

Chapter I: Introduction

1.1 Background

The Arab Spring, the long foreseen chain of event that was so paradoxical yet inevitable has come in a full blown bombardment of dramatic historical event in 2011. Opportunities to end strict long-term authoritarian regimes were everywhere and people were quick to follow the democratic reform trends. It all started from the success of Tunisian Jasmine Revolution in December 2010 that ended the 23 years ruling of Ben Ali, giving hope for people of its neighbour (Silander, 2013). Though the event is without direct victim, many pro-democratic protesters set themselves on fire and in some instances, peaceful protesters are met with gunshot instead of peaceful dialogue. The whole world was baffled, surprised by the turn of events that no one is able to say unexpected, yet it takes everyone by surprise.

By the time the protest in Benghazi, Libya erupted, Arab Spring was already at its peak, going on full swing due to the success of Tunisian and Egyptian Revolution. The question was not *what* will happen next; instead, it's the question of *where* would it happen next. The answer is Libya, a country that had been subjected under the strict ruling hand of Muammar Gathafi. While each and every revolution had been unique and different in its own rights, Libya revolution has something that its neighbouring state did not get to experience: intervention. Libya rightfully becomes the first country to ever be intervened by external parties

within the prospect of Responsibility to Protect (Dabashi, 2012).

The difference between the protest in Libya and the other is made by the fact that Tunisian and Egyptian uprisings have been peaceful to an extent. Gathafi's regime has somewhat prepared themselves, thus choosing the path less noble than others. As domestic violence escalated, the urgency coming from the international community to put these atrocities to an end also increased. There was seemingly no other choice than to intervene and the only way for the international community to righteously do so is by alluding to the international norm of Responsibility to Protect (R2P). There are discourses alluding and questioning whether if the R2P intervention done towards Libya is a success or a failure. This research, however, focuses more on the result of said intervention. The goal for the intervention is mainly to protect civilians, but along the way protecting civilians also equate to bringing down Gathafi, thus ending the regime. The concern is that R2P was designed to protect humans and humanity while essentially not breaching the state's sovereignty and thus the norm does not include a democratic-building programme. Libya arguably is in chaos after the intervention (Kuperman, 2013).

The spirit of democracy and the social revolution of Arab Spring soon spreads to Libya as civilians began with a mass demonstration in February 2011, threatening the reign of Colonel Muammar Al Gathafi (or Gaddafi or Qaddafi as other versions might serve), the seemingly controversial long-standing Prime Minister at the time. Muammar Gathafi, whom also enjoyed long standing governance of Libya, expressed his regret and that there was no one better for Tunisia other than Ben Ali (Dunner & Gifkins, 2011). The 42 year-long regime of

Gathafi was often coloured red with strict limitation of political rights, lack of civilian liberties, and use of terror and violence against opposition, even the violation of human rights itself. Popular demonstrations that escalated to civil war were started by the capture and imprisonment of Fethi Tarbel, a popular human rights activist (Silander, 2013).

Demonstrations were spread nationwide, commemorating historical wounded memories of Libyans being massacred and protesting the broken governmental system of Libya. Ironically, the protestors were met with violence as security forces opened fire with live ammunition. Authorities also openly released a threatening statement, declaring that bullets would be used to fight every last man and woman. Gathafi himself also said that he would purge the land and called the protestors “rats” that are manipulated by foreigners. Not wanting to stand down, demonstrators and protestors have started to play the offensive game and thus managed to take control of Tobruk, Benghazi, Misrata and Zuwarah by the end of February. Yet violence did not end there and none of the sides, civilians or government, had come out as a ‘winner’ (Abomo, 2019).

By February 22nd 2011, The League of Arab States (LAS) acknowledged the uprising and the unnecessary use of force done by the Libyan government and thus suspended Libya from the organization (Dunner & Gifkins, 2011). The United Nations Human Rights Council acted in haste and declared a) condemning the armed attack that was done to the civilians on February 25th 2011. The resolution also urged the government of Libya to pay its end of the deal, and reminded the authority of their responsibility to protect their own population. An argument broke as a Libya representative claimed that they used minimal forces

and was compelled to use so because protestors were begrudgingly offensive (Abomo, 2019).

The United Nation Security Council followed through and declared Resolution 1970 on February 26th 2011, officially involving the strong notion of Responsibility to Protect and emphasizing on the violation of human rights and international law done by the Libyan authorities to the Prosecutor of the International Criminal Court (ICC) (Stuenkel & Vargas, 2015). The resolution specifically demanded Gathafi forces to lay off their aggression upon the civilian. It also banned the 16 members of the Gathafi regime from travelling, froze all the international financial assets of the key members with the addition of imposing arms embargo over Libya. It is almost to no surprise that the Gathafi regime ignored the demand, and instead started a constant military attack against the cities of Brega and Aibiya (Silander, 2013).

A swift decision was once again made when the United Nations Security Council passed on Resolution 1973 on March 17th 2011. The UNSC declared that it is urgent to use force against a dysfunctional state in the spirit of R2P. With resolution 1973, NATO members are justified to use 'all necessary' means to protect the population of Libya from the threat of their own government (Stuenkel & Vargas, 2015). One of the most emphasized factors of Resolution 1973 is the promulgation of the no-fly zone. This zone was strongly supported and promoted by the African Union, the League of Arab States, the Gulf Cooperation Council, and the Organization of the Islamic Council within the reason of condemnation of Gathafi's air forces that sent out sustained aggression toward the citizens of Libya via air strike (Morris, 2013). The promulgation of no-fly zone was not only seen

as a way to stop aggression coming from Gathafi's forces, but it was also seemingly done to avoid inevitable air bombing like what happened in Kosovo. The Resolution also forced the regime to cease fire and create an asylum for the civilians. While the Resolution authorized the Security Council members to use all necessary means, the war itself paused upon the deployment of ground troops on Libya (Silander, 2013).

Libya is proved to be the textbook example of a successful intervention under the Responsibility to Protect notion. The success even so, comes from the fact that the intervention had successfully protected the people of Libya and ended Gathafi's regime. It is to be noted, however, that regime-change is not included within the R2P and thus create more debate. The help that came to Libya is imminently controversial, as coercive means under pillar three of R2P keeps on being repeated in justification of using force. Pillar III of R2P being the urgency of timely and decisive response, going in accordance with Pillar I of each individual states to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity and Pillar II leads on to international assistance and capacity-building if a state fails to uphold its Pillar I responsibility. The debate on implementing R2P in Libya is more political than it is in its previous attempts through the African continent (Kenya and Ivory Coast) and bringing up questions of *whether* it is necessary to use force and not questions of *if*. True, the Resolution 1970 votes were unanimous, yet there are unwilling parties such as BRICS countries (Brazil, Russia, India, China, and South Africa) that were still unsure that Resolution 1973 is the only solution to ending people-massacre in Libya. Victory might come but NATO has ignored several direct

restrictions, such as targeting Gathafi, and argued that if they had followed the restriction the civil war might last longer. Furthermore, the ending of the civil war is rather anticlimactic. There is yet a proper regime to control Libya and the nation itself has yet to thrive despite the fall of Gathafi (Thakur, 2013).

It is to be argued, however, that the attempt in intervening Libya is an extension to democratization attempt. Like previously mentioned, R2P cannot be held accountable or even responsible to help a state to change their regime, thus even though it is urgent to protect civilians there shall be consideration if it is possible to do it any other way. The use of Resolution 1973 had proven that R2P was once again used to justify coercive means, while the norms of R2P were created to essentially avoid forces. The creation of the National Transitional Council proves that there is an attempt of institutionalization in Libya; however the forced acknowledgement of NTC has created a power vacuum within the country instead. If in any case the external actor had not intervened and that the opposition had accepted Gathafi's offer to have a dialogue, there might not be a power vacuum and a smoother transitioning between the regimes. Both external actor and the NTC did not realize that even though Gathafi regime has ended, it did not translate to the end of Libya's dysfunctional political system (Gaub, 2014). In fact the lack of connection with the people has proven that Libya has fallen into the Neo-Liberal external intervention scheme, of where they have lose connection with the will of the people and submit to the wish of the external actor.

1.2 Research Question

The puzzle between Libya and Responsibility to Protect is not within what happened during the intervention, but what happened *after* the intervention. R2P might uphold the fact that a state's sovereignty has to be respected and that it is essentially created to protect humans against genocide, war crimes, ethnic cleansing and crimes against humanity, but it is never really designed what happens after they prevent or stopped such things from happening. The intervention done in Libya, while it successfully protected the civilians from Gathafi's violent massacre and civil war, does not differ from the fact that it put a stop to Gathafi's regime. The aftermath of R2P is more alluding Libya to a chaotic situation than it is to a successful resolution. Therefore, the research question that comes from the background is, "Why was the R2P intervention militarily successful in ending the regime of Gathafi but was unable to rebuild Libya's political situation after the fall of Gathafi's regime?"

1.3 Literature Review

To better understand and contribute to this research, it is best for the author to review some of the related literatures in other cases that are similar to the case that the author focuses on. The author will review literatures within the topic on how intervention was often done and last in undemocratic and/or chaotic countries. To simplify, the author will then categorize this review into three categories: the first category is of states intervened within political reasons and justification, the second being states that are intervened within the reason of human rights, the third category would be of other R2P cases that have had

happened in the past.

1.3.1 Political-Driven Intervention

Caroline Hughes and Vanessa Pupa vac in their Framing Post-conflict Societies: international pathologisation of Cambodia and the Post-Yugoslav states might in a glance differ from what is expected to be reviewed within the research that is heavily political and security-esque, however the author must argue that Hughes and Pupa vac serves a whole new relatable view within the topic that makes their journal important to be reviewed. Notably, they manage to give an understanding on how framing a state in such a way can definitely change the decision of whether if said state needs to be intervened (in military sense). Their paper showed how military intervention done by states will inherently always be political; states will use excuses as menial as pathological reasons to essentially get the political course that they so wanted (Hughes & Pupavac, 2005). This pattern can be seen especially in Cambodia and Post-Yugoslav states as the two had researched. They conclude that while some reasons might be noble, a state would use all means and reasons to be able to adjust other state's politics and find all kind of justification to then intervene.

Lee Jones brought out a much argued and looked upon paradox that happens within the South East Asia region the past decade in their ASEAN intervention in Cambodia: from Cold War to conditionality journal paper. The article essentially discussed how ASEAN member-states, especially Vietnam, had repeatedly intervened Cambodia within political reasons while simultaneously adhering to the norm of non-intervention. Jones argued that while ASEAN

meddled with Cambodia's political status was before they became an ASEAN member hence the non-intervention norm was somewhat 'inapplicable', it does not escape the fact that the member-states were also essentially readying Cambodia into ASEAN (Jones, 2007). The intervention can also be argued to defend the region's economic and political stability. However, Jones made an indication that such defence does not seem sufficient but understood that this might be the ASEAN way to stop external actors from coming to their region and intervene instead.

Martha Finnemore in *Constructing Norms of Humanitarian Intervention* showed a closer look over the correlation of international norm in the sphere of humanitarian intervention, something that is similar on the author's attempt in seeing R2P as a norm and R2P intervention in Libya. Finnemore question the motive of state's intervention onto another country. They argued that it is almost impossible to understand the pattern of intervention from normative context as it is ever changing. They further argued that international normative fabric is too institutionalized to actually benefit and impact the recipient. The justification of intervention by using norms barely hold enough legitimacy and importance for a state to intervene another (Finnemore, 2002). Finnemore's essay gives us the insight on how intervention is often 'selfish' and that international norms barely hold any accountability in the justification of intervention. Norms instead becomes an indulgent to the world, something that can be used in order to be relatable and pleasant in the eyes of the international community. It is important for norms to be further understood in order to purely understand the role of the norm within the intervention.

Mahdavi sees the norm of R2P as a paradox that is in a way unbecoming for the Middle East states involved in it. By involved it means that these states are the 'victim' of the intervention pretext. He described the R2P attempt done toward middle-eastern countries as a renewal of imperialism. There is an unequal power relation between intervened and intervening states and it has created a structural constraint. He also critiques the structure of the UNSC and that while the norm of R2P seems to include the 'international community', it is also limited to the power of the UNSC members (Mahdavi, 2015). Mahdavi served a whole other new view toward seeing the implication of R2P upon post-colonialized states, his paper only inclusive to states in the Middle East including Libya, but not laser-focused on the country.

Peter Finkenbusch in *Expansive Intervention as Neo-Institutional Learning: Root Causes in the Merida Initiative* explained in a very lucid way of how intervention is seen as an expansion of liberal market democracy through a case study of Merida Initiative, a US-Mexican security cooperation agreement. They explain on how the initiative started off as a response to Mexico government's request of security assistance to address the deeper cause of criminality in the country, but ending up with a consensus agreement that the problem within the criminality is beyond that. This intervention, although asked for, has become a somewhat promotion of the Western being a good civil that shall restrain the bad variant. These senses of initiative has created a neo-liberal way of intervening a state, not one that is gun out and show off but one that is veiled by the need to response to the cry of help; by the end of the day, the Initiative is not an extension of help but an extension of policy from the US. Even

in attempting to inject itself and understand the complexity and root of the problem, there is a need to understand that the targets of these policymakers might not be realistic. In fact, the more they learn, the less they knew and the less they knew, everything they do is reductionized, generalized, and they become less attentive too (Finkenbusch, 2016).

As a journalist, Elrich has some very interesting insight and analysis that might be different from scholars or formal researcher. Elrich is basically sceptical of outsiders' (especially the US and Russia) intention in intervening the Syria Civil War and in his last chapter he explains why. Unlike other Middle Eastern states the American has intervened, Syria is not very rich of oil; it is, however, the best location of all has. Whoever holds power in Syria will have significant, long-term impact on the region. Syria borders Turkey, Iraq, Lebanon, Israel and Jordan. Syria is also the perfect location to build a new natural-gas pipeline. While it is true that Assad regime's is extremely evil in a way that they would leave their own people to starve to death, we have to understand that there is no humanitarian intervention without regime installation. Elrich does not want the world to make the same mistake as they did in Libya and hence, he strongly opposed all outside interference in Syria. He insists that all military supports are to be ceased and it proved to be less helpful. Instead, he would love to see the United States and Russia play in a positive role to reach a diplomatic solution. Syrians do not need guns; they need stability and assurance that their state would not be another playground for the West (Elrich, 2014). Elrich's research as a journalist shows us a different side of view in which even if an intervention and external means can be theoretically possible or correct, it does not always end up empirically correct. He

shows that most external force importance is beyond sovereignty and making a state better but sometimes they are purely political and economic and risked the intended country into a position of chaos.

1.3.2 Human Rights-Driven Intervention

Mary B. Anderson in chapter “You Save My Life Today, But for What Tomorrow?” *Some Moral Dilemmas of Humanitarian Aid* in Jonathan Moore’s *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, focuses on what the author also seek to understand, what happens to a state after an intervention had been deemed ‘successful’ or ‘mission completed’. Anderson’s chapter might focus itself on dilemma or morality, yet they manage to elucidate how interventions, military or not, tend to end with confusion instead of clarity. Humanitarian aid and assistance are often losing its noble goal as it perpetually put the citizen of intervened state into the role of victims, it also often put these ‘victims’ into a dependent position. They show example on certain cases where humanitarian aid has somewhat successfully lead the ‘victims’ to rebuild their place yet there are instances where aid instead prepare civilians to come back into battle (Anderson, 1999). Their research give us a newfound understanding on how intervention can help a group of people to live the day but not the future; there are a lot of inequalities, misunderstandings and improper framing that put the recipient of the aid into a situation that might even be worse than before. The most charging thing that can be concluded from Anderson’s research is that humanitarian intervention, whether if it is in military form or in aid form is often

antagonizing.

Samuel James Wyatt (2019) in his book *The Responsibility to Protect and a Cosmopolitan Approach to Human Protection* sees the R2P norm as both a potential approach that is imperfect but full of potential, and a norm that can lead to failure. In his book, he wholly focuses the nexus between R2P and Cosmopolitan Human Protection and sees that R2P has proven to be a platform toward the cosmopolitan human protection, in a sense that he is rather optimistic that R2P norm in the future will be applicable in all sense of atrocities toward humans (Wyatt, 2009). He however sees that there are certain problem within the decision making process when it comes to applying R2P and he sees that certain states might try to monopolize the mission. He further acknowledges that there are troubles within contextualizing the R2P across the international community and the complexity of the norm serves as handicap in the evolution of R2P. The lack of inclusivity or at least willingness to include certain issues within the international community has to be first addressed.

Andreas Kreig sees R2P as a new form of ethical norm. The principle has successfully pushed itself as the new moral standard and dissolves the bad aftertaste from previous intervention. However, he further argued that the R2P implications remain uncertain. The attempt made by the creators of R2P to disassociate the norm from the bad name of humanitarian intervention, it still falls under the same premise that is 'right to intervene'. Furthermore the use of word 'responsibility' serve as a loophole when used in legal terms, making it uncertain whether if the international community is forced to intervene or actually feels responsible for it. He purely sees R2P as just another moral norm that makes you

seem bad if you do not follow it but does not has an actual 'body' (Kreig, 2016). Kreig has a rather strong argument with strong supporting body; however, he does not apply his arguments into examples. It is not hard to imagine and see what he meant by his criticism, but the lack of data that supports make it seem as if Kreig himself is uncertain with his arguments.

Human rights and state sovereignty has always been the main topic of intervention over Latin America. Kai Michael Kenkel in their research focuses on how the Brazil government reacts to the emerging of R2P norm and how it shift the local government endorsement to human rights through R2P. Kenkel research totally dissect the fact that human rights violation was so common in Brazil and that it always been the main reason why the country is so often 'intervened' in the past. However, the emergence of R2P shifted the view that Brazil has on over all sovereignty and human rights: they now understand that Brazil can represent a fundamental responsibility without having a seat on the Security Council and without resorting to the use of force. As a state that has often become the receiver of intervention, Brazil admittedly becomes more cautious of this new norm that will justify the use of force to straighten one's responsibility (Kenkel, 2012). This has shown that Brazil's own violation of human rights and experience of being intervened understands further that R2P shall first and foremost not use force and instead if possible not resort to it. The key to this research is that emerging power shall balance the almighty and powerful 'old' states that had taken their stances and political interest within R2P and UNSC, and shown that they have a rather equal position when it comes to humanitarian intervention in the scope of R2P.

In a newer research similar of Roberts', Peksen takes a more quantitative

road to see the correlation of military intervention with human rights in his research titled 'Does Foreign Military Intervention Help Human Rights?' The answer is obviously no but they manage to show what consequences military intervention serve instead. Hostile intervention, as they call it, has created a minimal socio-politic and human rights effect while increasing extrajudicial judgement. Many questions the effectiveness of intervention being able to fix one's political situation and Peksen showed that no, instead it does more harm than good. The perpetual use of military itself has shown that there is less care about human rights than it is justified to be; even if the goals are for humans, there is no guarantee that the means (human right abuse) balance the goal (Peksen, 2011).

1.3.3 Other Cases of R2P Interventions

During the disputed presidential election of Ivory Coast, the United Nation has released a military intervention under the justification of R2P within an odd timing. As Katariina Simonen has researched, the sudden change of stance happened because of a sudden violent outburst by one side of the opposing party and is returned with as much violence. The military force that is used in Ivory Coast was not a new appointed force, but they used Operation Licorne that had been present in Ivory Coast since 2002 to keep the zone of confidence in the region safe. The military intervention's main job was protecting the people and ensuring their safety and helping arresting the group that started the violence; it

was not appointed to in any way inject France's interest in the election but purely of protecting the people of Ivory Coast (Simonen, 2012). This is the example of how military intervention should have gone, it should not be about the external force but it should be about making sure that the sovereignty that existed is kept to be about and for the people, even if the intended country is not a democratic country. Even though the UN did not try non-coercive means to fix the situation, the decision to impose R2P has blocked the possibility of elongated civil war and in fact has assured Ivory Coast to a more stable condition.

Daniel Mekonnen and Wegi Sereke in chapter 13 of *Human Trafficking and Trauma in the Digital Era: the Ongoing Tragedy of the Trade in Refugees from Eritrea*, both agree that human trafficking serves as a very lucrative business and that state responsibility itself is important in order to tackle this issue. In the case of Eritrea the government is both incapable and unwilling to prosecute the issue further, often claiming that the victim of trafficking might act in a personal capacity. While argument can still be held on whether if human trafficking is 'humanitarian crisis,' it is very apparent that the case of human trafficking in Eritrea can be considered as at the very least 'humanitarian disaster' and this is where R2P becomes relevant. While they do not explicitly explain how and when they expect the international community to act out under the umbrella of R2P, they surely expect the international community to intervene Eritrea (Mekonnen & Sereke, 2017). Their high expectation that the international community will intervene in the case of Eritrea human trafficking prove that it has yet to be done. Responsibility to Protect's premises is to protect humans from crime against humanity; they never specify in what kind of crime and how many victims must

have fallen or if it have to be a violent conflict or not, but even if they ever did, human trafficking can easily fit under the categories. Human trafficking is not a crime that is done in one single place and causes an apparent number of casualties, but the fact that it is spread out to literally every inch of the world.

Applying the concern of human rights and to protect civilians does not guarantee intervention within the umbrella of R2P to happen as proven in Mely Cabellero-Anthony and Belinda Chng's paper of Cyclones and Humanitarian Crises: Pushing the Limits of R2P in Southeast Asia. As Cyclone Nargis swept the life of a hundred thousand Burmese in general, the government of Myanmar had not been very swift on its feet to quickly help their people and instead delayed international aid from coming into their country. The international community, especially the French government, sees both the catastrophe and Myanmar's behaviour to be alarming and urged the UNSC to impose R2P so that the international aid can easily come into motion with non-coercive intervention of R2P as their justification. However, as catastrophe and denial of help is not considered as a mass atrocity, genocide, ethnic cleansing or even crime against humanity, their argument is quickly shot down (Cabellero-Anthony & Chng, 2009). This has shown that while many 'humanitarian' interventions had been done and maybe succeeded, it is not up to any actor to decide that intervention has to be done when it is out of the R2P scope or even the scope of intervention in general.

Adam Roberts' research might have been condoned before the creation of R2P but it has very briefly yet showed us in detail the problem within human rights and intervention. They argued that prioritizing over sovereignty, ending

civil war by external intervention has become a somewhat questionable circumstance and has little to do with sovereignty. They emphasized that debate over external intervention hazards has to be upgraded. Though seemingly pessimistic, Roberts admit that military intervention can sometimes be a means of securing human (not necessarily their rights) but intervention-esque changes are often snail-paced. Roberts also argue that no intervention can be a substitute of thought and tough policy, and that it should never be a justification to an alternate means of internal society state building (Roberts, 1993). This research has shown how poorly yet proudly humanitarian intervention has come in the international world. It was never supposed to be a substitute, yet many would love to argue that it is the ‘only’ solution to a sovereign country troubling condition.

One thing that the author would bring up after reviewing through the literature is that many scholars tend to talk about what happen to the norm after it is applied. When discussing Libya, many essays discuss what happen to R2P after the intervention and rarely discuss what happen to Libya, to the people. While the author brought up reviews that are not specifically discussing the case of Libya, the other mention and examples given has brought out questions and discussion that will later help the author with building the theoretical framework to this research. Interestingly enough, the literatures that has been reviewed missed out on one important thing of ‘what to do after intervention’; state transformation. There has yet been a clear research on how the intervention done in Libya, while it successfully protect the civilian in a military perspective and ends the Gathafi regime, it also puts Libya and a chaotic state. This research becomes important as it explores the reason why external state transformation, in this case done within

the R2P mission, seems to have failed.

1.4 Research Objective

This thesis is written in an attempt to dissect the structure of the Responsibility to Protect norm, specifically on how it is used as a justification to intervene Libya during the 2011 civil war. The objective of this research is to find the mistake within Responsibility to Protect that makes it hard for the norm to properly complete its mission of protecting the civilian during and after the civil war. Within that spirit, this research will go in accordance to the research question and will explore the body of Responsibility to Protect both in its success on performing its military intervention and protecting the people of Libya, yet has failed in rebuilding Libya in the aftermath. This research essentially explores how external norm-based intervention has not succeeded in creating a better Libya and instead turned the governmental body into a chaotic state, yet able to perform a good execution when it comes to military missions.

1.5 Theoretical Framework

1.5.1 R2P ‘Success’ Indicator

This research focuses on R2P failure in rebuilding Libya, hence it is important to see how external power can(not) help with rebuilding or reformatting a state from one form to another. R2P itself has a post-conflict rebuilding mandate, but as the research question has corroborated, external power has

essentially failed in rebuilding Libya. Therefore we have to understand how and why it has failed to extend its goal (the main goal being defeating Gathafi).

R2P was created with the foundation of intervention dilemma; fear that humanitarian intervention will violate state's sovereignty. The 2001 ICISS report framed this dilemma as a false choice between the right of intervention and the rights of state sovereignty. To bridge that dilemma, R2P serves as a notion that changes the definition of sovereignty to the closely related to responsibility. Rather than a formal right of political autonomy and legal equality, to be sovereign also means to be responsible for the lives of people within the country and to be able to properly serve just human rights. R2P is a norm that is supposedly more focused on non-coercive means to end mass atrocities; it is also supported with post-conflict peacebuilding and state-building system, yet many argued that R2P is still essentially too 'military' and less about 'state sovereignty' (Chandler, 2010).

The initial dilemma then shift in 2009. The creation of R2P norm has served to be a justification and 'legal' stance for military intervention; however, many states consider coercive means to be distasteful and biased to the Western blocs who more often have the capability and hidden agendas to perform R2P-based intervention. The shift of dilemma also shift the focus of R2P, rather than insisting over responsibilities and expecting Western states to prevent, react and to rebuild, R2P then reshaped into focusing more on building capacities of the weak or failing state that needs assistance. With this focus, the international community is expected to understand that mass atrocities do not create irresponsible states, but weak or failing states are more likely to travel to the path of crimes.

Responsibility to Protect was made not to be the legal body and justification in doing humanitarian intervention, but was made to respond to mass atrocities especially ones that are promulgated by states. The dilemma might have shifted, but reality called and it wants the actual commitment of the norm to be actually done properly. The United Nations, as an institute, should be able to perform their own responsibility to delay coercive means and coordinate state capacity-building (Chandler, 2010).

The main difference between R2P and Humanitarian Intervention lays in its protection clause of which every step taken under the umbrella of Responsibility to Protect has to first and foremost be about protecting humans against the lack of state responsibility or capability to be responsible. In accordance to Gareth Evans (as one of the preparatory of R2P), there are several basic benchmarks to the success or failure of R2P and R2P missions in general. First, R2P as a norm and as a 'mission' has to get standardized acknowledgement. This acknowledgement can be in the form of legal, politic, or moral, and for R2P missions, it has to be weighted and agreed upon unanimously by UNSC members. Under the R2P regulation, it is also important to weigh in diplomatic solution foremost unless the situation calls for urgent coercive means. In the military sphere, having a trained and capable military resource available can be very helpful for quick deployment and quick end to atrocity, not only in an urgent non-consented situation but also for cases where vulnerable government requested for help. As in cases such as the Ivory Coast R2P mission, if the French military force was not situated in the state during the violent collision between the two presidential party supporters, it might have escalated into an elongated civil war.

Evans also added in incognito that regional organizations engagement is necessary to ensure the success of a mission. However, it has to be argued whether the lack of diplomatic or non-coercive efforts can be considered as ‘failure’ within the R2P umbrella. Second, R2P missions need to have support from the International Criminal Court in order to enable trial and punishment for the suspected preparatory of atrocity and provide as an important deterrent force. If the missions are supported and carried out and (expectedly) successful, the next step that needs to be taken is taking on diplomatic peace-making, giving political plus economic support and sanction, ensuring prosecution of the criminals and offering amnesty, arm embargoes alongside disarming the civilians, and other peacekeeping efforts will be the next indicator of success (Evans, 2015).

The ICISS report and UN documents made sure that R2P serve as a norm beyond prevention and action, extending to post-conflict rebuilding. In order for R2P to be long-standing and believed in by the international community, it must show that the norm is not a glorified means of intervention, but more. Therefore R2P is beyond the Responsibility to Protect, it is also Responsibility to Prevent, Responsibility to React, and Responsibility to Rebuild. Responsibility to Prevent and Responsibility to React both goes in accordance to R2P three main pillars; Pillar I being each individual states are expected to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. Pillar II leads on to international assistance and capacity-building if a state fails to uphold its Pillar I responsibility. Pillar III of R2P being the urgency of timely and decisive response, going in accordance with the two previous Pillars. However, Responsibility to rebuild goes beyond the three pillars but arguably the most

important. Once a state has failed to prevent their people from genocide, war crimes, ethnic cleansing, and crimes against humanity, reaction from the international community is almost expect to happen. However, one the reaction has come out to be successful or failure, the targeted state would still need to be rebuild, to recover from the failure in preventing and reacting (Welsh, et al., 2002). Thus, Responsibility to Rebuild has come as a focus in this thesis as well.

The ICISS suggest on focusing over security, justice and reconciliation, and development. In Libya, the UN assisted the new government after the fall of Gathafi, with what they call United Nations Support Mission in Libya (UNSMIL), released in September 2011. They meet a major challenge of trying to disarm oppositions, and weak government control over security. In 2012, Islamist militants gained power and attacked the American diplomatic mission at Benghazi. Not to mention, the international world kept a close eyes on Libya, making the new (weak) government frozen in place, not daring to do things that may be considered as wrong or neo-Gathafi (Dietrich, 2013). In conclusion, it is not easy and quick to rebuild a state even with preparation, Libya falls once again into chaos and it will take longer and harder effort for the state to be rebuilt into the form that the external actors expect.

1.5.2 External State Building and Reformation Failure

The forced removal of Gathafi from the Libyan political environment has created more chaos than what the external force might have expected. If in anyway, Gathafi's opposition is consisted of a group of people that shared the same goal 'and' shared the same vision to an extent, it would be pretty simple to

create a new political and social environment and that R2Ped intervention that is done to Libya would be more than just a military success, but all they have in common is their goal to remove Gathafi. Once achieved the oppositions have yet to reach an established agreement to how they will rebuild Libya. Libya national identity or one that can be easily identified, is birthed by Gathafi. He has a clear insight of how he wants Libyans to be and that these Libyans are going to spread out his own political, economic and social theories. The biggest problem with Gathafi's rule and obsession is that everything revolve around his person, and thus creating a sense of repression around the people. As egoistical as he sounds, Gathafi has a long-term cultural impact over the history and value of Libyan and he even manage to create generations of educated people with proper economic sustainability. Many were not enthusiastic about his view, but the sudden removal of Gathafi's power has left the people of Libya in a blind spot; many were confused and the chaotic political nature does not help the diffusion of people, leaving the country vulnerable (Genugten, 2011). Many would argue that the future of Libya shall be left onto the hands of the people, but the rebels are unable to take down Gathafi on their own, let alone rebuild Libya. After the intervention done under the umbrella of R2P, an internal rebuilding is no longer an option and it is up to the external actors to assist Libyans in creating a better Libya, but alas it has also proven to be a failure.

Intervention and state building often come hand in hand and more regularly resulted in failure. The design that comes with intervention and state building are often coming from the ideas of European or more generally the West, those that are developed, rational, and individualistic and certainly has never been

in a situation where they have to be intervened and later have external actors build their states. These states more often than not fail to include comprehensive and swift response to the states in needs; they barely provide proper public service let alone economic incentive, not to mention that they repeatedly fail to address the root causes of conflict and has the habit of framing the targeted state as ‘helpless unless we help them’. Neo-liberal state building strategies tend to fail in their attempt to connect with the targeted state population: with the people, and instead often leave them in the condition where they might relapse to more violence. The problem with elite interest comes within their attempt to support the weak state with private enterprise and globalized capital, making it all about economic gain and might lead to a corrupt new government within the state. Their general focus is about creating a neo-liberal state, a democratic state, and not about what the target state might have needed (Richmond, 2013).

Shahar Hameiri wrote about state building interventions (SBIs), a concept closely related to the after effect of Libya military intervention. SBIs is not pure and just or noble, it often framed by debates over state capacity and sovereignty to mask the fact that it is inherently political and often highly economical with conflict-ridden processes. To properly understand the nature of SBIs, it is important to examine how interventions affected the social and political relations within the state of power or directed state. Transformations are often attempted without formally replacing the domestic state apparatuses or challenging the legal sovereignty but often through external means and being selective on related governing institutions. The biggest problem within SBIs and state transforming in general is that it’s multilevel and unexpected. There is a need of a high level risk

management to be able to properly and quickly transform a state from one condition to another, and it often needs a high amount of money and capacity. There is also a very obvious paradox within SBIs; even when intervention has been done (in state building nature or even military nature), conflict has been taken care of and there has been effort of depoliticising or even criminalizing political and social relations that has put the state into a 'target', there is still high chance for chaos to happen (Hameiri, 2010).

Attempting to produce a new political and social environment to a group of people that has been living a certain way for years or even decades is proven to be the main struggle in reforming a state. Tensions will happen and if the new governmental apparatus is not strong and prepared, their sustainability cannot be guaranteed, and peace might not last. External attempt in rebuilding a state is often romanticised. Interventions are initiated within the framing of state's lack of responsibility, governmental weakness, or absence of good governance but we often forget that rebuilding a fragile or failed state will not automatically put it in a better place; in fact, a risk of them degrading into complete chaos might happen. Long-term effort and risk management would be the perfect solution, but who would have the capability and economic strength to support another state into the perfect reformation? (Hameiri, 2010)

Failures can also be seen from another factor. External state building can be determined by three factors of success: legitimacy, task complexity and institutionalization. There are many different ways for an external state building to be legitimate, mainly through a legitimacy given by receiving state or legitimation given by supranational body or other entities, namely United Nations. It is

necessary for an external actor to have legitimacy in order to be effective and successful. Task complexity can distinguish on how fast and effective a state building attempt might be, the main task of state building would be organizing institutions, services, and enhancing state capacity. Lastly, there should be an effective arrangement between the external and national or local actors; a proper institution shall be built to assure that appropriate resourcing and legalization are fitting to the need of the receiving state. However, even when all of these are done successfully, it does not guarantee that state building has been completed; failure might still come with other factors. Both external and internal actors are forced to commit into this; if not, compatible failures are more likely to happen and chaos will ensue (Krasner & Risse, 2014). In the case of Libya, the external state building started from coercive intervention, though it is ‘protected’ under the norm of Responsibility to Protect, effort to enhance governmental and societal capacity would be proven difficult as legitimation of the external actors can be considered as one-sided.

1.6 Thesis Position

The reason behind R2P intervention failure in rebuilding Libya can be divided into three main arguments;

1. The R2P mission done by the UNSC was too heavily relying on the initiator, NATO. NATO had focused more on military missions to topple the Gaddafi regime, instead of making sure that the

regime stopped their violence and aiding the opposition in a more social and political way.

2. The National Transitional Council as the new *de facto* government has also failed to work along with External Forces resulting in the lack of connection with the wish and the actual view of the people of Libya on how the situation should be after the overthrow Gathafi.
3. NATO, NTC, and other involved external actors has failed in seeing the actual problem within the country and translated the problem in their own way, leaving Libya in the state of chaos.

1.7 Scope of research

The scope of this research stretches from the start of R2P implementation in 2011 all the way to the most recent issues. The topic of the paper itself has created a boundary to which the author will only analyse issues that has R2P implementation in Libya and other external actors and entities that play in hands with the intervention and state-building attempts. Though it might reach too many branches, the author will keep this paper into as compact and use relatable cases and issues.

1.8 Type of research

This research will be done as an examination **qualitative** research. It means that this research will follow the notion of inquiring, learning, understanding, and investigate certain events, mostly data, in a systematically

manner. This method is chosen that this research would be able to focus on the problem and answer the research question (Merriam, 2009).

1.9 Method of Data Collection

The method that will be taken on collecting the data for this research will be primarily done by secondary data collection. Most data will be taken from relating books, academic journal, online sources, e-books, articles, and other supporting data. The author will read supporting data and refer to them accordingly. Then, form them as a narrative text and charts to work hand in hand in explaining and answering the research question. The author choose such method as it is the most comprehensive way to research and answer the questions as the author has limited time and monetary sources. Even though the author do not conduct field surveys directly, but the accuracy of the data that is being obtained will also be in accordance with the existing academic standards.

1.10 Discussion Structure

The outline of this thesis paper will be divided as follows:

1. **Chapter I** Introduction – This chapter is a form of introduction given to the reader to understand the background and importance to why this research is written. It includes a brief background of Libya Revolution and the military intervention done within the umbrella of Responsibility to Protect to build up to the thesis' research question,

literature review, theoretical framework and other subchapter that present the focus of this thesis.

2. **Chapter II** R2P in Libya: non-coercive and coercive attempts in ending the mass atrocities – In this chapter we will see the attempts that are done by the international community in order to stop the mass atrocities, violence, and upcoming civil war in Libya. Explanation of why certain actions are taken will be provided here in details and how these actions can determine the success of R2P’s military intervention.

3. **Chapter III** Libya after R2P: state building, peace-making, peacebuilding and peacekeeping attempts – As mentioned, the next step after a successful military intervention will be state building alongside with peace-making, peacebuilding and peacekeeping. This chapter will show how the external actors condoned these actions after the successful military intervention and how it comes to play with the local actors.

4. **Chapter IV** The failure of external state building in Libya – This chapter explains on how failure is inevitable and why all the means and actions taken by the external actors still lead to failure in transforming Libya into a better state after Gathafi’s death.

5. **Chapter V** Conclusion – This chapter will conclude all findings made in the previous chapters and combine them. It will be concluded holding to the Research Questions and data used to write the analysis