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Abstract- Against its moral appeal as a framework for protection of civilians from humanitarian catastrophe, the responsibility to protect (RtoP) seems not to have escaped a wider political context. Thus, questions of why, when and how force should be applied have incessantly trailed several intervention operations NATO's intervention in Libya. While the political misgivings of the Libyan regime under Gaddafi were conspicuous, this study argues that the Libyan intervention was however executed without recourse to certain procedural implications; Resultantly, the Libyan debacle has not only contributed to global insecurity, but has equally hampered international consensus building, weakened regional bodies and heightened suspicion amongst world powers, which partly explains the current stalemate on the Syrian crisis. Hence, this study recommends that there is an urgent need to rethink NATO's strategy in conflict management in Africa, and the imperative of institutional synergy between the United Nations and the Africa Union so as to bridge the institutional gaps, engender political will, and by extension the growth of the RtoP.

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Nato Intervention in Libya and its Consequences on Global Security

Nicholas Idris Erameh [α] & Enemaku Umar Idachaba [σ]

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I. Introduction

In the periods before and during the cold war, intervention in the affairs of a state by another state or group of states was strictly regarded as a violation of the non- intervention principle. Indeed, for Glanville[1], within this period, a "firmly on – interventionist conception of sovereignty prevailed". However, the beginning of the 1980s and 1990s heralded a shift in the traditional conception of sovereignty. Thus, scholarship on international diplomacy began to reflect on the limits of Westphalia thinking. Accordingly, international relation scholars likeKrasner[2], Donnelly[3] are of the view that the greatest challenge posed to sovereignty stems from the globalization of human rights The importance of the practice of human rights within the international arena has, no doubt, compromised the conventional wisdom of the notion of state sovereignty. The time of absolute sovereignty and exclusive sovereignty has passed; its theory was never matched by reality"[4]

In particular, the huge tasks of effectively addressing the pervasive domestic conflicts of unregulated character that have remained protracted in Africa and the need to bring succor to humanity by preventing and terminating the gross violations of their fundamental rights, especially the vulnerable populations and 'minors' (i.e. sanctity of human life) has had considerable influence on the current thinking on security, sovereignty, and human rights discourses. Worried by this, the Security Council has, on several occasions, authorized the use of force with the aim of protecting civilians in humanitarian crises through armed humanitarian intervention. Kofi Annan[5] echoes that the rights of the individual affected the concept of sovereignty. It follows then that sovereignty is no longer looked upon as a sort of sacred cow. The violation of sovereignty is becoming more widely tolerated in situations where the rights of individuals are being trampled upon.

Libya, geographically tucked between Tunisia and Egypt, did not stay immune from the political wildfires of the Arab Spring. In less than one week after the demise of Mubarak's regime, the embers of minor conflicts which had been visible in other towns broke into a conflagration of widespread demonstrations when on February 15, several hundred of citizens of the eastern city of Benghazi gathered in front of a police station to demand the release of a human rights lawyer. In two days the protests spread to a half dozen cities resulting in a heavy crackdown by government forces leading to the formation of the National Transitional Council by opposition forces. Many watchers of international relations expected the precedent set in Tunisia to be replicated in other places such as Libya just as the Libyans had started a revolt against their longtime leader Muammar Ghaddafi. However, Col Ghaddafi, in his usual manner, fumed at such a call and this dashed the hopes of those international relations scholars, as Ghaddafi's forces launched a massive attack on protesters on a massive scale. In a bid to justify the intervention in Libya, Engelbrekt et al [6] were of the view that some of the earliest distinguishing features of the Libyan crisis included the willingness of Ghadaffi's regime to employ deadly and unrelenting force including heavy artillery weaponry against demonstrators compelling the opposition to arm themselves in defense against the regime's belligerence. Also, Human Rights watch put the death toll at 84 People who had been killed by security forces in the first few days of peaceful protests against Gaddafi's regime[7].

While the international community responded swiftly to the brutal killing of protesters in Libya and call for an end to the hostility in Libya, Ghaddafi's forces

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continued to unleash mayhem on the protesters with Ghaddafi calling them "Rats" and "cockroaches'' while threatening to kill 'from alley to alley, from house to house, from room to room' and that he would show no mercy.' In his speeches in February 2011, Gaddafi used language reminiscent of the 1994 radio broadcasts calling for genocide in Rwanda; he referred to the protesters as "vermin" and publicly told his forces to show "no mercy" to rebels and to "cleanse Libya house by house" until they surrendered[8]. From the very beginning of the crisis, senior UN officials have predicted the imminent possibility of mass casualties and went about a response within the RtoP framework[9]. In response to Ghaddafi's threat, the United Nations Security Council adopted resolution 1970 which placed travel bans on Ghaddaffi and key members of his cabinet, as well as the freezing of their assets, and later adopted resolution 1973 which authorized the "use of all means necessary" to protect civilians in Libya.

Although resolution 1970 seems to have enjoyed a wide acceptance even among regional organizations, resolution 1973 and its consequent application in the Libya crises has generated a lot of controversies and that is what this study interrogates. Apart from the fact the NATO intervention ended up in a disorder, the post-intervention Libya has not only slowed down the further application of the RtoP doctrine, it has also led to global insecurity as evident in the Syria crises and the huge refugee problem in Europe.

II. Responsibility to Protect in Libya: A Theoretical Consideration

Failure to intervene or slow intervention which occurred in the 1990s in internal armed conflicts despite complex humanitarian emergencies accompanying such conflictsled to the introduction of the African union constitutive act of 2000 on the part of African leaders, and the concept of the Responsibility to Protect (RtoP) at the international level. Even though Africa leaders did not use the concept of responsibility to protect, the language of *Article 4 (h)* and (j) suggests that the Africa union was also concerned about the move from non-interference to not in - the d the differencein member's states affairs. At a regional level, the African union constitutive act resonated in this regards. Specifically, *Article 4* (h)[10] authorizes the AU to intervene in member states in pursuant to a decision of the Assembly in respect of grave circumstances, namely; war crimes, genocides, and crimes against humanity. While 4(j) [11], gives the right of member states to request intervention from the union in order to restore peace and stability. Also, the responsibility to protect ushers in a new understanding that aims to transform the negatively perceived notion of the "right to intervene" into "responsibility to protect".

Though first muted in 2001, the concept of RtoP gained greater prominence in 2005 following the outcome of the UN World Summit Document. The Summit unanimously adopted the RtoP concept as a guiding principle to intervene in civil conflicts. It also empowers states, regional organization and international institutions to play a key role in the RtoP process, while the authority to employ last resort and intervene militarily rest solely on the UNSC and the general assembly[12]. The concept, was, however, adopted by large numbers of states in 2009. Since the adoption of the RtoP, it has been invoked in the Kenya post-election and Zimbabwe crises. However, Libya remains the real first case where the doctrine was fully invoked through Resolution 1970 and 1973 respectively.

The NATO intervention in Libya has sparked a lot of debate, especially among international relations scholars. Different positions have therefore been advanced in this regard. While some concern themselves with the justification for NATO's action, some focus on the legality of the intervention, others have focused on the means, intentions, and outcomes of these interventions. From a constructivist position, James Pattison draws from the just cause principle as contained in the ICISS document to justify the Libya intervention. As he puts it; "Ghaddafi regime had shown its readiness to massacre his people through the initial killing of 1,000 to 10,000 people. It had also made clear Ghaddafi's intent to commit further massacres when he enjoined his supporters to go out in Benghazi to attack protesters [13]. The Libya crisis remains unique as it represents the first case of humanitarian intervention for which the UNSC relied on the RtoP to justify its action. Taking a similar position, Weiss[14] Western & Goldstein[15] Stewart[16] concur that the NATO intervention in Libya represents the acknowledgment of the existence of the responsibility to protect doctrine, and that the international action in Libya sheds new light on the rationale for humanitarian intervention, and an attestation to the fact that world leaders seem to be committed to ending crimes against humanity.

Although those who have thrown their weight behind the justification for the NATO intervention might be right, at least, viewed on a short run perspective, the intervention seems to have been able to halt an "impending" genocide in Libya, and especially in Benghazi. Nevertheless, the way and manner NATO carried out the intervention in Libya, with indiscriminate aerial bombardments shows a high disregard for basic humanitarian laws and human rights. Ultimately, the questions that therefore arise are how do we rationalize killing more civilians to protect civilians? Also, what level of confidence was attributed to resolution 1970 before resolution 1973 was passed? And why is the international community still foot-dragging in halting the obvious and protracted killings in Syria?

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For Bellamy and Williams[17], there were reports of widespread and systematic attacks against civilian populations by the Ghaddaffi regime. Also, the Ghaddaffi forces had pushed fast to Benghazi (a rebel stronghold) making "overt threats to commit atrocities" against the civilian population in spite of resolution 1970. Citing "impending" massacre on the Libya people, especially members of the National Transition Council, they further argue that there was no other alternative to prevent Ghaddaffi from killing his people. Hence, Bellamy and Williams conclude that it was apparent that the "decisive action" required in such situation would have to be nothing short of military force.[18]In this regard, the UNSC consequently authorized resolution 1973 which called for the " all necessary means" to protect civilians, short of a "foreign occupation force", and, lastly, established a no – fly- zone. The problem with such position is a long standing problem between the North and the South, especially as it concerns how laws are made, who made them, how and why they are administered. There seems to be a serious western media hype of the situation in Libya which was used to justify the intervention in Libya, this does not justify the clamp down on rebels by the Ghaddaffi regime. The lack of coherent and adequate number of those killed before NATO intervened in Libya by the various media outlets exposes the flaw in the position of these scholars. Also, NATO and its allies bypassed the International Criminal Court of Justice which has the power to establish if truly genocide had been committed by Ghaddaffi.

On the contrary, studies such as O' Connell[19], Cohn[20] have all rejected the justifications put forward by the pro-interventionist. For them, the periods between which the UNSC passed resolution 1970 and 1973 respectively shows that enough time was not given to test the efficacy of the peaceful means before NATO's bombs began to fly. Chon[21] further argues that after the passage of the resolution, the Libyan government offered to accept a cease-fire, while Ghaddaffi offered to step down. However, the demonization of Ghaddafi, the imperial drive of the US, its allies and the fear of the members of the NTC made such offer not to be given a real thought. In Steven Groves article " *Obama Wrongly Adopts U.N. "Responsibility to Protect*" to Justify Libya Intervention", Groves argues that the President made the case for just cause, stating that "we were faced with the prospect of violence on a horrific scale" in Libya. Gaddafi was engaged in a "campaign of killing" and his forces were "bearing down on the city of Benghazi," and if not stopped would perpetrate "a massacre that would have reverberated across the region and stained the conscience of the world." [22].

Evidently, the grounds upon which Obama used in calling for an intervention in Libya have been found not to be true. The NATO intervention only succeeded in removing Ghaddaffi while leaving Libya worse than it was with dire security consequences around the world. Micheal Walzer raised skepticism about the situation in Libya and argues thus; "a military attack of the sort now in progress is defensible only in most extreme cases, Rwanda and Darfur, where we didn't intervene, would have qualified. Libya doesn't[23]. Also, the recent regret expressed by president Obama on the Libya intervention in an interview with Chris Wallace of the British Broadcasting Service (BBC) affirms this position. President Obama was quoted as saying "probably failing to plan for the day after that I think was the right thing to do in intervening in Libya. He went further to criticize France and the Uk, in particular saying the British prime minister, David Cameron became "distracted" after the intervention[24]. While media reportage plays a major role in bringing the world attention to crimes against humanity, experiences have equally shown that some of this reportage is highly exaggerated. Hence, relying on such is not only dangerous for intervening states; it also portrays the responsibility in a bad light. Hence, the importance of a sufficient judicial review cannot be underestimated given such situation.

Beyond the justification for or against, Jennifer Welsh focuses on the problematic ethics employed in the intervention process as well as the concerns of such action on humanitarian intervention and by extension RtoP. Welsh forwards two instances which suggest that the RtoP was abused during the intervention in Libya, Firstly, that resolution 1973 refers to the responsibility of the Libyan government to protect its citizens and not the international community. Secondly, the NATO intervention in Libya demonstrates that the principle of impartiality, advocated by the framers of the RtoP was not adhered to. Hence, instead of being a neutral actor in the conflict, the international community took sides with the rebels [25]. In violation of the arms embargo, France even provided weapons on an official basis before Russian protests stopped this practice [26].

Jennifer Welsh, Dembinski, and Reinold are not left alone in the criticism leveled against NATO's misapplication of the RtoP doctrine in Libya. In Maximilian Forte's book on the *Libyan war, slouching towards Sirte*, Forte [27] also argues that from the onset of NATO's intervention in Libya, it was clear that the imperial-power-warriors were using civilian protection as a "fig leaf" cover for their real objective of regime change and the removal of Gaddafi. Thus, for him, the imperial war on Libya's abundant oil was however perfected through an alliance with the rebel forces, serving as their air arm, but also providing them with arms, training and propaganda support. The imperial powers, and Dubai, also had hundreds of operatives on the ground in Libya, training the rebels and giving them intelligence and other support, hence violating Res 1973's prohibition of an occupation force "in any form".

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Attempts to equal justify the NATO interventions as having the right intentions have also been watered down by some scholars who make reference to the "prompt" intervention in Libya and almost inaction in Syria. For instance, Nuruzzaman[28] maintains that oil interest in Libya was the sole reason NATO embarked on a military invasion against the regime of Col Ghaddafi. He points to the fact that prior the invasion, some notable western countries like the US, France, and Britain had already entered into oil deals with the NTC. Also, Emadi[29], further affirms this position by insisting that the protection of "defenseless civilians" was not the major reason for the intervention in Libya; for him, it was a tactical move to punish Col Gaddafi's regime that has been at across road with Western imperialist. The point isn't just that western intervention in Libya is grossly hypocritical. It's that such double standards are an integral part of a mechanism of global power and domination that stifles hopes of any credible international system of human rights protection.

Similarly, Fred Agwu[30], on his part argues that whereas Africa is in dire need of unpretentious concern for human security and other associated benefits, the West seems to be only concerned with the so-called stability of the region in a bid to secure easy and unhindered access to the continent abundant resources. In assessing the real intention of NATO in Libya, Agwu concludes that such was implicit at the heart of Africa union disagreements with NATO in Libya, having been indicted of being enamored of regime change and access to Libya's oil. Attempts to adduce economic imperialism as the main reasons state intervene does not keep faith with the interventionism debate. Though, economic reason plays a vital role, however, instances abound where western countries have intervened in countries where there seem to be many economic interests. Although, the UNSC remains the true authority to authorize the Libyan intervention, the way and manner Res 1970 and 1973 were executed suggest nothing but a flawed intervention. In studying the lawfulness of the SCRC of 1970 and 1973 in Libya, Niels Rijke[31] raises three fundamental observations; first, the question whether the situation in Libya really endangered international peace and security, Secondly, the resolution enabled the Member States to take all necessary measures to protect civilians, including the use of force, whilst not all other means were exhausted. And finally, the central question is whether the sovereignty of a state can be breached when its leadership threatens the lives of its citizens in order to protect these citizens.

The conventional wisdom that the adoption of the Responsibility to Protect (RtoP) in Africa would help promote the protection of civilians, but Adam Branch does not agree with such assertion. For him RtoP, especially as it is applied to Africa, does not make political power responsible, but rather allows those with power to act in a politically irresponsible manner, at the cost of democracy and, often, peace. RtoP for Branch can promote political irresponsibility because of two factors: first, it tends to reduce all politics in Africa to effective protection capacity; second, it makes the legitimacy of the African state subject to determination by the "international community" according to vague moral standards. Whether the African state is deemed legitimate and thus supported or deemed illegitimate and thus coerced, neither it nor those acting in the name of the "international community" are accountable to those whose rights are supposedly being protected—African citizenries. He argues further that the moralisation and externalization of African politics undermine democracy and set the stage for African and Western political actors to avoid having to justify their actions politically or to face the consequences of their actions. Branch concludes that political power will only be made responsible when it is held accountable by those who are subject to it. To this end, he proposes replacing sovereignty as responsibility with popular sovereignty as a way of democratizing the RtoP discourse—even if at the cost of RtoP itself.

Taking a tougher similar position, Zubarui Wai[33] interrogates the upsurge in humanitarian interventionism in Africa disagreeing with those who see it in altruistic terms. Though the UN resolution that adopts the RtoP specifies four grounds for intervention: genocide, war crime, ethnic cleansing and crimes against humanity, Wai however argues that the elasticity and imprecise nature of these concepts mean that they could, and have in fact been, stretched as well as been manipulated to justify interventions that have little or nothing to do with humanitarian agenda. Drawing from experience of NATO intervention in Libya, he goes on to argue on one hand that concerns about human rights and humanitarian disasters have become a disciplinary mechanism for the dominant and more powerful states to intervene in the affairs of southern societies in order to pursue their own imperialistic agendas, while on the other hand he posits that concerns about " terrorism" have equally meant that conflicts, as well as other forms of political unrest, have come to be defined as a security challenge to the west. Wai concludes that most of the recent interventions in Africa – Libya, Cote d' Ivoire, Mali, CAR and so forth combine these models.

In summary, applying the concept of RtoP within the African continent presents its own challenges. These challenges relate to the nature of conflicts in Africa and the legitimacy of the African State itself. African states have continued to grapple with the problems of the contemporary conflicts that have engulfed the continent. These conflicts have manifested themselves in intra-state nature, where groups (non-state actors) find solace in ethnicity, religion, and so on as a rallying point to challenge the authority of the state in achieving parochial goals. As a result, African states

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have lost their status as the sole custodian of the legitimate use of physical force in the territory they claim to control and this has led to complexity in the application of humanitarian intervention and the responsibility to protect in Africa[34]. While the west claim to have a moral obligation to intervene in conflict, especially Africa, the lack of knowledge on the root cause of conflicts as well as the dynamics of the actors involved in these conflicts has therefore made liberal western interventionism counterproductive. This has posited "nothing new" critique of the concept of humanitarian intervention and the newly adopted RtoP in terms of their evolution, theory, practice and complexities in Africa civil wars. For Basaran[35], both concepts are associated with military intrusion in the affairs of sovereign states. Though RtoP aims primarily at the prevention of mass atrocities and regards military intervention as a final resort in exceptional situations, the substance of the RtoP doctrine is essentially the same as that of humanitarian intervention military intervention in (and as a result of) an internal crisis in a sovereign state. Moreover, Africa's bitter experience with the forces of colonialism, neo-colonialism and cold war politics have continued to shape Africa's perspectives on intervention with emphasis on devising African solutions to African problems.

III. Background to the Nato Intervention in Libya

The RtoP doctrine grew out of the frustration of the international community to its lackluster intervention in Rwanda and Kosovo. RtoP fundamentally presents the idea that states have a primary responsibility of protecting their citizens from genocide and ethnic cleansing. Should a state fail in that responsibility for whatever reason, then it falls upon the international community to take it up. According to the International Commission on Intervention and State Sovereignty, [36] the RtoP rests on three main pillars: (i) states have the primary responsibility to protect their own people from genocide, war crime, crime against humanity, ethnic cleansing; (ii) the international community has a responsibility to assist the states to fulfill its primary responsibility in building capacity to protect its people; and (iii) in case the state fails to protect its citizens from the four above atrocities or unwilling to meet that responsibility, the international community has the responsibility to take timely and decisive action to prevent violence and atrocious crimes.

However, before RtoP can be applied, the international community must first exhaust all diplomatic, legal and other peaceful measures; deployment of military force remains only as a last resort. The crisis in Libya was the first case where the RtoP was fully invoked in a bid to put an end to the loss of lives. The RtoP also sought to remind Ghaddaffi of his primary role of protecting his citizens. With such stark conditions domestically and with diminished international pressure on the Gaddafi regime to reform, few people expected the revolution of 2011 by Mohamed Bouazizi, a street vendor, would provide the catalyst for a series of protests (now called the Arab Spring) that spread throughout the Middle East and Northern Africa in protest of government corruption and economy misery. He lit himself on fire to protest the seizure of his produce-laden wheelbarrow and the physical mistreatment he received at the hands of public officials. Bouazizi's death sparks series of protests in his hometown (Tunisia), which rapidly spread to surrounding areas and, eventually, the capital city of Tunis. Mere twenty-eight days following Bouazizi's self-immolation the Tunisian government fell and President Zine al-Abidine Ben Ali fled to Saudi Arabia in exile [37].

Inspired by the Tunisian experience, mass demonstrations against the politically bankrupt regime of President Hosni Mubarak began soon after in Egypt. The spirit of the uprising in Tunisian rapidly spread to other nations in the Arab world, being fueled by widespread discontent about unemployment, increasing costs of living, corruption, and autocratic leaders. Egypt fell in only eighteen days, with Hosni Mubarak being forced to step down and leave the country. Libya was also not spared from this series of protest, especially against the perceived autocratic style of leadership adopted by late president Ghaddaffi.

Consequently, following the anti- government movements in neighboring Egypt and Tunisia, Libya itself soon became the next nation in the Arab world to feel the effects of populist uprisings. On February 15, riots broke out in the city of Benghazi following the arrest of a human rights activist, which then turned into a conflict against the government with the protesters ultimately calling for Gaddafi's resignation [38]. The crisis that started out with peaceful demonstrations quickly turned into an internal conflict after street protests were violently suppressed by the Government, especially in the eastern parts of the country. The protests that began notably in the country's second city, Benghazi, which became the opposition's major stronghold and was soon subject to shocking brutality as Muammar Gaddafi dispatched the national army to crush the unrest, spread within weeks across the country [39] .Nevertheless, violence quickly escalated, with reports of the deaths of 24 protesters on 17 February, and of security forces attacking peaceful protesters with teargas and live ammunition. As of March 2, 2011, the exact death toll was unknown, with U.N. Secretary General Ban Ki-moon citing reports that around 1,000 people had died in the conflicts in Libya since February 15, 2011, and one Libyan human rights organization claiming that possibly 6,000 people had been killed [40].

More striking is the fact that the Ghaddaffi's regime did not in any way show signs of weakness in

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terms of responding to the protest against his policies. A furious Ghaddaffi expressed aclear intent to continue committing massive human rights violations by announcing to Benghazi residents that his forces would show no mercy to rebels. Gaddafi once more issued threats to protesters which Kinsman describes as disturbingly similar to radio broadcasts before the massacre in Rwanda, saying we will march to cleanse Libya, inch by inch, house by house, home by home, alley by alley, person by person, until the country is cleansed of dirt and scum[41]. As if this was not enough, Ghaddaffi son Saif al-Islam Gaddafi, on 21 February 2011 was quoted as boasting that: Libya is at a crossroads. If we do not agree today on reforms ... rivers of blood will run through Libya…We will take up arms…we will fight to the last bullet. We will destroy seditious elements. If everybody is armed, it is a civil war, we will kill each other…Libya is not Egypt, it is not Tunisia[42].

The UNSC decision to intervene in Libya is said to be the first time that the international community is setting in the full application the new RtoP concept for a forceful intervention in another state. When taking the decision to intervene in Libya using its Chapter VII powers, the UNSC equally found ample legal evidence in accordance with the RtoP principle, namely that the Libyan government had failed to protect its citizens by itself committing gross violations of their rights. Shortly before resolution 1973 was adopted, it was apparent that Libya had manifestly failed in its responsibility to protect its citizens[43]. With Ghaddafi's forces on the outskirts of Benghazi, the risk of civilian massacres seemed highly apparent if the city was allowed to fall. Urged on by the Arab League, ten UN Security Council members supported Resolution 1973 (Bosnia-Herzegovina, Colombia, France, Gabon, Lebanon, Nigeria, Portugal, South Africa, United Kingdom and the United States) and five abstained (Brazil, China, Germany, India, and Russia). Although the AU did not call for a no-fly zone, all three African members of the UN Security Council voted for Resolution 1973. Such a vote was entirely in keeping with Article 4(h) of the AU's Constitutive Act, which advocates a policy of non-indifference, rather than non-interference, in the sovereign affairs of other states when grave circumstances, including crimes against humanity, are concerned [44].

Resolution 1973 was however adopted in Libya authorizing the use of all necessary means to protect civilians, short of foreign occupation force and established a no – fly – zone. Resolution 1973 called for an immediate cease-fire and a complete end to violence and all attacks against, and abuses of civilians. The UNSC stressed the need to reinforce efforts to find a solution to the crisis which response to the legitimate demands of the Libyan people. The text employed the phrase all necessary measures, including coercive military action but short of a foreign occupation force. Essentially, the highlights of the resolution was the protection of civilians and civilian populated areas under threat of attack, and the imposition of a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians .

IV. The Mistakes Nato's Intervention in Libya and its Consequent Effect on Global Insecurity

Despite its humanitarian pretext, the NATO intervention in Libya has thrown up some emerging consequences for Libya and the international community. Notably, the question of who has the legitimate authority to intervene and how such intervention should be carried out became an immediate problem among Western states and their African counterparts. Since the UN Charter does not permit the use of military force, the decision to intervene was only supported by the contentious RtoP doctrine. According to *Chapter VIII* of the RtoP, regional organizations "shall make every effort to achieve pacific settlement of local disputes through such regional arrangements". Hence, since there was practically nowhere in the UNSC pronunciation where the mandate was handed over to NATO, NATO's action runs contrary to *paragraph 8* of the UNSC Res 1973 which strictly imposes the duty to intervene on regional bodies. In addition, these regional bodies customarily draw their legitimacy for intervention in conflicts from *Chapter VIII* of the UN charter. The implication of the foregoing is that since the muddled intervention in Libya as well as the misinterpretation of who has the right to intervene coupled with the controversial phrase "All means necessary", Russia and China have continued to block international action in Syria. Thus, while the global powers express divergent views in Syria, mass atrocities is being committed on Syrians by the Assad government, and these have led to mass migration with global security challenges across Europe.

Given that NATO which was primarily set up as a collective security defense pact during the cold war and continue to exist since then, blundered to have assumed the role of a regional organization. At best, NATO can only lay claim to *Chapter VII* of the UN charter which still disqualifies NATO from the role it played in the Libya Intervention. In this light, Fred Agwu [46], NATO lacks the capacity to function as a regional arrangement because it was totally fashioned towards the collective self – defense unlike the ECOWAS which possess the capacity to function as regional arrangement by virtue of its Additional Protocols of Non – Aggression of 1978 as well as the Mutual Assistance in Defense Matters of 1981. More so, the contents of the Res 1973 call for intervention through the regional organization, and

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nowhere in the document was neither NATO nor RtoP mentioned.

Evidently, why regional organizations such as the League of Arab States, African Union as well as the Gulf Cooperation Council seems to have earlier thrown their weight behind calls for an imposition of a No-fly Zone in a bid to persuade Ghaddaffi, it wasn't surprising that they all backtrack their decisions especially when it became clear that regional organisations were only playing gatekeeping roles in Libya. In response to the way and manner NATO carried out its earlier attack in Libya, the Arab League Secretary General, Aner Mussa, declares that " (W) hat is happening in Libya differs from the aim of imposing a no – fly – zone. Speaking further, he stated that the goal of resolution 1973 was the protection of civilians and that it never approved support for the rebels or regime change [47].

In spite of this position, NATO, and its allies carried out series of unholy practices to the dismay of these regional bodies. One of such astonishment is the NATO use of aerial bombardment in a bid to carry out the UNSC mandate. This not only blurs the lines between western imperialism and human rights protection but also establishes the inability of the NATO forces to distinguish between combatants and non-combatants, the bombing of a place of worship violated the basic international humanitarian law and the rules of engagement. *Article 35 (2)* of the *Additional Protocol I*, "prohibits against causing superfluous injury or unnecessary suffering to combatants", furthermore, *Article 57 of the 1999 Protocol I* which states that adequate precautions must be taken in the attacks. As it were, "if military exigencies permit, and unless surprise is considered to be an essential element of success, the commander of an attacking force must do all in his power to warn authorities of a defended place before commencing a bombardment".

Although conventional wisdom will suggest that the NATO's intervention in Libya brought succor to the Libyan people, however, the reverse seems to be the case, especially as the intervention and its outcomes turn out to be. In spite of the assurances from NATO on the strict enforcement of UNSCR 1973 which are as follows: a) end attacks against civilian populated areas b) withdraw to bases all military forces and c) permit unlimited humanitarian access. Not long into the execution of Res 1973, the feeling quickly emerged that NATO and its allies were not an impartial protector of civilians, rather they were seen to be pursuing the toppling of the Ghaddaffi's regime to ease access to it resources which eventually became successful as a result of the NATO forces backing the rebels. Hence, NATO's intervention was "less about protecting the population and more about regime change[48]. Consequently, against wide expectations that the death of Ghaddaffi would bring an end to hostilities in Libya, the country is today confronted with proliferations of arms as well as arise in terrorist activities. This has not only led to great political instability in Libya but also the spread of it. Considering the porous nature of borders in most African countries, the NATO intervention has resulted into increased terrorist activities among already failing states within the Sahel region of Africa, and, especially in Mali. Nigeria is also not spared from this global insecurity especially in the wake of increased activities of the Boko haram insurgents. More importantly, the transfer of weapons from armed groups and the National Transition Council in Libya to the rebels in Syria have apparently increased the intensity of violence with more and more deaths recorded day in day out. Apart from the wanton destruction of lives and properties in Syria, the international community is confronted with huge refugee and humanitarian crises with Turkey as worst hit.

The authorisation of resolution 1973 was the needed cover NATO and their allies desired to carry out its ulterior motives in Libya with the aid of the rebels. Hence apart from deepening into the huge oil resources in Libya, NATO also proved not to be a neutral party in the conflict. Evidently, the quick recognition of the National Transition Council (a body formed by those who were "opposed" to Col Ghaddaffi) by NATO as well as adding the activities of the rebel groups both in terms of arms, diplomatic support, military training run foul of the rules of engagement. By passing Resolution (1973), the UNSC gave NATO-deliberately or unwittingly- the right to aid rebels in their fight against Gaddafi under the Responsibility to protect (RtoP) façade [49]. Therefore, the Free Syrian Army (FSA), marveled by the activities of the NTC, attempted to employ such means in Syria. However, Not only that the FSA was left to their fate in terms of external support, Western nations who initially pledged to support the FSA have tactically withdrawn leaving the FSA to face the Assad government. Hence, the Assad regime continues to bomb this rebel stronghold day in day out, while the FSA remain helpless.

Considering that Ghaddaffi in his usual style vowed to fight to the end, his death remains an issue for antagonists of the NATO mission in Libya while posing grave consequences for the RtoP doctrine as a whole. Though so many versions abound as to how Ghaddaffi died, the more appealing is that of a video footage taken on camera phones which show a wounded Colonel Gaddafi being dragged, beaten and tortured but very much alive. Evidently, such cruel act suggests that the Geneva Convention related to the treatment of prisoners of war was violated; thus, the action of NATO and the thuwar forces who claimed to have captured Ghaddaffi constituted war crimes and punishable under Article 13, Article III of the Geneva Convention as well as Article 8 (2) (c) (iv) and Article 8 (2) (e) (ix) respectively. While, Article 13 of the Third Geneva Convention states clearly that "prisoners of war must at all times be protected

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particularly against acts of violence or intimidation against insults and public curiosity", Article III of the Geneva Convention explicitly prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilized people". Besides, since there were no news or evidences that Ghaddaffi attempted to escape from captivity, his eventual killing, either in the hands of NATO or the thuwar forces goes against the spirit of Article 3 (1) (9) of the Geneva Convention which expressly states that " under no circumstances may detainees be killed ".

No doubt, the killing of Saddam Hussein, Osama Bin Laden, Ghaddaffi (all leaders who play a historic role within their regions and their people, who also acted as stabilizing factors in the region), is likely to spring up new security challenges. For instance, since the demise of Ghaddafi, there has been an absence of central authority just as terrorist activities flourish. The Same can be argued in the case of Hussein who was executed by western imperialist. Afghanistan today is a hotbed for terrorist activities with great implications for Europe. Terrorist groups have now shifted their activities to Europe with France, Turkey, Saudi Arabia, and Germany as early victims.

V. Conclusion

In contrast to claims by NATO and their allies that thousands of people were about being "massacred" in Benghazi, NATO's destruction of Libya was nothing but a war crime committed against Libyan people. It also violated the UN Charter as well as the rules of engagement in armed conflict. Even though some scholars have argued that the intervention, to a large extent was successful in that it "deter" Ghaddaffi from killing his "people", the way and manner NATO carried out its campaign suggests otherwise. The Post intervention era in Libya further exposes the flaws associated with the NATO intervention. Hence, Its involvement in Libya portrays severe implications for global security as the activities of terrorist groups in Libya has spread widely, spawning the war in Syria, the birth of the Boko haram in Nigeria, various militia groups in Africa, and of course leading to the coming of ISIS / ISIL. Evidently, NATO's action in Iraq, Libya, amongst other points to a post 9/11 agenda to create instability in those regions. Hence, Libya today is in tatters just as it stands as a ready option for launching of terrorist activities across Europe. The activities of the ISIS (a body which came up after the fall of Ghaddaffi) speak volume in this direction. More so, in arriving at the real reason behind the global insecurity as experienced now, it is imperative to investigate what the crime was in Libya that warranted Resolution 1973, and who were the criminals. This has become imperative because a careful look at the intervention in Libya would suggest that the crimes, for which Ghaddaffi was indicted and subsequently killed, were also committed by NATO and its allies committed same, if not worse in Libya.

Ultimately, global insecurity has its roots in Western imperialism through the activities of NATO in the affairs of sovereign state. This study, therefore concludes that for the RtoP to live up to expectations, NATO and their allies need to review its operational strategy, especially as it concerns the use of force. The world has gone beyond NATO unacceptable excuses of "Weapon Malfunction" to commit mass atrocities against civilians. Also, there is the urgent need for institutional synergy between the United Nations and the Africa Union since regional organizations enjoy the confidence of their members in the authorization of the RtoP doctrine in terms of Pillar III (power to intervene in member states in a conflict situation).

Importantly, regional organisations needed to stand up to these challenges in terms of political settlement of averting these conflicts through early warning system. Also, the ICC needed to beam their search light not only to Africa Leaders but to foreign counterparts who violates basic international law principles, as it is in the case of NATO officials in Libya. Lastly, members of the opposition parties in countries that play acritical role in NATO operation need to checkmate the activities of this body, and lastly, the RtoP must wake up to its primary objective of prevention as a key strategy to avoiding conflict.

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