boehner wrote.

Dear Mr. President,

Thank you for your letter dated March 21, 2011, outlining your Administration's actions regarding Libya and Operation Odyssey Dawn. The United States has long stood with those who seek freedom from oppression through self-government and an underlying structure of basic human rights (...)

A United Security Council resolution does not substitute for a U.S. political and military strategy. You have stated that Libyan leader Muammar Qadhafi must go, consistent with U.S. policy goals. But the U.N. resolution the U.S. helped develop and signed onto makes clear that regime change is not part of this mission. In light of this contradiction, it is an acceptable outcome for Qadhafi to remain in power after the military effort concludes in Libya? If not, how will he be removed from power? Why would the U.S. commit American resources to enforcing a U.N. resolution that is inconsistent with our stated policy goals and national interests? (...)

Because of the conflicting messages from the Administration and our coalition partners, there is a lack of clarity over the objectives of this mission, what our national interests are, and how it fits into our overarching policy for the Middle East. The American people deserve answers to these questions. And all of these concerns point to a fundamental question: what is your benchmark for success in Libya? (U.S. Congress 2011)

In defense of the President's position, Deputy National Security adviser Ben Rhodes came forth saying that regime change was not the goal of the military mission, though President Obama had repeatedly stated that Qaddafi had lost the confidence of his people and needed to leave power. Appearing on "Face the Nation," Mr. Gates said that the military mission suffered no ambiguity and that its goal was imposing a no-fly zone to stop attacks on rebels and civilians. "That is it," he said. "You don't want ever to set a set of goals or a military mission where you can't be confident of accomplishing your objectives. And as we've seen in the past, regime change is a very complicated business." Appearing on the same show, Mrs. Clinton said that the international community could not allow the replay of mass slaughter of civilians like in Rwanda in 1994 or Kosovo in the late 1990s. "We have learned a lot in the 1990s," she said. "We saw what happened in Rwanda. It took a long time in the Balkans, in Kosovo, to deal with a tyrant." (Lipton 2011; Landler and Erlanger 2011)

On Sunday, March 27, both Senators John McCain and Joseph Lieberman spoke in support of the intervention, saying that the mission had averted the mass slaughter of innocent civilians by Qaddafi's forces. "He said himself he would go house to house and kill and murder people," Senator McCain said on "Fox News Sunday."

Thank God, at the 11th hour, with the no-fly zone, we prevented that from happening... If you had allowed Qaddafi to do that, that would be a signal to the other leaders in the Middle East, dictators and not, that it's O.K. to massacre your own people to stay in power (...) And, finally, well, this is a moment of historic proportions. And this will give us a golden opportunity to help with democracy and freedom throughout the Arab world. (Fox News Sunday 2011)

Senator McCain would later say that the U.S. should never have allowed Srebrenica, where 8,000 people were massacred; nor Rwanda nor the Holocaust. He added “The United States did the right thing by stopping Qaddafi’s forces at the gates of Benghazi and preventing the massacre of I do not know how many thousands of innocent civilians” (U.S. Congress 2011e). During the same show on Fox News, Senator Lieberman from Connecticut said that “in going to Libya, we are saying we are the ‘Arab spring’” and “taking a side of the freedom fighters in Libya against one of the most totalitarian regimes that has ever existed... The only acceptable way for this to end in Libya is for Qaddafi to go,” he concluded (Fox News Sunday 2011).

In a later hearing before the House of Representatives, Deputy Secretary of State James Steinberg explained that Qaddafi had clearly defied the international community saying “we will have no merci and no pity”. And based on his record of human rights abuse there was no choice but to trust his words. It therefore became urgent to act to stop a potential humanitarian disaster of epic proportion. And the U.S. decisively acted to prevent this potential massacre. He added that the approach taken in Libya was similar to what the U.S. did in the Balkans. U.S. intervention in Kosovo was carefully focused on civilian protection and not regime change (U.S. Congress 2011d).

Appearing with Mrs. Hilary Clinton on ABC’s “This Week” with Christiane Amanpour the same Sunday, Mr. Gates acknowledged that what was happening in Libya was not a threat to the United States and was “not a vital national interest to the United States,” but was instead justified by “the engagement of the Arabs, the engagement of the Europeans, the general humanitarian question that was at stake.” When asked how long

the military campaign would last, they were unable to make predictions. The military mission was being realized, that is all they could say. “We have prevented the large-scale slaughter that was beginning to take place and was taking place,” Mr. Gates said. Though he did mention that Colonel Qaddafi should not expect to stay in power indefinitely, he also stated that his ouster was not the goal of the military operation (ABC’s “This Week with Christiane Amanpour” 2011b; Lipton 2011).

President Obama himself finally clarified his position on Monday, March 28. For him, it was in the national interest of the United States to stop a potential massacre that would be a shock to the conscience of mankind.

At this point, the United States and the world faced a choice. Gaddafi declared that he would show ‘no mercy’ to his own people. He compared them to rats, and threatened to go door to door to inflict punishment. In the past, we had seen him hang civilians in the streets, and kill over a thousand people in a single day. Now, we saw regime forces on the outskirts of the city. We knew that if we waited one more day, Benghazi – a city nearly the size of Charlotte – could suffer a massacre that would have reverberated across the region and stained the conscience of the world. (The White House 2011j)

He acknowledged that it was the responsibility of the United States and the international community to stop what he described as a potential genocide in the Libyan city of Benghazi.

To summarize, then: in just one month, the United States has worked with our international partners to mobilize a broad coalition, secure an international mandate to protect civilians, stop an advancing army, prevent a massacre, and establish a No-Fly zone with our allies and partners. To lend some perspective on how rapidly this military and diplomatic response came together, when people were being brutalized in Bosnia in the 1990s, it took the international community more than a year to intervene with air power to protect civilians... I refused to wait for the images of slaughter and mass graves before taking action. (The White House 2011j)

He also clearly said that regime change was not the goal of the mission:

Of course, there is no question that Libya – and the world – will be better off with Gaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means. But broadening our military mission to include regime change would be a mistake (...) To be blunt, we went down that road in Iraq. Regime change there took eight years, thousands of American and Iraqi lives, and nearly a trillion dollars. That is not something we can afford to repeat in Libya. (The White House 2011j)

Mr. Obama also said that he was ready to act unilaterally when U.S. core vital interests were at stake.

I have made it clear that I will never hesitate to use our military swiftly, decisively, and unilaterally when necessary to defend our people, our homeland, our allies, and our core interests. (The White House 2011j)

He insisted on this point the following day in an interview with Brian William on “Sit-down with NBC News.”

“So the point I tried to make yesterday is this: When it comes to a potential direct attack against the United States, one of our allies – an attack on U.S. troops anywhere in the world – there, we unilaterally and univocally preserve the right to use force to defend our core interests,” he said. (NBC News 2011)

When American safety was not directly threatened, the President further said, the U.S. could not go it alone and would privilege multilateral action. Such cases include genocide, humanitarian assistance, regional security or economic interests.

Contrary to the claims of some, American leadership is not simply a matter of going it alone and bearing all the burden ourselves. Real leadership creates the conditions and coalitions for others to step up as well; to work with allies and partners so that they bear their share of the burden and pay their share of the costs; and to see that the principles of justice and human dignity are upheld by all. (The White House 2011j)

Obama said that the goal of the U.S. was not to force change but to stand alongside those who were fighting for human freedom and dignity. He described U.S. role as merely supportive: the U.S. would not be the one to deliver the killer blow to Qaddafi and his regime.

The United States will not be able to dictate the pace and scope of this change,” he said. “I believe that this movement of change cannot be turned back, and that we must stand alongside those who believe in the same core principles that have guided us through many storms: our opposition to violence directed against one’s own citizens; our support for a set of universal rights, including the freedom for people to express themselves and choose their leaders; our support for governments that are ultimately responsive to the aspirations of the people. (The White House 2011j)

As he would explain on “sit-down with NBC News” the following day, “Our role is to provide support, intelligence, jamming capabilities, refueling capabilities.” (NBC News, “Sit-down with NBC News 2011). Obama argued that there was no contradiction between the military goal – the protection of civilian – and the political goal – that Qaddafi had to step down:

I know that some Americans continue to have questions about our efforts in Libya (...) Qaddafi has not yet stepped down from power, and until he does, Libya will remain dangerous (...) If we try to overthrow Qaddafi by force, our coalition would splinter. We would likely have to put U.S. troops on the ground, or risk killing many civilians from the air. The danger to our men and women in uniform would be far greater. So would the costs and our share of the responsibility for what comes next. (The White House 2011j)

He said that Secretary of State Hilary Clinton would attend a meeting in London on Tuesday to try to put up a plan to pressure Qaddafi to step down.

These discussions will focus on what kind of political effort is necessary to pressure Gaddhafi, while also supporting a transition to the future that the Libyan people deserve. Because, while our military mission is narrowly focused on saving lives, we continue to pursue the broader goal

of a Libya that belongs not to a dictator, but to its people. (The White House 2011j)

The President further argued that the removal of Qaddafi also had a strategic interest for the U.S. because of its involvement in the region. A massacre in Libya would have destabilized the region by creating a long flow of refugees and thwarting the democratic impulses sparked by the Arab Spring.

Moreover, America has an important strategic interest in preventing Gadhafi from overrunning those who oppose him. A massacre would have driven thousands of additional refugees across Libya's borders, putting enormous strains on the peaceful – yet fragile – transitions in Egypt and Tunisia. The democratic impulses that are dawning across the region would be eclipsed by the darkest form of dictatorship, as repressive leaders concluded that violence is the best strategy to cling to power. (The White House 2011j)

The Hearing of Secretary of Defense Gates and Admiral Mullen before the Committee on Armed Services of Congress on March 31, 2011, was a confirmation of what the President had said on television. Robert Gates admitted that Operation Odyssey Dawn was achieving its mission, that is, the protection of civilians by effectively grounding Qaddafi's air force. The removal of Qaddafi was not part of the military objective and in any event, could be achieved only through political and economic measures.

Deposing the Qadhafi regime, as welcome as that eventuality would be, is not part of the military mission. In my view, the removal of Colonel Qadhafi will likely be achieved over time through political and economic measures and by his own people. However, this NATO-led operation can degrade Qaddafi's military capacity to the point where he and those around him will be forced into a very different set of choices and behaviors in the future. (U.S. Congress 2011c; U.S. Congress 2011d)

Surprisingly and against what had thus far been the official discourse, Secretary Gates stated that the benchmark of success would be the removal of Qaddafi and “the

beginnings of the emergence of a more or less democratic government in Tripoli” (U.S. Congress 2011c). The shift in language from ‘protecting civilians’ to ‘degrading Qaddafi’s military capabilities so that the people of Libya take charge of their own destiny’ continued. This military campaign in Libya differed from the no-fly zone over Iraq in the 1990s, which allowed Saddam Hussein to stay in power while protecting the Kurds in northern Iraq and Shiite Muslims in the south. Admiral Mullen said that the mission was to attack Qaddafi’s ground forces with the objective of degrading military capabilities, with no possibility for resupply (U.S. Congress 2011c).

In addition to preventing a humanitarian crisis in the eastern part of the country, the U.S. was afraid that allowing Qaddafi to suppress the uprising could destabilize the entire region and set back progress already made by the people of the Middle East. The immediate consequences would be sending waves of immigrants to Tunisia and Egypt and to southern Europe, including Italy. Secretary Gates said that this was in the interest of the U.S.

I believe it was in America’s national interest, as part of a multilateral coalition with broad international support, to prevent humanitarian crisis in eastern Libya that could have destabilized the entire region at a delicate time. And it continues to be in our national interest to prevent Qadhafi from visiting further depravations on his own people, destabilizing his neighbors, and setting back progress the people of the Middle East have made in recent weeks. (U.S. Congress 2011c; U.S. Congress 2011d)

During the same hearings, Robert Gates said that the decision to intervene was also influenced by call of some of its allies, particularly France and Britain, who had stood by the U.S.’s side in Afghanistan, where the U.S. had vital interests. These allies thought it was their vital interests to intervene in Libya.

I think it is also important to bear in mind that our allies, particularly Britain and France, but a number of others, have come to our assistance in Afghanistan. They have put up 50,000 troops, nearly 50,000 troops because we felt Afghanistan was in our vital interest. Britain and France and our other allies clearly believe that what is going on in Libya is a matter of vital interest for them. And so I think that one aspect of this that hasn't been touched on is that we are stepping up to help the same allies who have us in Afghanistan. They have now taken over the lead of this. (U.S. Congress 2011d)

As Obama did in this speech on March 28, 2011, Gates evoked the tumultuous history between the U.S. and Qaddafi, a history he knew too well. For more than three decades, as chapter four of this study showed, Libya-U.S. diplomatic relations were hostile.

Diplomatic relations were fully normalized only in 2006.

What I was going to say is we may not know much about the opposition or the rebels, but we know a great deal about Qadhafi. The jersey barriers that first appeared here in Washington appeared not after 9/11, but in 1983, after we received a number of clandestine reports indicating that Qadhafi wanted to kill President Reagan. We then had the La Belle disco attack that killed 12 American servicemen that Tripoli was responsible for. That led the President's bombing, President Reagan's bombing of Libya. This guy has been a huge problem for the United States for a long time. (U.S. Congress 2011d)

Gates went on to remind that Qaddafi had for a long time been a sponsor of international terrorism against America:

Well, I think the first thing to remember is that Qadhafi was a principal sponsor of terrorism himself, and our country has been the victim of that terrorism. And, in fact, he and Hezbollah have killed more Americans than anybody except Al Qaeda in the attacks on the United States on 9/11. So I think Qadhafi was not exactly a force for good in terms of the terrorist threat. (U.S. Congress 2011c; U.S. Congress 2011d)

Mr. Gates also expressed his caution about engaging in nation building in light of the complexity of the problem in Libya:

I think that the last thing this country needs is another enterprise in nation-building... So my view is that the future of Libya – the United States ought not take responsibility for that, frankly. I think that there are other countries, both in the region and our allies in Europe, who can participate in the effort, particularly with nonlethal aid, to try to help the development of Libya. I just don't think we need to take on another one. (U.S. Congress 2011c; U.S. Congress 2011d)

Secretary of Defense Gates concluded by articulating anew the military mission in Libya:

I would not underestimate the importance of preventing large numbers of Libyans from being killed by their own government. I mean, that is one of the U.N. Security Council resolution authorizations. And the humanitarian side of this at this point is not so much sending in food and water and medical attention and so on, it is trying to prevent these people from being killed by their own government in large numbers and destabilizing the entire region. (U.S. Congress 2011e)

Despite repeated attempts to articulate the goals anew, the hearings ended with the same ambiguity on the goal of the mission. This can be seen in the dialogue between

Representative John Kline of Minnesota and Admiral Mullen.

Mr. Kline. If you looked at a city like Sirte, where you really didn't have this humanitarian crisis, it is Qadhafi's hometown, as far as we know there weren't protests there, if the rebel forces move into Sirte or are trying to get into Sirte, and Qadhafi's forces are just trying to keep them out, is it part of the humanitarian role? What would be the justification for NATO forces of which we are a part for striking Qadhafi's forces there?

Admiral Mullen. I think the civilian protection mission is dominant there.

Mr. Kline. But Qadhafi's forces aren't killing civilians.

Admiral Mullen. However, there has been also a primacy issue on no civilian casualties, or absolutely minimizing them. And that applies to NATO as well as it did to us up to this point. (U.S. Congress 2011f)

Admiral Mullen's answer does not do much to dispel the confusion.

A clearer answer came from my interview with General Carter Ham. He told me that for the military at the time, there was not such confusion. The military mission was

very clear and explicit. For him, “it was explicitly stated that the military operation was specifically not intended to collapse the Qaddafi’s government. If it had been, if regime change – to use this term – had been the military objective, then we quite obviously would have taken a much different approach.” The three primary goals of the mission were to protect civilians, establish a no-fly zone, and establish the arms embargo. It was, however, the view of the U.S. government and some others that Libya would be better without Qaddafi as the President and that he should step down. This political goal was consistent with U.S. foreign policy over time. Since the days of the Revolution the U.S. government has always believed that people are best served when they are able to select their own national leader. And this was clearly not the case in Libya for some forty years. It was not inconsistent from a foreign policy standpoint for the U.S. government to state that Qaddafi had to step down. “We see a similar circumstance to a degree in Syria today,” General Carter Ham said during the interview, “the President said that Assad must leave office. That is different than saying that we are going to use military force to force him to leave office. I think that that is a nuanced difference” (Interview with General Carter Ham 2015).

But a lingering question remained unaddressed: What will happen if the political goal is achieved, that is, if Qaddafi actually steps down and leaves power? This question about the Responsibility to Rebuilt was posed by Senator Richard Lugar of Indiana:

The President and his administration have stated that the removal of Qaddafi was a political goal but not a military goal. But the administration had failed to put forth plans to support the rebels or how the conflict might be concluded. The President had also been silent on what our responsibility may be for rebuilding a post-Qaddafi Libya. (U.S. Congress 2011g)

For him, the last U.S. military commitment had clearly showed that waging wars and killing the bad guys is far easier than achieving political stability and rebuilding the country when war is over. The American people were worried who would pay the bill for this nation building in the aftermath of the civil war.

Conclusion

After a first round of sanctions that went unheeded by Qaddafi, the U.S. and the international community decided to increase the pressure. National Intelligence Director James Clapper's assessment of the military confrontation on the battlefield sparked a bureaucratic politics debate within the Obama administration. He told the members of the Senate Armed Services Committee that the situation on the ground showed that forces loyal to Qaddafi would prevail in the long run. With loyalist forces already at the outskirts of Benghazi, the international mandate allowed allies to take all necessary means to protect the people of Libya against the forces loyal to Qaddafi. Resolution 1973 did not only allow the establishment of a no-fly zone, it also allowed for what military experts called a 'no-drive zone', that is, bombing Qaddafi's tanks and artillery on the move towards Benghazi. The U.S. decision to act was prompted by the quickly deteriorating situation on the ground, the call by the Arab League and the African Union, and, most decisively, internal pressure from the 'dream team' of genocide prevention – Samantha Power, Susan Rice, and Hilary Clinton. During the conduct of military operations, eight out of the ten measures used to assess the effectiveness of the Responsibility to React were applied, including diplomatic peacemaking, arrest, trial and proper punishment in competent courts, effective force on the ground, bombing

campaign, no-fly zones, arms embargoes patrolling, jamming of radio frequencies, peacekeeping for civilian protection. These elements make it plausible that the Responsibility to React was operative at this level.

At the outset, the goal of the military intervention was clear, the protection of civilians; President Obama himself reaffirmed that the U.S. would “not go beyond a well-defined goal – specifically, the protection of civilians in Libya.” But as the events unfolded, there was a shift in language about the goal of the mission. U.S. officials now attempted to differentiate military from political goals. The political goal was to see Qaddafi step down and the military mission evolved to match the political goal. With NATO taking over, the military mission changed from protecting civilians to ‘degrading the military capacities of Libyan forces so that the Libyan people could take charge of their destiny’. It practically became a call for regime change, not through military means but by the Libyan people themselves. But no one among U.S. officials seemed to be concerned about nation building in the post-Qaddafi Libya.

CHAPTER 7

**R2P NORM OF “REBUILDING” AND U.S. FOREIGN POLICY TOWARD THE
LIBYAN CIVIL WAR**

This chapter covers the sequence of events from the time the U.S. officially recognized Transitional National Council (TNC) on 15 July 2011 through the election of the Libyan General National Congress (GNC) on July 7, 2012. The GNC took over from the Transitional National Council, a political body born at the beginning of the revolt in mid-February 2011. This transitional government was in charge of running the country in the immediate aftermath of the demise of the Qaddafi regime; and in that capacity, it was able to enter into economic and diplomatic relations with the U.S. in an effort to build a new and democratic society free from oppression and tyranny. The council had the daunting task to keep the country united and safe. To carry out this mission it needed support from the very countries that helped it come to existence and topple the Qaddafi regime. Unfortunately, consistent with the fears voiced by Senator Lugar of Indiana, the U.S. did next to nothing to help the Libyans get back on their feet and watched from the sidelines how the country descended into extremism, sectarian violence and chaos.

This chapter is divided into three parts. The first part gives an overview of external and diplomatic activities of the transitional government. It appears that the only external support consisted of talks about the release and transfer of Libyan frozen assets and promises of building mutually beneficial economic relations when the dust would

settle. The second part presents the internal challenges that Libya faced in the immediate aftermath of the conflict. These included political rivalry and infighting, the emergence of extremism, militias and weapons proliferation, and the absence of basic political institutions; in short, all the ingredients required to create a fractured country. The third part argues that the U.S. missed a golden opportunity to help Libya reshape itself and invent a future of hope and prosperity.

U.S. Relations with the Libyan Opposition

U.S. Support Mission during the War

After handing over the control of operations to NATO, the U.S. role remained very limited. U.S. participation was now restricted to non-kinetic support to the NATO-led operation, including intelligence gathering, logistical support, and search and rescue operations. The U.S. also pursued its mission of suppressing and destroying air defenses in support of the no-fly zone. On April 23, 2011, President Obama ordered the use of drones for precision strikes against a limited set of clearly defined targets. The main task the Predator drones was to target Qaddafi's forces that had evaded NATO airstrikes by intermingling with civilian populations and operating out of unmarked vehicles. The deployment of these Predators was one of the "unique capabilities" that the U.S. could offer to fill in a gap in the military arsenals of NATO allies, who did not have similar attack drones (Obama 2011; Kirkpatrick and Shanker 2011).

On June 28, 2011, the Senate Foreign Relations Committee approved, 14 to 5, a resolution extending for one year U.S. military involvement in the NATO-led operation in Libya. One amendment included a provision stating that any war reconstruction costs

in Libya should be borne by the Libyan government and Arab League nations. But, contrary to several countries, including Britain, France and Qatar, which agreed to send arms, ammunition and other military supplies to the rebels in an effort to accelerate the development of their war-fighting capacity, the U.S. did not arm the rebels during the conflict. As General Carter Ham said, “it is only after the conflict was over that we gave some small arms. We call them ‘train and equip mission’ for small number of Libyan military forces. During the conflict, to my knowledge, U.S. African Command had no role in arming the rebels” (Arsu and Erlanger 2011; Steinhauer 2011; Interview with Carter Ham 2015).

Unfreezing the Assets

The U.S. officially recognized the Libyan National Transitional Council as the country’s legitimate government on July 15, 2011, four months after the beginning of military intervention. This recognition made it the legitimate recipient of the \$30 billion of Libyan assets frozen in the United States. The U.S. immediately started working with allies to unfreeze these assets in preparation for a post-Qaddafi Libya. Speaking in Vineyard Haven, Mass. on August 22, President Obama said: “Our diplomats will work with the T.N.C. as they ensure that the institutions of the Libyan state are protected.” He added, “we will support them with the assets of the Qaddafi regime that were frozen earlier this year.” The bulk of the \$30 billion of Libyan assets frozen in the United States was not liquid. A large portion was tied up in property and investment in public and private companies. These assets were therefore more difficult to turn into cash in a short time. Only \$3.5 billion was liquid and could be transferred to the Transitional National

Council, U.S. officials said. The money was needed for traditional public services, including paying for health care and electrical power (Arsu and Erlanger 2011; Wyatt 2011).

The United States subsequently had asked the 15 members of the Security Council for a special exception to return \$1.5 billion. The sanctions committee required the unanimous consent of the 15 members. The request met with strong opposition from South Africa, which eventually relented after the decision to delete explicit mention to the rebels' name. On August 26, 2011, the United Nations Security Council finally approved the request. That money was urgently needed to provide basic services and rebuild the infrastructure badly damaged in the fighting. "Qaddafi hasn't paid salaries in months," Jeffrey D. Feltman, an assistant secretary of state. "It would be a real boost for the T.N.C. to be able to do that" (Myers and Bilefsky 2011).

However, with so much uncertainty over the governance of Libya, none of the money was given directly to the rebels, but instead was given to international agencies, thus ensuring that it would go directly to humanitarian needs. One third of the money was used to pay international organizations like the United Nations High Commissioner for Refugees for past and future humanitarian assistance. Another third went from American accounts directly to companies that had been providing fuel for electricity in civilian areas under rebel control. And the last \$500 million went to a special fund in Qatar, controlled by a special committee in charge of managing money for basic services like health care, education or food. Mr. Feltman later insisted that much of the expenses would be paid for by Libya itself from the Qaddafi-era frozen assets and the resumption

of the country's oil production. "The overwhelming bulk of Libya's needs," he said, "are going to be paid for by the Libyans themselves" (Myers and Bilefsky 2011).

U.N. and U.S. recognition came after several NATO, Arab and African countries had done so. These countries held their first meeting in Doha, Qatar, on April 13, 2011. All the participants agreed to create a mechanism that would allow frozen assets belonging to Qaddafi and his family to be transferred to the rebels. "This is the money of the Libyans, not of Colonel Qaddafi," said Italian foreign minister Franco Frattini. He added that the money would be used for "humanitarian and daily needs." Belgium's foreign minister, Steven Vanackere cautioned against using the money to arm the rebels, reminding that the United Nations resolution authorizing military intervention in Libya "speaks of protecting civilians, not arming civilians." "We have to transfer the money to who is really the owner," German foreign minister said. "This money will reach the people of Libya." The meeting ended with a vague statement on how much financial aid would be given to the rebels. But they all agreed that money could come from frozen Libyan assets abroad. In addition, given its small number population and its huge oil reserve, the country was expected to finance its own reconstruction. By the beginning of September, Prime Minister Silvio Berlusconi of Italy had promised that his country would unfreeze roughly \$500 million. The United States had released \$1.5 billion. Britain freed \$1.6 billion, some of it in huge blocks of Libyan bank notes delivered in Libya by the Royal Air Force. France released an estimate of \$2.2 billion. Eni S.p.A., Italy's largest oil company and the biggest oil producer in Libya pledged to supply gasoline and

diesel fuel on an emergency basis and on credit, to be paid in crude oil when production would resume (Krauss and Nordland 2011; Erlanger 2011).

Lifting Economic Sanctions

The Transitional National Council was recognized by the U.N. two months after the U.S. on September 16, 2011, when the General Assembly voted, 114 to 17, with 15 abstaining, to consider the Libyan Transitional Council as the sole representative of the Libyan people. Some African and Latin American countries, especially Venezuela and South Africa, unsuccessfully tried to block the rebel government from taking Libya's seat, arguing that only a sitting government could have that privilege. The same day, the U.N. Security Council unanimously approved, 15-0, the decision to lift some economic sanctions, including the release of assets owned by Libyan National Oil Corporation and the state-run Zueitina Oil Company. Four banks, including the Central National Bank of Libya, were allowed to reopen and buy humanitarian aid, fuel and electricity, and to invest in the Libyan economy. The Security Council also created the United Nations Support Mission in Libya tasked with helping to write a new constitution, organizing elections, and giving advice on how to restore security and national reconciliation. With U.N. recognition the Libyan transitional government was now the legitimate recipient of assets belonging to the Qaddafi family (MacFarquhar 2011).

TNC Diplomatic Activities

In mid-August T.N.C. leaders met with American, European and other diplomats in Qatar to pave the way for the building of a democratic government. The goal of the meeting was to foster cohesion in the rebels' ranks and avoid a replay of the sectarian

strife that plagued Iraq after the U.S. invasion. U.S. officials and their allies agreed to cooperate for the drafting of “a transitional road map” that would create an interim governing body to fill the administrative vacuum left by 42 years of authoritarianism. The road map did not give specific dates or a precise timetable for the elections. It basically relied on the pledge by rebel leaders to have an open and inclusive government. The rebels also committed themselves to avoid revenge or the kind of “de-Baathification-style” purge that fueled the insurgency in Iraq. A similar meeting was held in Istanbul by the Libya Contact Group - an alliance of countries – to discuss how to help rebuild Libya's infrastructure. Fathi Baja, a member of the national transitional council, said that the nations gathered in Istanbul had pledged \$2.5 billion in aid in all (Kirkpatrick and Myers 2011; Erlanger 2011).

Libya's supporters met again in Paris. During that meeting, Secretary Clinton underlined U.S. commitment to build a new Libya based on reconciliation and transparency, with democratic rights for all citizens (including women) and free from extremism. “It is vital that Libya's transition proceed in a spirit of national reconciliation and justice, not retribution or reprisal,” she said. She also reiterated the view that Abdel Basset Ali al-Megrahi – the Libyan convicted for the 1988 Lockerbie bombing but released from a Scottish jail in 2009 on medical grounds – should be reimprisoned. During this meeting, Libyan transitional Prime Minister, Mr. Mahmoud Jibril and the Council's chairman, Mr. Mustafa Abdel-Jalil, asked for international aid and technical assistance. Both outlined a plan of action. The first thing, they said, was to elect an assembly of Libyans from all major cities, towns and regions. This assembly would in

turn elect a committee in charge of writing a new constitution and appointing a transitional government. The draft constitution would be adopted by referendum. Four months later, another round of elections overseen by United Nations observers would be organized to select a new parliament and a new government to replace the transitional one. The process was scheduled to last no more than 18 months (Kirkpatrick and Myers 2011; Erlanger 2011).

The United Nations Security Council unanimously voted to end authorization of foreign military intervention in Libya on October 31, 2011 even though Mr. Jalil, the leader of the interim Libyan government had requested an extension of NATO's operations through the end of the year. The fear was that vanquished loyalists might regroup outside Libya and create more trouble in the country. In fact, from his exile in neighboring Niger, Qaddafi's son, Saadi, had announced that he was organizing an insurgency and was ready to invade Libya. Libya's request was turned down by Anders Fogh Rasmussen, NATO's secretary general who, however, did not rule out the possibility of NATO's involvement in post-Qaddafi Libya. "If requested, we can assist the new Libyan government in the transformation to democracy, for instance with defense and security sector reform," he said. "But I wouldn't expect new tasks beyond that" (Gladstone 2011). With the end of U.N. authorization Libyan rebels had to battle alone their own demons at home.

Libya's Internal Challenges

Political Infighting

With the end of foreign intervention and the prospect of ending Qaddafi's long reign, the Libyan rebellion faced a real test: to build a government of unity and reconciliation or to stay divided by internal rivalries. T.N.C leaders tried the best they could to keep the country united. The council included representatives from across the country. They agreed to keep Libya's capital in Tripoli, in western Libya, not in Benghazi in the east. And there were positive signs of goodwill. For example, at the beginning of Ramadan, the chairman of the Council, Mustafa Abdel-Jalil, travelled to the western mountains to provide financial aid to needy families in that part of the country. But the daily management of the movement was questionable, with no figure emerging as the uncontested leader. Moreover, the common struggle against Qaddafi's 42-year rule did not mask latent divisions between east and west, political leaders and fractious militias, or liberals and Islamists. Negotiations over how to share power among factions from different regions were deadlocked. Like in Iraq, another key issue was how the country's oil wealth would be shared. All regional or local leaders claimed a greater share in proportion to their contribution to the war efforts. It became almost impossible to overcome regional disputes over the composition of the cabinet and the electoral calendar (Kirkpatrick and Fahim 2011).

Rebels from Misurata challenged the authority of Mahmoud Jibril, a former University of Pittsburg professor of political science who had served both as prime minister and foreign minister during the Qaddafi regime. They accused him of spending

little time in Libya in the Qaddafi years and almost no time during the uprising.

“Misurata, we will never accept Mahmoud Jibril,” Mr. Benrasali, a spokesman for the Misurata fighters said. “He is a source of tension, and not a unifying figure at all. He should do the honorable thing and just vanish,” he added. For the position of prime minister, Misurata was supporting Abdul Rahman al-Swehli, a British-trained engineer from a prominent local family. “The next prime minister has to be a Libyan – a Libyan who doesn’t have a second passport, a Libyan who has lived in Libya for the last 42 years,” Mr. Benrasali said. Mr. Jibril’s supporters argued that he had played an important role in building international support, which was crucial for the final triumph. Mr. Jibril himself responded to his critics saying, “if there were groups or people that do not see Mahmoud Jibril as fit or they don’t want him, that’s totally up to them... I’m not going to keep it a secret from you that they will do me a favor if their opinion was heard and I was relieved of this duty.” Mr. Jibril would be replaced as interim Prime Minister by Ali Abdussalam Tarhouni on October 23, 2011 (Kirkpatrick and Fahim 2011; Fahim and Gladstone 2011).

Fighters from the Nafusa Mountains also claimed more seats in the cabinet on the grounds that the city of Zintan had suffered a brutal siege from Qaddafi loyalists. They also claimed to deserve further credit for ousting Qaddafi’s forces from Tripoli. “Like Misurata, we are the ones who paid the highest price,” one council member from the mountains said. “So there is no question who is going to take the prime minister, the defense minister, the interior minister, the foreign minister, the justice minister – during this transitional phase, they should certainly go to the people who carried the revolution,”

he concluded. Westerners were also complaining that the leaders of Transitional National Council, based in the eastern city of Benghazi, did not give them enough support even after the T.N.C. was given access to the frozen assets of the Qaddafi's government. Since Mustafa Abdel Jalil, the Council's chairman was from Al Baida in the east, westerners expected more cabinet positions. In the meantime, residents of Benghazi boasted that they had started the revolution and had worked hard to supply weapons and money to rebels in Misurata and the Nafusa Mountains. "Benghazi carried the weight of the country through this difficult period," said Shamsiddin Abdul Molah, a spokesman for the council (Kirkpatrick and Myers 2011).

The council president, Mr. Jalil, rejected the idea that cabinet positions would not be allocated on the basis of the death toll or the contribution to war efforts. He acknowledged that towns like Zintan and Misurata had "priority in reconstruction" and deserved recognition by history, but "fighting and struggle is not the measure for representation in government," he said. "Membership in the Transitional National Council and the new government is a right guaranteed to all of us." He also made it clear that there would be as many seats for residents of Qaddafi strongholds as for the most rebellious cities. "We have two seats for Surt, same for Tobruk, regardless of Tobruk's early support for the revolution and Surt's delayed support," he said (Kirkpatrick and Fahim 2011).

Emergence of Islamism

One day before Qaddafi was killed, interim Prime Minister Mahmoud Jibril told Time magazine that he wanted to resign because of fierce political infighting among rebel

factions. “We have moved into a political struggle with no boundaries,” he said. “The political struggle requires finances, organization, arms and ideologies. I am afraid I don’t have any of this.” He regretted that the situation was changing “from a national struggle to chaos,” and was becoming the battlefield for “all the foreign powers, which have their own agendas towards Libya.” He was alluding to Qatar, which had been strongly backing Islamist militias. Qatar was indeed among the first Arab countries to condemn Qaddafi’s violence and to recognize the T.N.C. The country had helped the rebels sell oil on world markets, provided financial aid and weapons, and sent warplanes and special forces to help the rebels. But the council publicly accused Qatar of sending aid and arms directly to Islamist radical groups, against the will of the council. Ali al-Sallabi, a prominent Islamist cleric close to Tripoli Military Council leader Abdel Hakim Belhadj, openly criticized Jibril and called for his resignation (Karon 2011).

One of the most prominent movements in the post-Qaddafi era was the Libyan Islamic Fighting Group (LIFG), a Salafist offshoot of the Muslim Brotherhood, heavily funded by Qatar. The LIFG’s emir, Abd al-Hakim al-Khuwaildi al-Misri Belhadj, assumed power of the Tripoli Military Council late in August 2011. A Libyan opponent from the first hour, the emir remembered that Western intelligence officials had shipped him to Tripoli in 2004, knowing that he could be tortured or killed by Qaddafi. He accused the West of starting a war for oil interests. “We start to question the true intentions of the West in Libya. If they would have wanted to kill Muammar el-Qaddafi, they could have done it several times. I guess this is about making as much money with oil and weapons deals as possible,” he said. He was suspected to have masterminded the

July 28 assassination of TNC's top general, secularist-leaning Abdul Fatah Younes. TNC chairman Mustafa Abdul Jalil promised to investigate Gen. Younes' death, but no such investigation was conducted. Prior to assuming power as senior military official in Tripoli, LIFG's emir Belhadj had played a very limited role in the revolution. TNC officials had always tried to distance themselves from the LIFG, a movement previously affiliated with Al-Qaeda through a merger announced in November 2007 by AQ's present day chief Ayman al-Zawahiri and LIFG leader Abu-al-Layth al-Libi. In 2009, however, LIFG leaders issued a 400-page document distancing themselves from al-Qaeda and its violent jihadist methodologies. But the effectiveness of these renouncements of al-Qaeda's ideology and tactics had yet to be proven (Barnett 2011).

Militias and Weapons Proliferation

The fall of Tripoli came after rebel groups had closed ranks and had adopted a coherent strategy against Qaddafi's last stronghold. But after the capture of Tripoli rivalries began emerging again. For example, these tensions came on display with the capture of Hala Misrati – a prominent broadcaster from Libyan state television – and the assassination of Gen. Abdul Fatah Younes. After being spotted driving in the city, Hala Misrati was arrested and taken to a local office building for questioning. Another group of rebels tried to storm the office, but they were repelled when a rebel officer emerged from the interrogation room and fired in the air. Gen. Abdul Fatah Younes was killed apparently with the complicity of some council officials. Summoned to Benghazi on charges of betraying the rebels, he and his two aides were shot to death, out of revenge over his role in imprisoning and torturing members of Islamist groups in during the

Qaddafi regime in 1996. The killer was not identified but the assassination came after the serial killing of other low-level security officials by a militia group that had been roaming around Benghazi in search of them. After the killings the Transitional National Council unsuccessfully tried to organize these militias into a national army. But these efforts soon faltered as the leaders of these militias insisted on forming their own independent movement. Militia fighters had different loyalties and did not see themselves as a coherent army (Kirkpatrick and Myers 2011; Kirkpatrick and Fahim 2011)

This vacuum at the top made it difficult to unite the country and gain control over heavily armed militias. The scenario was familiar. After capturing a town from forces loyal to Qaddafi, rebel fighters would converge on abandoned caches and empty them. When rebel fighters found caches of weapons or arrested members of the Qaddafi regime, they did not turn them over to Libya's transitional government but hauled them back to their hometowns. For example, in late August when the rebels captured Tripoli, they stormed the base of the famous Khamis Brigade and looted a sizable quantity of heavy weapons. NATO tried to destroy some depots, but in many cases airstrikes did not do enough to destroy all the weapons (Schmitt and Fahim 2011).

Abdel Jalil acknowledged that the first challenge was gaining control over the thousands of men organized in dozens of independent militias. These men regarded themselves as heroes and did not want to give up their arms. Furthermore, they detained more than 5,000 people in custody, with no regard to Libya's laws or justice system. Human Rights Watch had documented serious abuses in these detention centers, including beatings and torture, as well as arbitrary arrests of dark-skinned Libyans and

African migrants suspected for fighting alongside Qaddafi's forces. In Sirte, for example, Human Rights Watch showed evidence of the execution by anti-Qaddafi forces of 53 people outside the Mahari Hotel, some with hands and feet tied. Amnesty International also produced a chilling 38-page report documenting Libyans who had died in militia custody after being beaten, suspended upside down and given electric shocks. The document denounced a wave of terror and widespread abuse by militia groups, whose members had imprisoned thousands of Libyans in makeshift jails only on suspicion of being Qaddafi supporters or having fought alongside the old regime forces during the revolt. In December 2011, the International Committee of the Red Cross reported the existence of about 8,500 prisoners held in in 60 detention facilities. In late January, Doctors Without Borders decided to close its clinic in Misurata after treating 14 victims who had been tortured in a nearby interrogation center. The doctors were shocked to learn militia fighters had refused to allow 13 prisoners to receive further medical treatment and had ordered them back to the interrogation center (Walt 2012; Whitson 2011).

A Failed Justice System

The interim government was widely criticized over the arrest and the death of Qaddafi, his son Mutassim and the former defense minister. They were killed while in the custody of rebel fighters who brutalized and executed them. Their bodies were publicly displayed as war trophies. The council's vice chairman and spokesman, Abdel Hafez Ghoga, promised to bring perpetrators to justice. "Whoever is responsible for that will be judged and given a fair trial," he said. But there was no indication that anyone had been

arrested. Rebel fighters from Misurata dismissed the idea that anyone should be prosecuted for killing the long time dictator. In several places, justice was carried out by ad hoc “judicial committees,” whose members told Amnesty International that they were forced to assume the task of prosecutors because the justice system was not working. This failed system raised an obvious concern about fairness in the trial of Libya’s most high-profile detainee, Qaddafi’s son Saif al-Islam who had been indicted for crimes against humanity by the International Criminal Court (ICC). Under the rules of the ICC, Libya needed a petition to try Saif inside Libya by proving that the country could guarantee him a fair trial. On January 23, 2012, Libya’s new Justice Minister, Ali Humaida Ashour, said that Libya had no intention of transferring him. “His trial would be held in Libya under Libyan law,” he said (Walt 2012; Gladstone 2011)

Qaddafi’s summary execution and Saif al-Islam’s arrest highlighted the need for a justice system that could deal fairly with past and present crimes. An effort was made to draft a Transitional Justice Law and an Amnesty Law. But there still were unjust laws, including heavy fines, prison sentences and even the death penalty for Libyans accused of insulting or offending state officials, or trying to form independent political parties or media. Freedom of speech and association was still restricted in the name of religion, sex, social class or political ideology. The Council needed to appoint independent judges and prosecutors who would fully and fairly investigate allegations of abuse during the conflict, both on the side of the rebels who fought to end the Qaddafi regime and the pro-Qaddafi forces. People held in custody would either be convicted on evidence of wrongdoing or released. The transitional government also had to set up an independent

commission in charge of finding missing persons on both sides of the conflict (Whitson 2011).

Other basic Libyan institutions, atrophied by decades of authoritarian regime, needed restoration. These included training programs, jobs, education, loans and compensation. Such initiatives would require substantial funds and, most importantly, foresight on the part of the new leaders, some of whom did not adhere to the idea of political freedom and equality for all, especially women's rights. Analysts were outraged by comments made by Abdel-Jalil, the chairman of the Transitional National Council himself. Making reference to Shariah law, he advocated for laws that would allow polygamy for men. Polygamy, he argued, would help war widows by allowing married men to take them as second wives. There are obviously better ways to help women; for example, by giving them appropriate training, jobs and loans to care for their families (Whitson 2011).

A Fractured Country

The death of Qaddafi on October 20, 2011, triggered a perilous struggle for power among rebel fighters whose agendas and goals remained very opaque. They had shared the same enemy and the mutual goal of removing him from power but the values for which they fought were not identical. Now that the common enemy was gone, many tribal and regional centers of powers emerged and the transitional government was pressured to exit the stage.

Libya's transitional government, mainly recognized by Western and Arab powers, had no established legitimacy among the Libyan people themselves. Since the beginning,

the Council's legitimacy as the voice of the Libyan people had been challenged by rebel fighters mostly organized on the basis of tribal, regional or Islamist loyalties. The most common criticism was that the group was too much dominated by former Qaddafi officials, and that it derived its authority from the West rather than from the local people. In response to this accusation, the Council members pledged not to take part in the coming elections. Militias emerged as powerful political forces in the aftermath of the conflict. Many of the most influential portfolios, including the Defense and Interior ministries, were awarded to representatives of powerful militias from Misurata and Zintan in the new government chaired by Mr. Abdurrahim Abdulhafiz El-Keib (Karon 2011).

Four months after the overthrow of the Qaddafi regime, the transitional government was still in confrontation with these armed militias. Heavily armed groups were still in control of strategic points including airports, harbors and oil installations, while tribes and smugglers were ruling desert areas south of Tripoli. A number of militias were asked by the acting government to leave the capital, but none of them complied with the demand. Skirmishes among them were very common and tensions emerged between militia commanders and members of the transitional government. In mid-December 2011, several clashes were reported between fighters from the Zintan militia and soldiers from the national army loyal to Gen. Khalifa Hifter. The transitional government watched powerlessly on the sidelines as these groups fought for political power. On several occasions government officials had drafted plans to disarm and integrate former fighters into a national security force. But, public distrust had prevented the implementation of

these initiatives. In February 2012, attempts by government forces to subdue Qaddafi loyalists in the town of Bani Walid ended in humiliation (Wehrey 2012; Shanker and Stack 2011).

Besides the challenge of disarming and incorporating militias into a national army, the transitional government had the daunting task of integrating and accommodating Qaddafi loyalists in the new order and preventing rebel forces from exacting revenge on them and carrying out acts of hostility that could in the long run fuel insurgency. In cities like Sirte and Bani Walid, pro-Qaddafi forces had fought to the bitter end. And, after the death of Qaddafi, some of his loyalists had crossed over to the side of the rebellion and were now trying to create political parties to compete in the coming election. The idea was to avoid the pitfall that followed the “de-Baathification” policy that sidelined tens of thousands of Sunnis in the post-Saddam order. The transitional government had set several deadlines for armed militias to give up their weapons and join the national army. But they gave no sign of disarming. “After the great wave of hysteria last year of mass detentions, there is now a more pernicious hunting down of people,” said Donatella Rovera, senior crisis-response adviser for Amnesty International who visited several detention facilities controlled by militia groups. She added that the council lacked both the willingness and the capabilities to control these groups. TNC officials were focused on trying to stabilize a ruined economy and prepare the country for elections, with further delay only worsening the situation (Walt 2012; Karon 2011).

As Libya was preparing to celebrate the first anniversary of the beginning of the revolution, the country was fractured, with tens of well-armed militia groups freely

operating across the country. Each region had formed an alliance to promote its regional interests. This was a revival of the country's long history of division from before its independence. Governed as three colonies by the Ottoman Empire, the three provinces remained strong and largely independent under the federal monarchy created by the United Nations in 1951. From the revolution's birthplace in Benghazi to Qaddafi's last citadels in Sirte and Bani Walid, residents in every part of every city in the country were complaining that they had been marginalized and deprived of their share of Libya's wealth during the Qaddafi regime. Even the regional redistribution of the parliament's 200 seats – 100 for the west around Tripoli, 60 for the less populous east around Benghazi and 40 for the southern desert region – did little to placate resentment. The initial plan was that the elected congress would appoint a 60-person body – 20 members from each region – to write the new constitution. Then, the plan changed. The Council announced that the 60-person constitutional panel would be elected. The role of the national congress mainly would be to appoint a new transitional government in charge of running the country for the next 18 months, until the adoption of the new constitution. This new concession to regional equality did not stop the violence (Walt 2012).

On February 13, 2011, leaders of about 100 militias from the western part of Libya met and declared the creation of a new federation. The leader of the new federation, Col. Mokhtar Fernana, accused the transitional government of integrating former Qaddafi loyalists in the new national army. "This committee is an attempt to hijack the revolution," he said. Another militia commander, Ibrahim al-Madani, said that his fighters would not give up their arms to a corrupt government. Three weeks later, on

March 6, 2012, militia and tribal chiefs from eastern Libya met in Benghazi to demand a return to the loose federation that existed before Col. Qaddafi took power. Three hundred people gathered in an old soap factory to announce the creation of an autonomous government. The Barqa State, as they called themselves, would have its own capital in Benghazi, its own legislature, budget, police and courts. But they said that the federal government would still be in charge of foreign policy, the national army and the oil industry. “We sent our sons and weapons to liberate the entire western area, so where is the division?” asked Dr. Ezza el-Hwaity, a speaker at the conference, alluding to the east’s role in leading the revolt. “Are our demands too high compared to the sacrifices we made?” he added (Associated Press 2012; Zway and Kirkpatrick 2012).

This declaration of autonomy came after the decision of the Transitional National Council to allocate 111 of the 200 seats to the most populous western region around Tripoli while the east would only have 60 seats. The transitional government powerlessly acquiesced to the creation of these autonomous regions by militia forces. In anticipation of demands of a complete partition of the country, the transitional government opened a debate about a decentralized system of government that would give citizens more voice in local matters without dismembering the country and jeopardizing national unity. The acting Prime Minister, Abdel Rahim el-Keeb, appeared on state television to reject the idea of federalism. “We do not need federalism because we are heading toward decentralization and we don’t want to go back 50 years,” he said. “It is up to the silent majority to protect the institutions of the state, to fight the chaos” (Zway and Kirkpatrick 2012).

Election Hopes Dashed Away

The prospect of general elections came in the midst of this chaos. After having been postponed from June 19, elections to select a new transitional body, the General National Congress (GNC) were held on 7 July 2012. Once elected, the General National Congress would appoint a Prime Minister and his cabinet. Initially, the GNC had the responsibility of appointing a Constituent Assembly to draw up a new constitution, but the National Transitional Council announced on 5 July that the Assembly would instead be directly elected at a later date (BBC News, July 7, 2102).

The official campaign lasted only two weeks. Debates were not about ideology or governing philosophy. As in Egypt and Tunisia, the political void left by Qaddafi gave the Islamists an advantage over other factions, which did not have an established political ideology to appeal to the masses. The majority of these rebel groups had no political vision and were often organized along tribal or regional affinities with no national basis. This played to the advantage of Islamist parties who saw Sharia law as the main source of legislation. Voter registration was high but most voters did not know the name of the candidates and admitted that they intended to vote for the candidate who belonged to their family or tribe. “We are racist and each will vote for his own tribe – and not only his own tribe, but the family within the tribe closest to his,” said Abdel Salem Ijfara, a member of the Warfalla tribe from Bani Walid, a city whose population had expelled a council member imposed by the revolution to elect a local one. The new strongman of the city was now Salem el Waher, a militant who had attempted a military coup against Qaddafi. He expressed dissatisfaction with the revolution, which, according to him, had

brought “catastrophe” and was now dominated by powerful militias who “don’t find it in their interests for democracy to work” (Kirkpatrick 2012).

Despite threats of a boycott, a majority of Libyans (61.58%) cast a ballot on election day. However, the elections were marred by violence, protests and death. On Friday, July 6, 2012, people protesting the election shut down three major oil facilities in eastern Libya, cutting off half the flow of Libya’s oil exports. There were also reports of demonstrators blocking the coastal road linking the country’s east and west, blocking almost all traffic. Protestors stormed election facilities in Benghazi, Ajdabiya and Tobruk, destroying computers and burning piles of ballots. Several United Nations officials reported that protesters had shot down a helicopter delivering ballots, killing one Libyan official. In Tripoli, a militia member threatened an international monitor with a knife while other officials were taken hostage by a brigade of fighters. In Bani Walid, the last bastion of Qaddafi’s loyalists, local militias prevented police officers from accessing voting stations. Instead of heralding a new era of peace and freedom, these elections plunged the country deeper into chaos (Kirkpatrick 2012).

Lost Opportunity for the U.S.

The U.S. had an opportunity to shape Libya’s civil-military relations and promote democracy, the rule of law, and economic development that would help stabilize the entire region of North Africa. There was a real opportunity for the U.S. to shape Libyan military future. Unlike Egypt, Libya had no strong generals who could obstruct a democratic transition. Haunted by the idea of military coups, Qaddafi entrusted little authority to senior military officials. His son, Khamis Qaddafi, a captain, was in charge

of the army's best-trained unit, the Khamis Brigade, which disintegrated during the civil war. The decision to release the many billions of frozen assets was a move in the right direction. But, unfortunately, there was not adequate understanding about the absence of institutions in Libya. For the past 42 years the country had essentially been a family-run business with all decisions made by a very small number of people within the Qaddafi family. There were no institutions: no national banking system, no health care system, no education, commerce, or political institutions. All collapsed when the Qaddafi family collapsed. Collectively, the international community was too slow to recognize this fact and was ineffective in helping the Libyan people to quickly establish themselves as a new nation (Wehrey 2012; Interview with General Carter Ham 2015).

Assessing the Responsibility to Rebuild Criteria

How many strategies were applied to help rebuild Libya in the aftermath of the civil war? Only 2 out of the 8 criteria are present. None of the military strategies were applied. Nothing was done to disarm armed groups or facilitate their transition into national forces or civil life. None of the political strategies were applied; there was no support in rebuilding Libyan political institutions, no pursuit and apprehension of indicted war criminals, no managing of refugees return. Furthermore, one of the "social and economic" strategies was absent. Only 2 factors were present.

Social and Economic Strategies

International post conflict advisers. Ahead of Secretary Clinton's visit, the State Department had announced that dozens of contractors would be sent to Libya to help the transitional government track down and destroy heavy and light weapons looted from

government arsenals. This mission was part of a \$30 million U.S. program to secure Libya's conventional weapons arsenal. Heavy weapons, including the SA-7 shoulder-fired anti-aircraft missiles, were sold in the black market and could easily fall into the hands of terrorist groups. Mr. Andrew Shapiro, the assistant Secretary of State for Political-military Affairs, estimated that as many as 20,000 shoulder-fired anti-aircraft missiles were unaccounted for since the fall of the Qaddafi regime. "In the wrong hands," he said, "these systems could pose a potential threat to civil aviation." According to David I. McKeeby, a state department spokesman, as of October 14, 2011, the 14 unarmed civilian contractors sent by the State Department had been able to secure only 20 of the government's 36 known ammunition depots. An additional two to three dozen contractors were scheduled to join Libya in the weeks to come (Schmitt and Fahim 2011).

On December 17, 2011, Defense Secretary Leon Panetta arrived in Libya to assess the challenges facing the post-Qaddafi government. "I have come here to pay tribute to the courage and determination of the Libyan people," Mr. Panetta said after a meeting with the new Prime Minister Abdel Rahim el-Keib. "They bravely came together. They rose up against an oppressive regime. They fought, and many died, to chart a better future for themselves and for their children." Panetta added that the goal of his visit was the building of a close partnership with the Libyan government, especially in the area of security. He said that the U.S. was ready to assist the new government in "bringing together all of the revolutionary forces that fought from west to east, securing weapons stockpiles, confronting terrorism, professionalizing the army and police, and

developing the institutions of a free and representative government”. The country’s growth also required a robust private sector, an independent justice system, civil society and a strong parliament. But security was the sine qua non condition for all these institutions to exist and take root. In addition to training and education, the Libyan military urgently needed nonlethal equipment such as basic communications systems, spare parts of vehicles, aircraft and ships, uniforms and protective gear for soldiers, and border control technology. The new army also needed military experts who could help in advising and strategic planning. Following Panetta’s pledge, the U.S. offered \$350,000 in aid for training and educating the Libyan military. Compared to Libya’s neighbors, this amount was ridiculous and hardly enough to begin the rebuilding Libya’s civil and military institutions (Wehrey 2012; Shanker and Stack 2011)

Other foreign countries involved in the conflict also failed Libya and did not perform satisfactorily in the aftermath of the military operation. When the Qaddafi regime fell, there were a sense of relief among the Libyan people and an overabundance of ill-informed euphoria in the international community. And, in fact, in the immediate aftermath of Qaddafi’s death, the signs were actually quite encouraging. It appeared, at least superficially, that Libya was on a positive trajectory. But that assessment neglected the underlying issues that caused fracture in the Libyan society as we see it today.

General Carter Ham himself confessed,

I put myself on the large part of the blame line here for not being sufficiently aggressive inside the U.S. government to take advantage of the opportunity that presented itself in the aftermath of the fall of the Qaddafi regime to help Libya reestablish itself and reinvent itself as a responsible member of the community of nations. (Ham 2015)

Economic Investment Increase

Secretary Clinton announced that the U.S. would provide an additional aid of \$11 million to the rebel forces. The largest part of U.S. aid – a total of \$135 million since the beginning of the uprising – had been used in the search for mobile anti-aircraft rockets to keep them from falling into terrorist hands. She urged the transitional government to avoid retaliation against Qaddafi's supporters and the perpetration of the kind of human rights abuses that had happened during the Qaddafi regime. She cautioned the rebel government against the situation in Iraq after the fall of Saddam Hussein in 2003. Clinton's visit was also meant to build diplomatic relations that could pay off in oil and other economic ties after the revolt (Calabresi 2011; Myers 2011).

Table 3. List of the Responsibility to Rebuild criteria.

Military strategies	
Disarmament	
Facilitating transition of armed groups, etc.	
Political strategies	
Support in rebuilding institutions, etc.	
Pursuit and apprehension of war criminals	
Managing refugee returns	
Social and economic strategies	
Sending of post conflict advisers, etc.	X
Economic investment increase	X
Support for social programs in favor of peace	

Visits, Meetings and Promises

U.S. direct involvement did not go beyond diplomatic visits, meetings, promises and rhetorical admonitions. On September 29, 2011, a delegation of four Republican senators, led by Senator John McCain of Arizona, visited Libya at a time when Qaddafi loyalists in the cities of Surt and Bani Walid had not yet been defeated. The delegation included Senators Lindsey Graham of South Carolina, Mark Steven Kirk of Illinois and Marco Rubio of Florida. The senators warned against the proliferation of independent militias and said that U.S. investors were ready to do business as soon as the country could be pacified and the last pockets of resistance routed. Senator McCain voiced a concern about the circulation of weapons and radical extremism. He also criticized the rebels' harsh treatment of African migrants and black Libyans during the conflict. "It's also important to bring this war to a dignified and irreversible conclusion, to bring Qaddafi and his family and his fighters to justice, while ensuring that past wrongs do not become a license for future crimes, especially against minorities," he said (Fahim and Gladstone September 30, 2011).

Secretary Clinton visited Libya two days before the death of Qaddafi. During her visit she raised a number of issues with transitional government chairman Abdel Jalil, including the creation of a new government, the proliferation of weapons, the prevention of violence against Qaddafi loyalists and the integration of different rebel militias into one army. "Now the hard part begins," Mrs. Clinton told Libya's interim primer minister Mahmoud Jibril. Mrs. Clinton promised medical equipment and treatment in the United States for some of the most gravely wounded fighters, educational and cultural exchanges

and a project with Oberlin College in Ohio to help preserve ancient ruins at Cyrene. She insisted that Libya needed expertise to rebuild its society and economy after forty years of dictatorship. She also urged the transitional government to create a unified opposition structure and get control of the light and chemical weapons stockpiles. Thousands of shoulder-launched missiles had gone missing and had found their way as far as Tunisia, Egypt, and Algeria (Calabresi 2011; Myers 2011). The U.S. did practically very little to help rebuild the country.

Conclusion

The aftermath of the conflict in Libya shows how an intervention to prevent and stop large scale massacres and crimes against humanity can evolve into a much more complex, and perhaps open-ended, situation of chaos. Only two out of the eight criteria to assess the impact of the Responsibility To Rebuild were met, namely economic investment and International Post Conflict Advisers. And these few strategies had the lowest score any intervening country could ever achieve. There is no evidence of U.S. involvement in military strategies to disarm and facilitate the transition of militias and armed groups into national army or civil life. Very little was done to support the security sector reform. The U.S. offered the ridiculous amount of \$350,000 for training and educating the Libyan military. At the political and legal level, next to nothing was done to support the electoral or the judicial system. Indicted war criminals were still on the loose. If the U.S. contributed to humanitarian relief at the height of the conflict, little evidence points to the fact that it was involved in managing refugee returns. Socially, apart from the handful of contractors whom the state Department sent to help track down

and destroy heavy and light weapons looted from government arsenals, there is no evidence that post-conflict advisers were sent or that U.S. economic investments increased in Libya. During her visit, Secretary Clinton announced a partnership between Libya and Oberlin College in Ohio to help preserve ancient ruins at Cyrene; this was a good initiative, but Libya needed more social programs in favor of sustainable peace.

CHAPTER 8

GENERAL CONCLUSION:

SUGGESTED DIRECTIONS FOR FURTHER RESEARCH AND POLICY

DEVELOPMENT

The central question of our puzzle was to understand the change in U.S. foreign policy toward genocide and mass atrocities in Africa, from Rwanda in 1994 to Libya in 2011. Many reasons have been given to explain the U.S. decision to intervene, including President Obama's political ideology, national security and oil interests, U.S. compliance with its obligation as a member of the U.N., and bureaucratic politics. All of these arguments, I have argued, are valid but remain incomplete and do not fully capture the real motivation behind the decision to intervene.

Those defending the President's political ideology argue that President Obama's decision to intervene was but another point on his neo-liberal institutional agenda. President Obama has always resisted doing it alone and has put forth the idea of leading a multilateral coalition but from behind. The fact that his decision came only after a call from the Arab League and the African Union, the commitment of NATO and the passing of UN Security Resolutions 1970 and 1973 could support this argument. But this argument remains incomplete because the U.S. was not interested in promoting democracy in Libya. After leading initial military operations the U.S. pulled out and

scaled down the size of its contribution limiting it to surveillance, refueling, communication, and occasional airstrikes.

Another line of argument contends that that the decision to intervene was driven by national security and oil interests. It is true that the U.S. and Libya had been enemy in the past. The history of this hostility peaked in 1986 when President Reagan ordered the bombing of three Libyan cities in retaliation to a Libya-sponsored terrorist attack in the Berlin La Belle Discotheque that killed and wounded U.S. servicemen. But the relationship between the two countries had normalized. Libya was removed from the list of states sponsoring terrorism and offered its full cooperation in the U.S. counterterrorism efforts. It is true that the U.S. still had a security interest in Libya but, as Defense Secretary Robert Gates argued, this interest was not so vital as to intervene in a third Muslim country within a decade. The oil argument does not have solid grounds since U.S. oil companies had little investments in Libya. In my interview with General Carter Ham, he told me that, as far as he could remember, the word “oil” was not pronounced even once.

Others have argued that the U.S. went to Libya to fulfill its obligation as a member of the United Nations. It is true that the commitment to intervene came only after the passing of U.N. Security Council Resolution 1973. But this argument is incomplete because the U.S. is not and has never been bound to implement U.N. decisions. On numerous occasions U.S. Congress has defended its independence vis-à-vis the U.N. and has affirmed its right to go it alone when U.S. interests are at stake. Moreover, the history of the decision making process has shown that Resolution 1973

was pushed by U.S. Ambassador Susan Rice after the decision to intervene had been taken in Washington. Resolution 1973 could therefore be considered as a dependent variable and not the other way round.

Others have argued that bureaucratic politics has the greatest explanatory power as to why the U.S. intervened in Libya. There were indeed two coalitions. The first one, including Vice President Joe Biden, National Security Advisor Thomas Donilon, White House Chief of Staff Daley, Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, Deputy National Security Advisor Denis McDonough, Chief counterterrorism advisor John Brennan, and Secretary of Defense Robert Gates, opposed any kind of military involvement arguing that what was happening in Libya was not a vital national interest of the United States. The other coalition, mostly comprised of the “dream team” of Genocide Prevention including Ambassador Susan Rice, Senior Director for Multilateral Affairs and Human Rights Samantha Power, and Secretary of State Hillary Clinton, advocated for strong action to protect civilians as Gaddafi was fighting to regain power. There is evidence that the latter tilted the balance in favor of military intervention. I argue that, though decisive, their role was only instrumental. R2P cannot speak for itself. They pushed for an argument and this argument was the Responsibility to Protect (R2P) the Libyan people against threats of genocide and large-scale massacre.

Since R2P is a norm, we posed that it could be best understood and applied within the theoretical framework of constructivism and its emphasis on the primacy of individual security and human rights over the state-centric paradigm of national and state security. The drafters of the U.N. Charter were mostly preoccupied with state security in

the postwar context. This understanding made it difficult to recognize the importance of individual rights in the field of international politics. Principles based on the respect of basic individual human rights are necessary in the conduct of global affairs. A state or a nation is made of individual citizens. This political entity becomes legitimate only with the consent – explicit or tacit – of its individual members. Therefore, state rights derive from the rights of the individuals that compose it. The state has no independent moral status, no independent interest on its own account.

The government is the free expression of individuals who freely decide to enter into association with one another. States do not have an intrinsic value to be defended and protected at all costs. Political sovereignty means that the primary source of authority is the people and the goal of the government is to be at the service of its own people rather than vice versa. It becomes difficult to claim sovereignty where social groups are exploited or excluded from the benefits that other members standardly enjoy. When a nation is subject to the oppressive rule of a dictator, it is impossible to view state actions or decisions as genuinely national acts. From this perspective, R2P marks a shift from national and sovereign impunity to international accountability. The primary responsibility to protect citizens lies with the state, but the international community acts if and only if the state in question is unable or unwilling to fulfill this responsibility, or becomes itself the perpetrator of human rights violations. It is on this theoretical basis that the U.S. joined the international community in its effort to fulfill this responsibility to protect the Libyan people against deadly assaults from their own government.

I have also put forward a series of theoretical hypotheses about constructivism; and each of them has been verified. The first one is that material capabilities do matter. But the extent to which they matter depends on ideas, and these ideas change over time. The historical background of the relations between the U.S. and Libya provided in chapter 4 shows a variation in policy behavior over time. At the peak of the conflict between the two countries, President Reagan ordered the bombing of three Libyan cities. The reason was the alleged Libyan involvement in the terrorist attack that killed many U.S. servicemen in Germany. In the early 2000s the U.S. had a much more powerful striking power, but the possibility of a raid was not imaginable because of the change of ideas about Qaddafi and the positive evolution of U.S.-Libya relations.

Constructivism also assumes that interests are defined according to how states understand themselves and their role in the international system. And this self-understanding also changes over time. There has indeed been an evolution in the understanding of who qualifies as human being and therefore deserves protection. In the past century, the protection of non-white or non-Christian peoples could not prompt the kind of frenzy that we saw in the wake of Qaddafi's threat against his own people. Today the concept of human rights encompasses all human beings regardless of religion, race, or geographic location. Moreover, the failure to halt the Rwandan genocide prompted the U.S. to redefine its role as anchor of freedom and human rights with the moral responsibility to protect innocent civilians and prevent genocide. This new self-understanding is partly what motivated the U.S. to intervene in Libya.

By focusing on human and individual security, constructivism challenges the state-centric paradigm that has dominated international relations since Westphalia. In fact, R2P has rearticulated and questioned the long-intangible principle of sovereignty. Now, human rights and R2P norms not only are important political principles to be upheld but also highlight the preponderance of individual rights over state interests. NATO's intervention in the Balkans was legitimate because it was meant to end human suffering, but it was illegal because it violated the long-standing principle of sovereignty. With R2P intervention for the sake of human protection is both legal and legitimate.

Constructivism brings together the logic of interest and the logic of appropriateness, utility and legitimacy. In Libya both logics played out. There was an interest, and intervention was the right thing to do. A massacre could have driven tens of thousands of refugees across Libya's borders and created a humanitarian catastrophe in the region. Failure to act could have endangered the fragile democratic transitions in Egypt and Tunisia, and could have comforted dictators in their belief that repression was the best strategy to cling to power. President Obama's decision to take military action to prevent further violence was the right policy because the alternative, acquiescence in the face of mass murder, would have stained the conscience of mankind.

To further assess the level to which constructivism and R2P influenced the decision to act, we made an historical review of the role that human rights norms had played in the formulation and implementation of U.S. foreign policy toward Africa in general and toward Libya in particular. Over the centuries U.S.-Africa relations have been a combination of national interests and humanitarian goals. But when there has been

a clash between national security objectives and normative goals, the choice has clearly been in favor of the former, with Darfur as the most blatant example. The U.S. was among the few countries to determine that genocide had occurred and was occurring in Darfur. But this determination did not lead to action. This case clearly showed how security interests were able to trump accusations of genocide.

As for Libya, the policy clearly followed the path of national and security interests. For decades Libya was used as a tool to promote economic and oil interests and to counter terrorism. The U.S. deliberately chose to look away when egregious human rights abuses were being inflicted on the people. This resulted in a focus mostly on leaders rather than people. For more than four decades, U.S. foreign policy was calibrated to respond to the erratic behavior of Qaddafi, in a stick-and-carrot approach. Most of the time, the history of U.S. relations with Libya under Qaddafi had been a history of hostility and strife. Libya was considered an enemy and put on the list of State Sponsors of Terrorism. The country was further accused of involvement in the bombing of the Pan American Airways Flight 103 bombing over Lockerbie. Libya was also suspected of producing weapons of mass destruction. But by the beginning of the 21st century, Qaddafi undertook a diplomatic campaign to shed his bad reputation. He took definitive steps to distance himself from terrorism by expelling Abu Nidal and closing all terrorist training camps in Libya. He strongly condemned the 9/11 attacks in New York and fully cooperated with the U.S. in fighting against terror. U.S.-Libya diplomatic relations resumed and were fully normalized after the compensation of the Lockerbie families' victims and the dismantling of Libya's program of weapons of mass destruction.

President Obama inherited a U.S.-Libya relationship relatively free of antagonism and longstanding constraints. And when the Arab Spring movement started, he felt the need to encourage governments to respond to the needs and rights of their citizens, and establish institutions that would take into account the will of the people by promoting transparency and accountability. This is the path he chose to follow in the Libyan civil war.

The empirical part of this research shows that the Responsibility to Protect (R2P) the Libyan people played an important role in the U.S. decision to act. The language of the deliberation was framed in R2P terms. Over and over again, the stated goal within both the U.S. government and the United Nations was the protection of the Libyan population against the threat of mass extermination at the hands of their own government. And this was not just a mere rhetorical device to address an important security issue. R2P was operative right from the early stages of the conflict. Recourse to military intervention came only as a last resort when all the preventive means had been exhausted. The initial U.S.-led operation achieved its goals of stopping Qaddafi's forces from recapturing Benghazi and preventing a potential genocide. But a few days into the operations, there was a shift of language towards regime change. This was compounded by NATO's illegal expansion of UNSCR 1973 on the battlefield. This blurred the full implementation of the Responsibility to Rebuild, the third aspect of R2P.

Immediately after a chartered ferry evacuated the last remaining U.S. citizens from Libyan shores, President Obama condemned in the strongest terms the deteriorating situation in Libya, calling the suffering and bloodshed of the Libyan people "outrageous"

and “unacceptable.” He also threatened Qaddafi with “accountability.” To prevent bloodshed and violence from further spreading, and in a bid to deter and dissuade Qaddafi from continuing his violent suppression of peaceful protests, the Obama administration took a series of steps required by R2P to prevent further violence. Eleven out of the thirteen measures used to assess the presence of R2P were applied, including preventive diplomacy, threat of political sanctions, withdrawal of diplomatic recognition, expulsion from international organizations, public condemnation in international forums (naming and shaming), travel bans for influential individuals, threat of international prosecution, asset freezes, targeted calibrated economic sanctions, preventive military deployment, and arms embargo. Qaddafi heeded none of these measures and even redoubled his crackdown on peaceful protestors.

On numerous occasions President Obama had called on Qaddafi to leave power and even threatened to use force to achieve that goal. This was a clear signal that the U.S. would not stand idle while Qaddafi was slaughtering innocent civilians. The debate leading to this decision was triggered by the military assessment given by Director of National Intelligence James R. Clapper, who told the members of the Senate Armed Services Committee that the situation on the ground gave advantage to forces loyal to Qaddafi, and that the latter would prevail in the long run. President Obama’s decision to intervene came after a two-hour meeting at the White House. His decision to act was prompted by the quickly deteriorating situation on the ground, the call by the Arab League and the African Union and, most decisively, internal pressure from the “dream team” of genocide prevention – Samantha Power, Susan Rice, and Hillary Clinton. U.N.

Ambassador Susan Rice and National Security Council aide Samantha Power insisted that the U.S. had the responsibility to protect civilians and to prevent another massacre. Up until Clapper's assessment, Mrs. Clinton was skeptical of the need for military intervention. But the sweeping victory of the Libyan forces and the imminence of an attack on Benghazi convinced her otherwise. She joined the league of top aides that were trying to convince the President to use force.

Samantha Power is an avid R2P advocate; her book on the issue, *A Problem from Hell*, so affected Obama that he invited her to join his Senate staff as a foreign policy fellow. She also briefly served in his campaign's foreign policy brain trust (Moran 2011). She was the first to suggest military intervention to prevent humanitarian atrocities in Libya. Susan Rice, after being a member of Bill Clinton's national security team when it failed to stop the Rwandan genocide in 1994, strongly endorsed R2P in 2009. She later expressed regret for not doing enough to prevent the Rwandan genocide (Boteach 2012; Rice 2009). During her first presidential campaign, Hillary Clinton, promised to implement R2P and "adopt a policy that recognizes the prevention of mass atrocities as an important national security interest of the United States, not just a humanitarian goal" (Clinton 2008). The three women were joined by Senator John Kerry, who said that "the memory of Rwanda, alongside Iraq in '91, made it clear" that the U.S. had to act in conjunction with the international community. Senator Joseph Lieberman, a Connecticut independent, and Senator John McCain, Republican of Arizona, also supported intervention in Libya. But the final push came from the "dream team" including Clinton, Power, and Rice.

At the outset, the goal of the military intervention was clear: the protection of civilians and the implementation of U.N. Security Council Resolution 1973. President Obama himself reaffirmed that the U.S. would “not go beyond a well-defined goal – specifically, the protection of civilians in Libya.” Eight out of the ten criteria to assess the presence of R2P were applied, including diplomatic peacemaking, effective force on the ground, bombing campaigns, no-fly zones, arms embargo patrols, jamming of radio frequencies, peacekeeping for civilian protection, and arrest and proper punishment. The international mandate allowed allies to take all necessary means to protect the people of Libya against the forces loyal to Qaddafi. Resolution 1973 not only allowed the establishment of a no-fly zone, but also went even further by authorizing what military experts called a “no-drive zone.” In other words, the resolution allowed the bombing of Qaddafi’s tanks and artillery on the move towards Benghazi.

Table 4. Synopsis table.

THE RESPONSIBILITY TO PREVENT	
Political and diplomatic strategies	
Preventive diplomacy	X
Threat of political sanctions	X
Diplomatic recognition of withdrawal thereof	X
Expulsion from international organizations	X
Public condemning (naming and shaming)	X
Travel bans for influential individuals	X
Threat of international prosecution	X
Economic and social strategies	
Development assistance	
Asset freeze/economic sanctions	X
Legal strategies	
Facilitation of avenues for disputes resolution	X
Security strategies	
Gunboat diplomacy	X
Threats of arms embargo	X

THE RESPONSIBILITY TO REACT	
Political and diplomatic strategies	
Diplomatic peacemaking	X
Political sanctions and incentives	
Economic and legal strategies	
End of economic cooperation	
Arrest/trial/conviction in competent courts	X
Military strategies	
Effective force on the ground	X
Bombing campaign	X
No-fly zones/safe havens	X
Arms embargoes patrolling	X
Jamming of radio frequencies	X
Peacekeeping for civilian protection	X
THE RESPONSIBILITY TO REBUILD	
Military strategies	
Disarmament	
Facilitating transition of armed groups, etc.	
Political strategies	
Support in rebuilding institutions, etc.	
Pursuit and apprehension of war criminals	
Managing refugee returns	

Social and economic strategies	
Sending of post conflict advisers, etc.	X
Economic investment increase	X
Support for social programs in favor of peace	

But as the events unfolded, there was a shift in language about the goal of the mission. U.S. officials now attempted to differentiate military from political goals. The political goal was to see Qaddafi step down, and the military mission evolved to match the political goal. But in the U.S. administration, nothing was said about the aftermath of the conflict; no commitment was taken to participate in the post-conflict reconstruction. The situation became even worse when NATO took over. The military mission changed from protecting civilians to “degrading the military capacities of Libyan forces so that the Libyan people could take charge of their destiny.” It became about regime change, about helping the Libyan people to overthrow the Qaddafi regime. Reasons for pursuing a regime change now included the fear of a democratic setback and destabilization of the region, Qaddafi’s history of hostility against America, his past record as sponsor of international terrorism, and U.S. solidarity with NATO.

This loss of focus and the lack of political will for post-conflict resolution blurred the implementation of the Responsibility to Rebuild, the third aspect of R2P. Only two out of the eight strategies used to assess the Responsibility to Rebuild was applied. The eight-month long civil war in Libya left a fractured country plagued by political rivalry, tribal infighting, violent extremism, militias and weapons proliferation, etc. The country

lacked basic political institutions, had no banking system, no health care system, no education, no commerce, etc. The U.S. had the opportunity to help Libya build a future of peace and freedom, for, unlike Egypt, Libya had no strong generals who could obstruct a democratic transition and stabilize the entire region of North Africa. The decision to release the many billions of frozen assets and the promise to resume economic relations were a move in the right direction, but this was barely enough to start the rebuilding of the country. This did not substitute for the lack of political will and the poor understanding about the absence of institutions in a country that had been a family-run business for the past 42 years. This lack of understanding, coupled with the confusion between political and military goals, precipitated the country into an open-ended situation of chaos and desolation. NATO's intervention achieved the exact opposite of what it was meant to do. It worsened the security situation in the country; destabilized the region; and gave rise to civil war, displacement, humanitarian disaster, and safe havens for radical Islamist and terrorist groups, both in Libya and in neighboring countries such as Mali, Niger, and Algeria.

After the capture and death of Qaddafi, the intervention was praised as a model of humanitarian success for having averted genocide and crimes against humanity in Benghazi, Libya's second largest city. U.N. Secretary General Ban Ki-Moon said, "By now it should be clear to all that the Responsibility to Protect has arrived" (Ban Ki-Moon 2011). The chair of ICISS, Gareth Evans, triumphantly declared that it was "a textbook case of the R2P norm working exactly as it was supposed to" (Evans 2011). I don't think it was.

Operation Odyssey Dawn, the initial U.S. military operation, was a success because it meets most of the criteria set forth by the Responsibility to Prevent and the Responsibility to React. This is in line with General Carter Ham's assessment of the military goal:

It was about protecting civilians, and I think that is the major change in U.S. foreign policy: that we would use a fairly sizable force for the exclusive purpose of protecting civilians. I think, perhaps, this is the first time we have really ever done that. (Interview with Carter Ham 2015)

If the first two aspects of R2P could be hailed as a success, the Responsibility to Rebuild could be read as a textbook case of utter and lamentable failure. The military intervention was born out of a desire to protect civilians, consistent with U.N. Security Council Resolution 1973; but a few days into the operation, and with NATO taking over the control of operations, the goal and the practical nature of the mission changed. It became about overthrowing the Qaddafi regime, sometimes regardless of civilian casualties.

This confusion of goals is evident in an article penned by the U.S. Permanent Representative to NATO, Ivo Daalder, and NATO's Supreme Allied Commander Europe, James Stavridis, in the March/April 2012 issue of *Foreign Affairs*. The introduction reads:

NATO'S operation in Libya has rightly been hailed as a model intervention. The alliance responded rapidly to a deteriorating situation that threatened hundreds of thousands of civilians rebelling against an oppressive regime. It succeeded in protecting those civilians and, ultimately, in providing the time and space necessary for local forces to overthrow Muammar al-Qaddafi. (Daalder and Stavridis 2012, 2)

This article amalgamates R2P and overthrowing the president of a sovereign country. A confusion of this kind can lead to deadly consequences. This is what we see in Libya today.

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VITA

Paul Abomo is a Jesuit Priest from Cameroon. He joined the Society of Jesus (The Jesuits) in 1997 after graduating with a Bachelor Degree in Philosophy from the University of Yaoundé 1. After his spiritual training in the Jesuit Novitiate he completed a Master's Degree in Philosophy at the Jesuit Faculty of Philosophy in Kinshasa in 2001. Fr. Paul was then missioned to teach philosophy at the National Seminary of Chad, in N'Djamena, Chad. From 2003 to 2006, he completed a Bachelor in Theology at Hekima College, the Jesuit School of Theology in Nairobi, Kenya. In 2008, he earned a Master's Degree in Theology from Boston College. Fr. Paul earned his Master's in Political Science from Loyola University Chicago in 2011 and has just graduated with a Ph.D. in Political Science from the same University.