

**FRENCH AND BRITISH ENGAGEMENT IN THE LIBYAN CRISIS
SINCE 2011**

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DECLARATION

I declare that the dissertation entitled “**French and British Engagement in the Libyan Crisis since 2011**” submitted by me in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this university or any other university.

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List of Abbreviations

AFD: Agence Française de Développement

AFRICOM: United States of America's Africa Command

APEF: Arab Partnership Economic Facility

APPF: Arab Partnership Participation Fund

AWACS: Air Borne Warning and Control Systems

CIA: Central Intelligence Agency

DCFTA: Deep and Comprehensive Free Trade Areas

DFID: Department for International Development (United Kingdom)

EEAS: European Union External Action Service

EMP: Euro-Mediterranean Partnership

ENP: European Neighbourhood Policy

EUBAM: European Union Border Assistance Mission

FCO: Foreign and Commonwealth Office

GCC: Gulf Cooperation Council

GDP: Gross Domestic Product

GNC: General National Congress

HDI: Human Development Index

IMF: International Monetary Fund

ISAR: Intelligence, Surveillance and Reconnaissance

JSTARS: Joint Surveillance and Target Radar System

LIFG: Libyan Islamic Fighting Group

LIMC: Libyan Islamic Movement for Change

MENA: Middle East and North Africa

NATO: North Atlantic Treaty Organisation

NOC: National Oil Company

NTC: National Transitional Council of Libya

RCD: *Rassemblement Constitutionnelle De'mocratique* (the Democratic Constitutional Rally)

UGTT: Union Ge'ne'rale des Travailleurs Tunisiens (General Union of Tunisian Workers)

UFM: Union for the Mediterranean

UKTI: United Kingdom Trade and Investment

UNSCR 1970: United Nations Security Council Resolution 1970

UNSCR 1973: United Nations Security Council Resolution 1973

CHAPTER 1

INTRODUCTION

1.1 Introduction

Former British diplomat, Sir Terence Clark writing in *Asian Affairs* on the uprisings that occurred in the Middle East and North Africa (MENA) region from end of December 2010 states that “in a rapidly developing situation anywhere in the world it is always difficult to find the right moment to stop and reflect on what has happened and to draw conclusions about what is likely to happen next” (Clark 2013: 44). Arab uprisings present this challenge to any observer who is trying to analyse it. So much has transformed since the initial euphoria of revolutionary success witnessed in Tunisia and Egypt. Tunisia, the ‘cradle of Arab Spring’, has witnessed a deep divide between the *Enhad* coalition and opposition parties after the assassination of liberal minded leader Chokri Belaid; Egypt is witnessing a similar divide between Islamic affiliated parties and the liberal parties of different strands over the content of the constitution; Libya has seen attacks on diplomats and government official as the armed militias pose a great threat to security; Syria is embroiled in a protracted civil war that has caused thousands of civilian casualties and there is a general fear of Islamic terrorism rising in the region. New events that have occurred in the region has made the pessimistic observers blare out “I told you so!”, the optimists observers to add caution to their hopes of seeing a democratic wave transform the region and the more realist observers to view these events as a part of the long term transition in the region. Yet it is imperative to pause and reflect upon the events that have occurred in past two years in the MENA region. The luxury of hindsight and the advantage of witnessing an evolving situation in the region, will temper our understanding of past events in the light of new occurrences.

The popular term used to portray the Arab uprising has become known as ‘Arab Spring’. The seasonal connotation assigned to the uprising symbolises a sought of new hope and rejuvenation of democratic aspiration of the population. The name ‘Arab Spring’ by no means is unique as it has been derived from similar labels given to erstwhile social movements like the Prague Spring of the 1950’s and the Moscow Spring of the 1990’s that led to the collapse of Soviet Union. The question is that is ‘Arab Spring’ a justifiable term

to express the event or series of events that have taken place in the region from past two years, or a more defining term like revolution should be used to label these events. As Haseeb argues that it would be erroneous to use the term 'revolution' in case of events taking place in the region (Haseeb 2011: 114-115). Revolution as term, when used to describe military coups, temporary uprisings or revolts that only lead to cosmetic changes in the functioning of the existing regimes, is an inaccurate use of the term which has much broader definition (Haseeb 2011: 114-115). Whereas, the precise definition of 'revolution' connotes "all actions and events that lead to radical changes in the political, social and economic reality of a given people or group in a comprehensive and persuasive way over an extended period of time and from which results a modification to the structure of social thought among the revolting people as well as the re-distribution of resources and political powers" (Haseeb 2011: 114). While in case of Tunisia, revolution might be an appropriate term, it may not be in case of Egypt, and definitely not in case of Algeria, Morocco and the Gulf Monarchies.¹ Moreover, Revolution is a process and not an event (Joshi 2011: 64). Revolutions are not just internal to the state; partially they are played out in public and are witnessed by world audience, whose reaction feeds into the revolution (Joshi 2011: 64). Yet revolutions do not end with the end of the public spectacle and the removal of the ruler (Joshi 2011: 64). They continue much longer after the regime has been "decapitated" and the media has left (Joshi 2011: 64). Therefore removal of President Ben-Ali or President Mubarak is not the end of revolution but rather a modest start. As argued by Beck and Hüser that 'revolution' will be a problematic term to use from analytical point of view to describe the events in the region, as the term 'revolution' is an extremely theory-laden concept and it is too early to predict that Arab uprisings has led to successful revolutions in various countries (Beck and Hüser 2012: 4). Beck and Hüser prefer to use 'Arab Spring' for pragmatic reasons, namely that the term 'Arab Spring' has become common and also the subject matter under study is still in flux hence it will be problematic to use more theory-laden terms (Beck and Hüser 2012: 4).

¹In Tunisia, President Ben-Ali's departure also lead to dissolution of his party and reorganisation of power, while in Egypt though President Mohammed Morsi has been elected as the President, the over bearing military apparatus of the old regime is still intact in form of Supreme Council of Armed Forces (SCAF) and has strong influence. Algeria and Morocco were successful in abetting the uprisings through a mix of economic and political concessions that were more or less cosmetic in nature. Gulf monarchies on the other hand were able to buy off the protestors due to enormous oil revenues, and in case of Bahrain through use of external force. Libya is a case in which after the killing Qaddafi and a successful election of constitution making body General National Congress one can say that a revolution has been achieved, yet any cautious observer will not jump into such a conclusion.

Therefore, 'Arab Spring' is an appropriate term to describe the events that have taken place in the region. In certain instances the use of terms like uprising or revolt or revolution will be necessary but these are used more as general descriptive expressions rather than words that have any specific theoretical significance attached to them.

1.2 The Arab Spring

It is always questionable to pin point an exact starting date for any social movement. There will always be varied claims about the starting date of a social movement and therefore there will be disagreements among different claimants. Yet to begin an account of an event, it is invariable to start at a particular reference period and then take it forward. Hence regarding Arab Spring as well, I would start from the time of the Tunisian uprising, commonly known as the Jasmine Revolution that began in late December 2010. The attempt would be not to give a chronological description of events but conceptual arguments and observations will be woven within the narrative. My focus will be mainly on Tunisia and Egypt, as they form the basis of Arab Spring. I would stress more on the various social groups and actors that were involved in protests that ultimately led to the downfall of Presidents of Tunisia and Egypt.

The revolt in Tunisia began with self-immolation of fruit seller Mohamed Bouazizi in front of the governorate building in the town of Sidi Bouzid in central Tunisia. Mohamed Bouazizi was a 26 year old graduate unable to find work and hence sold fruits at Sidi Bouzid, but his goods were seized by the local authorities as he did not have a permit and his attempts to recover them were met by police harassment.² Distraught by the persecution he faced at hands the corrupt authorities; Bouazizi committed self-immolation on 17 December 2010 and finally succumbed to his injuries on 4 January 2011. Mohamed Bouazizi came to symbolize the collective frustration of Tunisian population that faced growing economic marginalization, political repression and a corrupt regime. This has become a popular narrative of the commencement of the Tunisian uprising. Many would disagree with this oversimplified narrative and claim that the groundwork for the Tunisian revolt of December 2010 was laid much earlier. Tunisia had experienced uprisings since 2005 when Israeli Prime Minister Sharon had visited Tunisia and after that there were number of protests like the Gafsa Mining Riots of 2008 and the White Shirt Protests of May 2010 (Donker 2012). Mabrouk also elucidates that by confining the events that lead

² "Sour Young Men", *The Economist*, 6 January 2011, (Accessed 2 May 2013), URL: <http://www.economist.com/node/17862305>

to Tunisian uprising from time that Mohamed Bouazizi's self-immolation to overthrow of President Ben-Ali, removes the uprisings from their previous historical and socio-psychological underpinnings (Mabrouk 2011: 626). However the evident fact is that Mohamed Bouazizi's self-immolation did lead to a widespread protest that culminated in the departure of President Ben-Ali to Saudi Arabia on 14 January 2011 and finally dissolution of his party *Rassemblement Constitutionnelle De'mocratique* (the Democratic Constitutional Rally – RCD).

The fact that Tunisia became the 'first mover' of the revolution that swept through the entire Arab world was surprising in many respects. Regionally, Tunisia lies in the periphery of Arab world, placing itself closer to Europe and France (its former colonial ruler) than Arab world. Politically and economically it is more connected to Europe and France rather than the Arab world (Lynch 2011: 70). It served as a back office for many European companies and its workers look to migrate to Europe and not to the countries of MENA region (Al Sharekh 2011: 51; Lynch 2012: 70). More importantly, Tunisia had been perceived as 'Tiger of the Mediterranean' for its economic prosperity and social modernity that was appreciated by both Western governments and investors (Kausch 2010: 11; Joffé 2011b: 509-510).

However, behind the veil of prosperity lay a much starker reality. Self-immolation act of Mohamed Bouazizi and the protest in the town of Sidi Bouazid was not an isolated act that had fuelled the uprising (Mabrouk 2011: 629).³ Instead it was a result of accumulated grievances that the people living in the neglected interior towns and cities of Tunisia had with the prosperous coastal towns that the regime seemed to favour (Arieff 2011: 9; Ayeb 2011: 470-472; Donker 2012). Ayeb states that "there are two Tunisias: one, the Tunisia of power, money, comfort and 'development', which covers the coastal areas, particularly the capital city and its upper-class suburbs and the Sahel (including the Gulf of Nabeul, Sousse and Monastir) and, second, the marginalised, poor, submissive and dependent Tunisia (of the south, the centre and the west)" (Ayeb 2011: 470).⁴ On one hand, the north and the

³ In fact Mabrouk (2011), by citing a United Nations Development Program (UNDP) study points out that culture of suicide had become prevalent in Tunisia. The study described this as a culture which disdained the value of life, finding death an easier alternative because of a lack of values and a sense of anomie. This, it suggested, was particularly true of unemployed and marginal youth, so that death was more attractive than life under such conditions, as a statement about the plight of the individual in such circumstances. This might also explain the phenomenon of the epidemic of suicides that was induced as part of the protests during the weeks of the Revolution.

⁴ The town of Sidi Bouazid where the protests of December 2010 originated is 200 Kilometres from Tunis and does not even have rail link to Tunis. (Lynch 2012)

Sahel regions have concentration of infrastructure and investment that has resulted in positive economic and social indicators (Ayeb 2011: 470). On the other hand, the areas of south, centre and the west of Tunisia have become spaces of economic marginalization and poverty, which has resulted from an extractive economy practiced by the regime that transfers resources from these areas to prosperous towns of the coast (Ayeb 2011: 471). The revolution in Tunisia was basically the rise of the destitute interiors of the country against the affluent coastal periphery (Ayeb 2011).

Another point is that the Tunisian uprising began with economic grievances and political reforms in a regional context (i.e. the neglected the areas of south, centre and the west of Tunisia), which took the form of demand for regime change only in the later phase of uprising when the interests converged between regional (i.e. between interiors and coast) and social levels (working and middle classes) (Ayeb 2011: 476; Donker 2012). The reason for this convergence was due to the contradictory nature of President Ben-Ali's regime that led to concurrence of interests of various groups and general mobilization that led to the fall of the regime (Ayeb 2011: 476). As Benjamin Stora states that "the Tunisian paradox lay in the contradiction – unsustainable in the long term – between a high level of education and an authoritarian state treating its citizens as illiterate" (Stora quoted in Ayeb 2011: 469). Ben-Ali's regime was a form of dictatorship that was absolutist in nature while it maintained a modernist façade (Ayeb 2011: 468). It was a regime that followed economic liberalization coupled with severe political repression (Ayeb 2011: 468-469). While the redistribution policy was skewed regionally in favour of coastal regions and socially in favour of middle classes (Ayeb 2011: 469-472). It was these contradictions that unravelled themselves as general mobilization took place against the regime. Hence the Tunisian uprising essentially started in the south (and then quickly spread to the neglected areas of the centre and the west) and its preliminary demands were of economic betterment and political reforms for more equitable regional development (Ayeb 2011; Donker 2012; 469-473). It was only in the latter stages, i.e. somewhere in between 8 January 2011 and 14 January 2011 when the protestors demand turned to regime change as the chant of '*Ben Ali: de'gage!*' (Ben Ali, get out!) got louder (Ayeb 2011: 475). While the marginalised classes protested for economic apathy that regime had shown against them, the middle classes demanded political freedom and rights that the regime had suppressed, therefore temporarily their interests aligned against the regime and finally led to the fall of President Ben-Ali (Ayeb 2011: 477).

The problem of unemployment of young graduates had been growing as a major concern since the 1990's; initially it was limited to literature and humanities graduates but had off late started to affect science graduates (Mabrouk 2011: 628).⁵ Unemployment stood at around 14 per cent according to official sources (Mabrouk 2011: 628). Hence the main actors in Tunisian uprising were unemployed youths particularly from the interiors (Ayeb 2011: 477). The protests were brought to the main cities by migrant youths from the interiors that had migrated to cities for search of work and settled in the poor suburbs of cities like Tunis (Ayeb 2011: 474). Opposition party members, activists and professional associations also played supporting role (Mabrouk 2011: 631-632; Donker 2012). One of the major role was played by the Tunisian labour movement, as Tunisia already had a powerful labour movement in form of *Union Ge'ne'rale des Travailleurs Tunisiens* (General Union of Tunisian Workers-UGTT) (Ayeb 2011: 474; Joffé 2011b: 518; Lynch 2012: 77; Donker 2012). However, UGTT only joined in the later stages of the uprising. It was the local unions or local sections of UGTT that played a significant role. UGTT called for a general strike as late as 14 January 2011 which was preceded by a general strike in Sfax and Sousse (Ayeb 2011: 474; Donker 2012). Moreover, the regime had co-opted UGTT into its structure in the 1980's and UGTT had been the target of popular anger not only in the present uprising but also in Gfasa Mining Riots of 2008 that had occurred in response to the hiring practices of UGTT (Ayeb 2011: 473; Donker 2012).⁶

The Tunisian army's refusal to crush the popular uprising was the final nail in the coffin for President Ben-Ali (Joffé 2011b; Lynch 2012). President Ben-Ali had sidelined the military in order to prevent a coup d'état (Joffé 2011b: 519; Lutterbeck 2012: 7; Lynch 2012: 79). Tunisian armed forces were relatively small in number (compared to a much larger internal security forces and police) yet they were technically and professionally competent and the Tunisian army was known as the *grande muette* (the big silent one) (Lutterbeck 2012: 7).⁷ The Francophile traditions in government had kept Tunisian army strictly separate from the political establishment and the army also had a clean image that

⁵ The reasons for the unemployment problem included administrative corruption that made acquiring employment difficult, inability of private sector to absorb graduates, an education system that attracted graduates towards literature and human sciences and finally global financial crises of 2008. (Mabrouk 2011)

⁶ The UGTT had been co-opted within the regime as way of maintaining 'social peace' after the movement had been seriously repressed in 1978 by former President Habib Bourghiba. According a deal between the regime and UGGT was struck whereby salaries would increase automatically every three years. (Mabrouk 2011)

⁷ The sheer numbers indicate that President Ben-Ali preferred the internal security (and intelligence) apparatus over the armed forces; the Tunisian armed forces count a total of only 35,000 soldiers, the country is estimated to have between 130,000 and 150,000 police officers. (Lutterbeck 2012)

contrasted with the corrupt regime of President Ben-Ali (Lutterbeck 2012: 7). Moreover Tunisia had a conscript army; hence many of its soldiers identified with the struggles of the people especially as most of its recruits came from the neglected interiors of the country (Lutterbeck 2012: 8). General Rachid Ammar had instructed the armed forces of not to fire at the protestors and instead the army had warned security and police forces with retaliation if they used force against the protestors (Lutterbeck 2012: 8; Lynch 2012: 79-80). The apolitical stance that army took during the protests was a major reason for the success of the uprising.

President Ben-Ali tried to placate the protestors by offering economic and political reforms but having lost his credibility, his promises did not mollify the protests. As the army refused to co-operate in stifling the protests and the general strike called by UGTT pressurised him to quit. Finally, on 14 January 2011 a formal announcement was made on television stating that the President had left the country and will not be allowed back (Donker 2012). Probably, it was a move by the RCD establishment to sacrifice the President for the sake of keeping the regime structure intact. However, after a long struggle that followed the departure of President Ben-Ali, Tunisians were able to dissolve its regime's party structure the RCD and also the dreaded Ministry of Interior. Therefore, Tunisia managed to obliterate the remnants of the older regime all together. Hence, Tunisian uprising may be considered as a more comprehensive success than other uprisings in the region although the liberalization of political space has led to a renewed struggle between the secularist and the Islamist (Donker 2012).

In aftermath of Tunisia's Jasmine revolution, region wide protests against repressive regimes sparked off in the MENA region that got commonly termed as Arab Spring. There were already uprisings in Algeria and Yemen in concurrence with the Tunisian uprising. At Arab Economic Summit held on 19 January 2011 in Egypt, five days after President Ben-Ali had fled Tunisia, Egyptian Foreign Minister Amr Musa blamed the Tunisian uprising to economic troubles of "poverty, unemployment and general recession" and called for an "Arab renaissance" to tackle the predicament that region was facing (Saikal 2011: 534). Coincidentally, second in line to fall by the means of 'popular' a protest was Egypt's President Hosni Mubarak.

The uprising in Egypt marked the most important phase in the Arab Spring. While Tunisia represented the periphery of the Arab world, Egypt lies in its core (Jackson 2011: 30;

Saikal 2011: 538; Freidman 2012; Lynch 2012: 84-85). It was the largest Arab country with the population of 80 million; it is geopolitically important for maintaining a strategic balance in the region and is an intellectual and cultural leader in the region (Jackson 2011: 30; Saikal 2011: 538; Freidman 2012; Lynch 2012: 84-85). Hence Egyptian uprising was watched more keenly than the Tunisian uprising and it captured the media attention of Arab and western public.

Egypt's uprising highlighted contradictions within the system just like in Tunisia and these contradictions led to fracture among ruling elites in wake of rising street anger that led to demise of President Hosni Mubarak. The regime of President Mubarak firmly believed that the political reforms must be preceded by radical economic liberalization so that the Islamist forces do not capture power (Al-Din Arafat 2009: 189). Ironically, economic liberalization advocated by President Mubarak triggered discontent, dwindled support for the regime and finally propelled Muslim Brotherhood to gain power in post-Mubarak Egypt. The economic liberalization program started by President Sadat and continued by President Mubarak led to strong resentment among the workers as they did not benefit from the reforms (Hibbard and Layton 2010: 201-206; Veltmeyer 2011: 612; Joya 2011: 373). A resurgent labour movement that emerged in Egypt from the wave of strikes between 2006 and 2008 became highly active leading to widespread strikes and protests (Hibbard and Layton 2010: 206; Veltmeyer 2011; Joya 2011). For example in 2007 there were 756 labour protests in 23 provinces and in 2010 there were 300 protests (Hibbard and Layton 2010). While the public sector shrank, the privatization had not created enough jobs to absorb the workforce. Result was a high unemployment rate ranging from 30 to 50 per cent (Hibbard and Layton 2010; Veltmeyer 2011). The unemployment was higher among the youth and young graduates and college graduates had ten times more likely to have no jobs than someone with primary school education (Hibbard and Layton 2010; Lawson 2012). The service oriented economy of Egypt was not able to attract foreign capital in manufacturing sector and the sectors like banking, financial services and tourism were unable to absorb labour force.⁸

The policy of economic liberalization was begrudged by the Egyptian military as it threatened the military's economic sector. Egyptian military is a dominant group and has a

⁸ Around 51 per cent of Egypt's GDP comes from services (CIA World FactBook 2013).

huge stake in Egyptian economy (Joya 2011; Lutterbeck 2012).⁹ Military is engaged in everything from making consumer goods to infrastructure, construction, tourism and petroleum industries (Joya 2011; Lutterbeck 2012). The military deeply resented liberalization of economy as Egyptian assets got transferred to private players from abroad and the military economic sectors had to compete with them. For example *Wiki Leaks* cables from 2008 expressed that “privatisation has forced military-owned companies to improve the quality of their work, specifically in the hotel industry, to compete with private firms and attract critical foreign investment” (Joya 2011). Moreover the control of economic and political decision making was being transferred to business men close to President’s son Gamal Mubarak which was deeply resented by the military. Gamal Mubarak was also a figure that had earned displeasure of the military for his influence in policy making. The ‘old guard’ associated with the military and ‘new guard’ linked to Gamal Mubarak had been having a power struggle for a while as the ‘new guard’ connected to the business community close to Gamal Mubarak had been on a rise since 2000 (Hibbard and Layton 2010).¹⁰

There was also a division between the military and the security services in Egypt. The military loathed the fact that it had steadily lost its role as a dominant player in the regime in favour of the Ministry of Interior (Hibbard and Layton 2010; Lutterbeck 2012; Karawan 2011).¹¹ The military also viewed the police and the Ministry of Interior as a tool for repression used by President Mubarak to quieten the discontent that was a direct result of his economic policies (Hibbard and Layton 2010). Hence the economic liberalization that was ushered in by the regime caused the rise of discontent in working class and military elites albeit for very different reasons, yet the common thread in their discontent was President Mubarak (Hibbard and Layton 2010).

⁹ There are no official data on the size of the military’s business empire as it has been kept in a shroud of secrecy and military is not accountable to any authority, but estimates put it at between 10 percent and 40 percent of GDP, most likely making it the economically most important actor of the country. (Lutterbeck 2012)

¹⁰ The party’s six-member general secretariat was evenly divided between this “new guard” and the “old guard.” Representing the former was Gamal as Deputy Secretary, Ahmed Ezz the Secretary for Organizational affairs and Ali Hillal Dessouki, the Secretary of Information. The Prime Minister of Egypt, Ahmed Nazif, was also tied to this younger generation. The old guard, however, according to press reports, sought to reassert itself in June 2010 during the *Shura* Council elections. Members of the old guard had forced the resignation of Minister of Transportation Mohamed Mansour (one of Gamal’s allies) in 2009 after a serious train accident (Hibbard and Layton 2010).

¹¹ The fact is reflected in numbers, While military personnel are around 0.5 million, the ministry of interior employs over 1.5 million (Hibbard and Layton 2010).

The lack of political reforms had estranged middle classes and the political repression of Muslim Brotherhood after it had won considerable seats in parliamentary elections of 2005 strengthened an Islamic opposition against the regime. President Mubarak's fifth term in office in 2005 and his attempts to forge a hereditary succession plan for his son Gamal Mubarak created a spur of pro-reform movements (Arafat 2009; Hibbard and Layton 2010).¹² These movements had all kinds of participants ranging from middle class professionals, students, judges, socialists and Islamist (Arafat 2009). The movement that personified many attributes was the *Kifaya* (Enough!) movement that was particularly middle class in character (though for sometime it did have support of Muslim Brotherhood members) and it demanded political reforms and opposed President Mubarak's fifth term and Gamal Mubarak's succession (Arafat 2009; Hibbard and Layton 2010; Joffé 2011b; Lynch 2012). It also employed modern information technology to transmit information and organise protests (Arafat 2009; Hibbard and Layton 2010; Joffé 2011b; Lynch 2012). These movements were against the years of political repression and official abuse of power by the President Mubarak's regime and particularly by regime's security services (Hibbard and Layton 2010; Lynch 2012). President Mubarak's rule had seen the enactment of Emergency Law and the expansion of police and Ministry of Interior (Hibbard and Layton 2010).¹³ The abuses committed by the security services like the death of Khaled Mohamed Saeed at hands of security officers in Alexandria led to formation of Khaled Mohamed Saeed movement (Lynch 2012).¹⁴

The repression of Muslim Brotherhood after the parliamentary election of 2005 had set them against the regime (Arafat 2009). Traditionally both Sadat and Mubarak had co-opted Muslim Brotherhood within the regime as they believed that Brotherhood's grassroots reach will legitimize the regimes rule in the society and religious conservative forces would marginalize socialist and secular opposition against the regime (Hibbard and Layton 2010). However, Muslim Brotherhood had been kept strictly proscribed from official

¹² Since 2004, a whole host of other social protest groups have emerged in Egypt including Students for Change, Youth for Change, University Professors for Change, Workers for Change, Artists for Change, Journalist for Change, Intellectuals for Change and the People's Campaign for Change (Arafat 2009; Joya 2011).

¹³ Emergency Law suspended the constitution and virtually eliminated constitutionally protected rights. It also allowed for detention without charge, press censorship and other restrictions on civil liberties. The emergency law also provided the basis for a parallel system of military and security courts that the regime has used to deal with its opponents (Hibbard and Layton 2010).

¹⁴ Range of other pro-reform movements came on to the scene like the April 6 movement, Khaled Mohamed Saeed movement and the Al-Ghad party whose candidate Ayman Nour had challenged President Mubarak in presidential election of 2005. All these pro-reform movements cooperated and congregated in Tahrir square on 25 January 2011 (Joffé 2011).

political sphere and its candidates were allowed to contest as independents. In the parliamentary election of 2005 Muslim Brotherhood affiliated candidates won 88 seats in Parliamentary Assembly (Arafat 2009). The regime grudgingly accepted the gains made by the Brotherhood but mounted repression to clampdown the organisation by raising the bogey of Islamic terrorism. But the clampdown had an opposing effect as Muslim Brotherhood's popularity increased (Arafat 2009).¹⁵ Muslim Brotherhood is deeply entrenched in Egyptian society and institutions; it has a strong grassroots base, efficient organisational skills and resources to compete as a political party (Arafat 2009). Therefore, it had all the reasons to call for end of political repression and advocate political reforms. Hence, the demand for political reforms temporarily brought together urban middle class, Secularists and Islamists on the same platform and challenge a common enemy; President Mubarak.

Egypt seemed to be well prepared to handle any protests that might have erupted. It had alerted and deployed its security forces on likely points of congregation. internet had been interrupted and Al-Jazeera had been shut down (Lynch 2012). Yet it was unable to stop the protests that were about to begin on designated 'Day of Rage' of 25 January 2011 (a date announced well in advance) (Lynch 2012). It took 18 days of street protests to remove President Mubarak from office. Although President Mubarak clung on to power, finally on 11 February 2011 the military stepped in and announced that President had abdicated power although Mubarak never publicly acknowledged it (Lynch 2012). Although the exact reason behind President Mubarak's decision to step down is not clear, a possible rift between the President and the Armed forces seemed to have been the reason (Lutterbeck 2012). Just like in the Tunisian uprising, the military in Egypt also played an important role in success of the uprising. Egyptian army is a conscript force drawn from middle and lower classes hence it was uncertain if the soldiers would obey the orders to fire at their own brethren (Lutterbeck 2012). However, unlike Tunisian army that firmly backed the protestors, the Egyptian army seemed to have been ambiguous in its stand as it tried to distance itself from the regime, claim that the protestors demand were legitimate and at the same time call for order and not stand up against security forces that were repressing the protests (Lutterbeck 2012). The reason could have been that the Egyptian military's interest was entrenched with the President Mubarak's regime as it had enjoyed its vast

¹⁵ In fact Muslim Brotherhood had an intention of forming a full-fledged political platform which it declared in 2007 as leaked report in newspaper *Al-Masri Al-Youm* claimed. The repression by the regime and freezing of its financial assets prevented it from doing so (Arafat 2009).

economic empire only due to its relations with the regime (Lutterbeck 2012). Therefore it was cautious in giving an all out support to protestors. It finally stepped in due to pressure from the United States and the carrot of annual military aid of \$1 billion that it got from United States; and an attempt to restore stability; and save its own economic interests and preserve the central role in foreign policy of Egypt (Lynch 2012; Lutterbeck 2012; Karawan 2011). Hence the army sacrificed President Mubarak, the figure head of the regime in order to maintain its dominant role.

Sadiki (2011) comments that “without Tunisia and Egypt, the term Arab Spring would have been non-existent and hollow” (pp. 19). The swift and successful outcome of the Jasmine Revolution in Tunisia disseminated the belief throughout entire region that long time autocratic systems can be thrown away with cumulative power of people. The overthrow of President Hosni Mubarak through a popular non-violent struggle reinforced this belief and gave it a pan-Arab dimension as Egypt the largest Arab country with population of 80 million located between the *Maghreb* and the *Mashreq* (Sadiki 2011; Lynch 2012).

“A veritable tsunami of protest swept the region” (Lynch 2011:101). The MENA region witnessed a plethora of protests with 14 out of 22 members of Arab League experiencing protest of varied degree and magnitude (Fakhro and Hokayem 2011). There were protests of differential scales from Morocco to Oman, but irrespective of their scale. all these protests were assumed to be a part of narrative of Arab Spring.¹⁶ For example protest in Syria was on a very small and isolated scale in a town called Deraa near the Syrian-Jordanian border, yet it was assumed as part of regional phenomenon of Arab Spring (Lynch 2011). Such questionable assumption about the protests made by external observers may have led to misconstruction of the aims, aspirations and ideology of these protests (Lynch 2011).

The phase of uprising that followed the fall of Presidents in Tunisia and Egypt was chaotic and contentious. Alerted by the happenings in Tunisia and Egypt, other authoritarian regimes dug in using various strategies to ward off protestors. Heydemann and Leenders (2011) attribute it to the capacity of some regimes to learn and adapt to the rapidly emerging challenges that mass uprisings posed for their regime’s survival. Moreover, they view this adaptive capacity as a defining central attribute of some authoritarian regimes in

¹⁶ The protests happened in Yemen, Libya, Morocco, Algeria, Syria, Lebanon, Jordan, Saudi Arabia, Bahrain, Kuwait, Iraq, Oman, United Arab Emirates, and Palestine occupied territories.

the Arab world, an attribute they have characterized as “recombinant authoritarianism” (Heydemann and Leenders 2011: 648). Broadly the trajectories of protest and the adaptive strategies of authoritarian regimes followed the following four scenarios. Firstly, there were protests that were brought off through economic or political concession or mostly by combination of both. For example Algeria cut import duties and taxes on cooking oil and sugar reducing the domestic prices of these commodities by 41 per cent (Joffé 2011b). The strategy worked and the riots dwindled. Morocco on other hand offered increase in wages but also political reforms through constitutional changes (Joffé 2011b). The wealthy Gulf oil monarchies were able to follow this strategy rather easily. Therefore, Saudi Arabia rolled out a massive reform package of over \$120 billion to placate the protests (Lawson 2012; Colombo 2012; Kamrava 2012).¹⁷ In similar vein Bahrain announced creation of 40,000 new jobs and Oman also promised creation of jobs and raised public sector wages by 40 per cent. Both these countries got a \$20 million aid package from Gulf Cooperation Council (GCC) (Tétreault 2011; Colombo 2012; Kamrava 2012). Secondly, there were protests that were curbed using internal or external repression. Most striking example of this is Bahrain where Peninsula Shield Force of Gulf Co-operation Council were called in by the ruling dynasty to crush the protests in Manama (Tétreault 2011; Lynch 2012; Colombo 2012; Kamrava 2012). Thirdly, there were protests that got divided along sectarian lines or at least portrayed that way by the regime to disintegrate the opposition and repress the protestors (Tétreault 2011; Guzansky and Berti 2013). In Bahrain the protestors were identified as mainly Iran backed *Shiites* protesting against the *Sunni* Al-Khalifa monarchy. Similarly in Syria, the protests against the rule of President Bashar Al-Assad were considered as *Sunni* uprising against an *Alawite* (a *Shiite* sub-sect) ruling minority (Guzansky and Berti 2013).¹⁸

After the initial success of toppling long serving Presidents in Tunisia and Egypt, no other country in the region was able to replicate the success of those two countries. While Tunisian and Egyptian regimes surrendered quickly to autochthonous protest movements, Yemen and Libya where President Ali Abdallah Saleh and Colonel Muammar Al-Qaddafi were removed from power respectively, yielded only after external involvement although

¹⁷ The package included creation of 60,000 jobs in Ministry of Interior, 500,000 new houses were to be built and the average wage in public sector was increased three times the average wage of private sector (Colombo 2011).

¹⁸ The Sunni-Shiite division was also exasperated by rivalry between Saudi Arabia (Sunni) and Iran (Shiite). Saudi Arabia accused Iran of propping up protests in Bahrain, while Iran accused Saudi Arabia of supporting groups fighting against President Bashar Al-Assad.

nature of involvement in Yemen was diplomacy while in Libya it was military engagement. President Ali Abdallah Saleh was able to hold his grip on power despite an assassination attempt that wounded him and made him leave temporarily to Saudi Arabia (Lynch 2012). For Saudi Arabia it was critical to make sure that instability in Yemen does not spill over into its territory (Lynch 2012; Colombo 2012). President Saleh had been an importantly ally of United States of America and Saudi Arabia as he had co-operated with both to fight Al-Qaeda in Arab Peninsula in Yemen. United States was conducting drone strikes in Yemen from its military bases in Saudi Arabia and Djibouti with permission of President Saleh in return of foreign aid. However as pressure mounted from the streets and the Yemeni uprising was feared to be turning in an armed strife, Saudi Arabia and GCC intervened in easing out President Saleh while still making sure of its influence within Yemen. Saudi Arabia and Gulf Cooperation Council (GCC) convinced President Saleh to sign GCC's political transition plan in return of impunity (Colombo 2012).

Qaddafi held his reigns on power tightly until a coalition of international forces engaged to support the rebellion against him that originated in east of Libya. Hence in Libya the protests were no longer peaceful non-violent civil unrests rather it took form of a civil war. The other marked feature of the Libyan uprising was that of outside military involvement that was required to topple the regime. French and British led forces (under the NATO flag) imposing a no fly zone in order to 'protect civilians' from pro-Qaddafi forces. The Libyan uprising was beginning of Arab Spring turning into armed civilian conflict first in Libya and later at a much more complex scale in Syria.

Joffé has argued that the shape that the crisis took in each country was dependent on political systems that the regimes had created (Joffé 2011b). Tunisia and Egypt tolerated some space for political autonomous groups as long as it did not challenge the regime; on the contrary the participation of groups within the state controlled political space was actually a strategy for regime maintenance (Joffé 2011b). Joffé describes these countries as "illiberal democracies", a term used by Fareed Zakaria or "liberal autocracies", a term made famous by Daniel Brumberg (Joffé 2011b: 508). Hence in Tunisia even though the President Ben-Ali had controlled public discourse through political repression, there existed a strong labour movement at the local level as well as UGTT which could not be repressed although attempts were made by President Ben-Ali and his predecessor President Bourghiba but both had to finally co-opt it within the regime structure (Joffé 2011b; Ayeb 2011). There were forums like the students union that were fairly independent at local

level that were tolerated by the regime (Ayebe 2011). Similarly in Egypt as the Muslim Brotherhood, opposition parties and NGO's were tolerated in strictly monitored space by the regime (Joffé 2011b; Ayebe 2011).¹⁹ However, when the uprisings broke out the politically autonomous institutions were able to challenge the authoritarian state that controlled it (Joffé 2011b). On the contrary in Libya, Qaddafi had destroyed all forms of civil society and had left no space for active political participation; hence the uprisings took a form of a civil war (Joffé 2011b; Anderson 2011).

The uprisings in each country in the MENA region had transpired due to conditions unique to the country. However there are certain region wide causes that can be deduced to explain the phenomenon of Arab Spring. These causes can be viewed more as short-term triggers that played a role of catalysts to usher in protests to vent out grievances that Arab people had against their state. These protests manifested different consequences from peaceful overthrow of long-serving Presidents in Tunisia and Egypt, to violent regime change through external involvement in Libya, a bloody protracted civil war in Syria and severe repression in Bahrain.

1.3 The Causes of Arab Spring

1.3.1 Socio-Economic Causes

The demographic factor played a crucial role in creating the socio-economic conditions for the Arab Spring. High fertility rates have always been a severe problem in the MENA region. From 1970 to 2010, the population nearly tripled, increasing from 128 million to 359 million inhabitants (Hegsay quoted in Beck and Hüser 2011). Moreover the population in most Arab countries is also young, with at least 50 per cent of the population on an average is under the age of 25 in Arab countries (Al Sharekh 2011). Looking at the data of population growth, the Arab population grew by 2.1per cent which is higher than the population of Least Developed Countries (LDC) (Table 1). Moreover, the working age population of Arab Countries i.e. population between the age group of 15-64 years is 63 per cent, which is again higher than that of LDC countries which are at around 57per cent. In fact the proportion of working age population is expected to peak at 66 per cent in the year 2040 and decline to 65 per cent by 2050 (Table 1) (United Nations Development Program 2011).

¹⁹ In fact there were some 30,000 organizations operating within Egypt (Joffé 2011b).

Table 1: Population Growth in MENA Region from period, 2000-2010

Regions/Groups	2000-2010
Arab Countries	2.10%
Maghreb	1.30%
Mashreq	2.20%
GCC	2.70%
LDC	2.40%

Source: Arab Development Challenges: p. 136, UNDP 2011

Table 2: Percentage of Working Age Population in MENA Region

Regions/Groups	15-24 Yrs (as per cent)	24-64 Yrs (as per cent)	Working Age Population (as per cent)
Arab Countries	20	43	63
Maghreb	20	48	68
Mashreq	20	41	61
GCC	18	51	69
LDC	21	36	57

Source: Arab Development Challenges: p. 40, UNDP 2011

The young and growing population had two consequences; firstly, it led to immense pressure on the labour markets that were unable to create gainful employment. The unemployment rate for the population group between the ages of 15 and 24 was 25.6 per cent in 2003, the highest in the world (Beck and Hüser 2011). The unemployment rate for the time period 2001 till 2011 was 9.3 per cent and the youth unemployment was 23.8 per cent (Table 3). In fact youth unemployment reached 24 per cent for the period 2005 till 2011, and among the total unemployed in Arab countries, 50 per cent were youth (United Nations Development Program 2011). Moreover, the job market provided limited employment prospects for university graduates. For example in Egypt, college graduates had ten times more likely to have no jobs than someone with primary school education (Hibbard and Layton 2010; Lawson 2012).

Table 3: Overall and Youth Unemployment Rate in MENA Region in the period 2001-2011

Regions/Groups	2001-2011	
	Overall Unemployment rate (as per cent)	Youth Unemployment rate [15-24] (as per cent)
Arab Countries	9.3	23.8
Maghreb	11.9	25.5
Mashreq	8.8	23.7
GCC	4.6	23.3
LDC	11.5	18.7

Source: Arab Development Challenges: p. 40. UNDP 2011

Secondly, the growing population put pressure on food and fuel subsidies that are prevalent in many countries of the region. Since 2010, global food prices were increasing (Al Sharekh 2011; Johnstone and Mazo 2011; Ghiles 2012). Availability of arable land and water resources are scarce in MENA region, therefore region imports more food per capita than any other, accounting for 25–50 per cent of national consumption (Johnstone and Mazo 2011). The region is largest importer of cereals, and its highly vulnerable to rising global commodity prices as it is dependent on international markets for food security (Johnstone and Mazo 2011). According to the *United Nations Food and Agriculture Organisation*, since July 2010, prices of many cereals and other foodstuffs have risen dramatically. Prices of maize increased 74 per cent; wheat went up by 84per cent; sugar by 77 per cent and oils and fats by 57 per cent. It also pointed out that, in January 2011 its food price index was up 3.4 per cent from December 2010, reaching 231 (1990=100) and marking the highest level since the organisation started measuring food prices in 1990 (Joffé 2011b).²⁰ Hence increasing global food prices, population growth and changing diets have contributed to the region’s growing food insecurity and distress (Johnstone and Mazo 2011). The World Bank President Robert Zoellick has described food prices as an ‘aggravating factor’ in recent uprisings in the region (Johnstone and Mazo 2011).

Similarly, subsidisation of energy also forms a part of fiscal expenditure in many countries. Although the region has some leading oil exporting economies that are able to bear the subsidies, but there are non-oil exporting economies as well like Egypt, Tunisia

²⁰ While measuring Food Price Index 1990 is taken as base year.

and Yemen that bear the fiscal burden of subsidies by selling oil at lesser rate than international market. According to *International Energy Association* measures, Arab countries are among the largest subsidisers of energy in the world (Fattouh and El-Katiri 2012). Among the world's top ten energy subsidisers, six are present in Arab world (Fattouh and El-Katiri 2012). Countries like Kuwait, Saudi Arabia, and Qatar, charge their populations less than a third of international prices for fuel and electricity (Fattouh and El-Katiri 2012). Then there are oil importing countries, implying that they incur actual fiscal losses by giving subsidies as they buy at full international prices and sell domestically at discounted prices (Fattouh and El-Katiri 2012). Global oil price rises during the 2000s substantially increased the import bill for Arab oil importing countries, and thus the cost of fuel price subsidies (Fattouh and El-Katiri 2012). The import of natural gas, the only alternative to petroleum products used by most Arab states, has likewise become more expensive, as has the production of domestic reserves of natural gas (Fattouh and El-Katiri 2012). Arab countries respond in various ways to cushion the affects of rising food and energy prices, ranging from bread subsidies, to increasing public sector wages and tax reductions (Saif 2008). For example in Egypt, five-fold rise in bread prices had led to serious food riots in April 2008 (Saif 2008). The government response included allocating \$2.5 billion of its new budget for bread subsidies, imposing a ban on rice exports, and ordering the army to bake and distribute bread to the poor (Saif 2008). Public sector wages were also increased by 30 per cent. But there have been no real policy shifts addressing the core problems of the agricultural sector and excessive consumption of energy, especially in the non-oil exporting countries (Saif 2008).

1.3.2 Politico-Economic Causes

The Arab Spring challenged the fundamental authoritarian social contract on which the regime maintained a certain amount of loyalty from its populace. The authoritarian bargain was that in exchange of loyalty of its subjects the regime provided basic subsidies (food and fuel subsidies and like) and state welfare support (Beck and Hüser 2011). As explained above the system was severely under stress for some years but especially after the financial crisis of 2008. The states that were unable to preserve the authoritarian bargain saw change in regime, as the case Tunisia and Egypt suggest. The states that were successful in holding on to the authoritarian bargain through economic concessions offered to population survived the uprisings, as the case of Gulf Monarchies, Algeria and Morocco suggest.

The Political Economy of Arab region have developed some characteristic features, it includes a strong Rentier state system, Crony Capitalism and Nepotism. Rentier state is a state which does not depend on taxation to raise revenue. The revenues are generated through rents derived from external revenues raised from sale of valuable natural resource (like Oil).²¹ Hence rentier states enjoy a degree of political autonomy from their society (Schwarz 2009: Beck and Hüser 2012). The wealth derived from rents is used to strengthen distributional function of the state to provide material legitimacy as opposed to political legitimacy (Schwarz 2009). The rentier suffers from to flaws; firstly, the politics of distribution is used to depoliticize the society (Schwarz 2009: Beck and Hüser 2012). Secondly, sooner or later the distribution capacity of state reaches its limits and the newer sources of generating revenues are limited due to states neglect of other productive sectors (Beck and Hüser 2012).²² The Arab Spring highlights that rentier system has not been displaced fully as the case of Gulf monarchies and Algeria highlights. These countries have negligible dependence on taxation for revenues and strategic distribution of oil rents helped them in buying off protestors (Schwarz 2009). For example, there are massive housing schemes in Saudi Arabia and Bahrain; a 60 percent salary increase in Qatar; food subsidies and outright grants to all Kuwaiti citizens; debt absolution and wage increases in the United Arab Emirates (UAE), and in Oman, unemployment grants, student stipends and 50,000 jobs. Countries like Tunisia in which taxation forms around 76 per cent of state revenues were unable to use distributional tactics to ward off protestors (Schwarz 2009). Only Morocco which also depends heavily on taxation was able to hold off protests by offering limited political reforms (Schwarz 2009).

Another legacy of rentier state in Middle East has been the formation of a strong centralised patron state. The regime has exclusive control over revenue creation and distribution and hence the population is heavily dependent on state support. Private sector is heavily dependent on state resources and contracts (Salem 2010). The economic reforms that were conducted post 1990s only exacerbated the problem of cronyism and nepotism (Salem 2010). The tightly knit groups of kinsmen and elites benefitted from economic reforms, while the regimes still were apathetic towards increasing internal accountability and improving governance (Salem 2010). In Egypt, the privatisation program between

²¹ However rents are not always derived through natural resources, the external assistance in form of foreign aid are also known as strategic rents. Similarly, incomes from repatriations from migrant workers are also form of rents.

²² Literature on 'Resource curse' often highlights this very flaw of rentier state system.

2003-2006 lead to sale of national assets to those close to the Mubarak's family for a fraction of the actual price (Hibbard and Layton 2010). Similarly in Tunisia United States State Department diplomatic cables especially those written by US Ambassador to Tunisia Robert F. Godec provides a detailed account of corruption within Ben-Ali/Trabelsi ruling family (Schraeder 2012). US Ambassador particularly mentions the name of President Ben Ali's brother-in-law Belhassen Trabelsi, often referred to as the "Godfather," who, according to the U.S. Embassy in Tunis, illegally assumed control over an range of companies, including "an airline, several hotels, one of Tunisia's two private radio stations, car assembly plants, Ford distribution, a real estate development company, and the list goes on" (Schraeder 2012: 668). Moreover, the Arab Spring highlights that there are concrete limits to neo-liberal reforms and especially when these reforms lack popular legitimacy as was the case in the MENA region (Fakhro and Hokayem 2011: Teti and Gervasio 2011).

The result has been severe inequality that exists in the society. Egypt's GINI index, which measures wealth inequalities, had been static between 1992 and 2006 at around 32, making Egypt the ninetieth most unequal state in the world where the top 10per cent of the population controlled around 27 per cent of national wealth (Joffé 2011b). Even in 2011, 20per cent of the population remained below the poverty line and unemployment in 2010 was around 13per cent (Joffé 2011b). Similar statistics could be cited for other MENA countries (Joffé 2011b). In Tunisia, for example, 7.4 per cent of the population in 2010 was below the poverty line and unemployment ran at 14 per cent (Joffé 2011b). The GINI index there had declined from 41.7 in 1995 to 40 in 2005 and the richest 10per cent of the population controlled 31.5per cent of the wealth of the state (Joffé 2011b).

The questions that will be important in the future would be that how will these grievances effect transition in the country that have witnessed Arab Spring and particularly Egypt, Tunisia and Libya where regimes have been overturned. Many of the socio-political and politico-economic problems facing the region require a longer time frame to be resolved, yet for the masses would demand an immediate resolution. This temporal gap between expectations and results could hamper effective transition to democracy and may even lead to return of authoritarianism (Colombo 2012).

1.3.3 Foreign Policy Causes

Arab Spring is characteristically an indigenous social movement triggered primarily by the domestic grievances yet there is awareness among Arab population that regimes being challenged by them owe their survival partly to the western support. In this respect the Arab Spring is also a blatant challenge to the foreign policy of the west and also an opportunity for introspection of these policies. Arab Spring challenges the post-9/11 paradigm of foreign policy which suffered from stability syndrome (Thimm 2012). The United States foreign policy after 9/11 was characterised by, on one hand, there was enhanced pressure on United States designated 'rouge states' (Thimm 2012). On the other hand support to the allied authoritarian regimes increased with the added argument that they were partners in 'War on Terror' (Thimm 2012). As Thimm (2012) argues that nothing fundamentally changed in US policy towards Middle East after 9/11 rather it was continuation of the same, but Arab Spring challenges the very fundamentals of United States policy towards Middle East. Boukhars argues that democracy promotion was tool used by the West and especially the United States more as a tool to punish regimes that were against United States interest (Boukhars 2011: 61).

The authoritarian regimes played on the security fears of west and in turn presented themselves as guarantors of stability. The French support to President Ben-Ali's iron-fisted rule was partly due to the fact that he helped curbed rise of Islamic terrorism in Tunisia, which the French feared was operating with moderate success in Morocco, Algeria and Sahel region (Crumley 2011). As a French security official confessed that "it's a matter of fact that one upside of Ben Ali's dictatorship has been the relentless squeeze it's put on jihadists" (Crumley 2011). In return they received large amount of aid with which they strengthened their security apparatus that served the dual purpose of achieving counter terrorism objectives to impress the West, while also repressing internal dissent that threatened the regime. However, as Arab Spring highlights that the stability that the authoritarian regimes guaranteed was more of stagnation (Perthes 2012). Hence there is need to redefine stability and move towards a more dynamic understanding of stability that permits change and peaceful transition (Perthes 2012).

In 2005, then US Secretary of State Condoleezza Rice famously told a Cairo audience that "for 60 years, my country, the United States, pursued stability at the expense of democracy in this region, here in the Middle East, and we achieved neither". The fact that the western foreign policy is confused between stability and democracy is because they have discredited both these objectives due to their actions (Joshi 2011a). Iraq war of 2003 did

not lead to any functional democracy in the country instead a violent insurgency erupted in the country that led to further repression by Prime Minister Nuri Al-Maliki and increased the influence of Iran in the region (Joshi 2011a). Similarly, democratic movements supported by west in countries like Lebanon and Palestine have led to groups coming into power that do not have any regard for democracy (Joshi 2011a). Hence pursuance of stability or democracy has only led to instability in the region (Joshi 2011a).

1.4 Reaction of Europe to the Arab Spring

How significant is Arab Spring to Europe? Are the upheavals taking place in the region worth pondering over? Probably yes. Arab Spring may not be comparable to transitions in Eastern Europe that took place after breakup of the Soviet Union, nonetheless their significance cannot be denied due to geographical and economic linkages between Europe and MENA region. In fact there is a tacit connection between the Arab Spring and Europe's flailing economy. The Middle East and particularly North Africa is highly dependent upon exports to Europe. The recession in Europe led to fall in the exports from the region to Europe (Veltmeyer 2011). *World Bank* figures show that Egypt's year-on-year growth rates of merchandise exports to the EU dropped from 33per cent in 2008 to 215per cent by July 2009 (Veltmeyer 2011). Similarly, Tunisia and Morocco saw the total value of their world exports fell by 22per cent and 31per cent respectively in 2009 (Veltmeyer 2011). The downturn in European economy has also led to decline in worker remittances. Europe tends to be favoured migration destination for North Africans, particularly Tunisians and Moroccans, and to lesser extent Egyptians (Veltmeyer 2011). Egypt is the largest recipient of remittances in the Middle East, representing approximately 5per cent of national GDP. It experienced a massive contraction of 18per cent in remittances from 2008 to 2009 (Veltmeyer 2011). The recession particularly in Southern European countries and mass layoffs in sectors like construction will hugely affect remittance flows for the region (Veltmeyer 2011). Therefore the upheavals in its southern neighbourhood should be of grave concern to Europeans more than anyone else. Moreover, Middle East and North Africa region is also important in terms of energy supply as it is home to 60per cent and 45per cent proven oil and gas reserves respectively (Darbouche 2011).

On a broader perspective, Europe's response to the Arab Spring can be characterised by inherent conflict between perceived interest and values (Alcaro 2012). On one hand there

are varied hard core commercial, security and political interests of different European countries. On the other hand there are European values of freedom, individual rights and democracy that the protestors were perceived to be fighting to uphold. Hence, in this conundrum of conflict between perceived interest and values, European countries response may seem to be ambivalent, in reality has been a heterogeneous approach, where somehow interests and values both have figured in strategic calculation (Alcaro 2012). The heterogeneous approach is partly also because of resultant diversity in regimes in the region (Buck and Huser 2012; Youngs and Álvarez 2012). The other facet of European response to Arab Spring was that it followed a wait-and-see approach in responding to Arab Spring (Alcaro 2012). Its initial response was generally characterised by suggestion of some sort of a negotiated transition, compromise or dialogue between regime and the opposition forces, while a waiting until a clear course of action could be calibrated (Alcaro 2012).

Europe was initially taken by surprise by the Arab Spring, hence its initial reaction was marked by denial.²³ As evidenced in Tunisian uprisings, Southern European countries blocked a more forceful support for protestors, as France even suggesting to give French assistance to help President Ben-Ali quell the protestors. The second phase of Europe's reaction was a frantic patch up for its past mistake of supporting authoritarian regimes and its belated support for protest movement.²⁴ The Europeans attempted to get on the right side of history, as European Commission came up with *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean* in March 2011 and *A New Response to Changing Neighbourhood: A Review of European Neighbourhood Policy* on May 2011. Similarly, France and Britain tried to push for military engagement in Libya, while there were other countries in Europe that opposed it. The third phase of Europe's response has been its willingness to be more assertive in order to shape the outcome of Arab Spring to serve its interests.²⁵ The NATO coalition went beyond the UNSC Resolution 1973 to target Qaddafi. It is now increasingly pushing for removal of President Bashar Al-Assad's regime in Syria. While Europeans have maintained stable relations with Gulf monarchies,

²³ Comments made by Timo Behr on 27 September 2011 in EU-US ISS Debate 2011, International Security Studies Institute, available at: http://www.iss.europa.eu/publications/detail_debate/article/q-impotent-bystanders-how-did-the-eu-and-us-respond-to-the-arab-spring-3/

²⁴ Ibid.

²⁵ Comments made by Timo Behr on 27 September 2011 in EU-US ISS Debate 2011, International Security Studies Institute, available at: http://www.iss.europa.eu/publications/detail_debate/article/q-impotent-bystanders-how-did-the-eu-and-us-respond-to-the-arab-spring-3/

and hence there has been relatively less criticism of Bahrain's crackdown of protestors and the uprising in Yemen, a country where Saudi Arabia's influence has been accepted and European Union is working on Gulf Co-operation Councils mandated transition plan (European Foreign Policy Score Card 2013).

Bilaterally, European countries tried to manage their responses to Arab Spring in varied ways, keeping in mind their geographical proximity and their interests in mind. First, they are Southern European countries, namely France and Italy that had a much closer relations with countries south of Mediterranean and had invested hugely with autocratic regimes of Morocco, Libya and Tunisia for economic and security concerns. Then there are countries like Germany and United Kingdom who may have been geographically distant from the region, yet their limited engagement in the region and their importance in Europe made them take positions keeping in mind their long term priorities.

1.4.1 France and the Arab Spring

The uprising against President Ben-Ali, a regional ally and a country where France had colonial linkages was a severe test case for France. French were reluctant to comment upon the situation in Tunisia and they tried to back the regime. Responding to the parliament on 11 January 2011, the then Foreign Minister Michele Alliot-Marie called for viewing the situation objectively, she stressed that France should not stand out as lesson givers. However her suggestion to offer French riot police to train the Tunisian police in crowd control technique was an embarrassment for the French government. Then further revelation of former French Foreign Minister Michele Alliot-Marie dealings with businessmen affiliated to Ben-Ali's regime was a further blot on French Foreign Policy (Mikail 2011; Cameron 2012). Support for President Ben-Ali was expressed by French culture minister in an interview in which he said that "to say unequivocally that Tunisia is a dictatorship strikes me as completely exaggerated". However, when the President Ben-Ali fled to Saudi Arabia (after being refused asylum by France) on 14 January 2011, the French gradually started to reconcile with the fact and expressed support for protestors. However, dismissive comments made by new French Ambassador to Tunisia, Boris Boillon to Tunisian journalists, during his inaugural press conference was in turn also heavily criticised (Cameron 2012). France's reluctance in acting quickly in case of Tunisia can be attributed to the fact that there were 22000 French citizens and 1200 French companies in Tunisia. Many families in France have their roots in Tunisia, and being a

former colonial power that ruled Tunisia, France appeared reluctant to intervene. There were also security fears as France feared that fall of President Ben-Ali could lead to an Islamic regime and that this might cause a ripple effect as Islamic threat might spill over in Algeria and rest of North Africa. French Foreign Policy towards Middle East was in tatters after the Arab Spring. France needed some drastic action to regain its credentials in a region where it aimed to assume a leadership role. In case of Egypt a much France issued Joint Statement with Heads of State of France, Germany, Italy, Spain and United Kingdom on 3 February 2011, calling for a “quick and orderly transition”.²⁶ French seized opportunity of being in forefront of military and political engagement in Libya. It became the first European country to recognise National Transition Council of Libya on 10 March 2011.

It was under the French Presidency that in May 2011, the G8, a group of eight countries with some of the world's largest economies, of which the France and UK are a part, launched the Deauville Partnership. The Deauville Partnership is a financial and policy framework through which G8 countries will work with Middle East and North African (MENA) countries and the international donor community, with long-term aim of fulfilling aspiration of people of Middle East and North Africa (MENA) region for greater political and economic participation. In order to assist countries going through transition in the countries in the MENA region the focus would be on four priority areas: stabilization, job creation, participation/governance, and integration.

France has lost its co-presidency of Union for Mediterranean to European Commission as part of post-Arab Spring reform. There also seems to be a declining interest among the countries of MENA region, in the UFM. As French governments fact finding mission to Tunisia, Libya and Egypt in March 2012, found out that the especially in Egypt there was not much interest shown by President Morsi's Freedom and Justice Party in UFM.²⁷ Except Former Egyptian Foreign Minister Amr Mussa, no one seemed to be enthusiastic

²⁶ “Egypt: Joint Statement by Heads of State and Government of France, UK, Germany, Italy and Spain”, *Voltairenet.org*, 3 February 2011, (Accessed 9 May 2013) URL: <http://www.voltairenet.org/article168373.html>

²⁷ Republic of France, The Senate, Information Report No. 636 (2011-2012), “Egypt, Libya and Tunisia a year after Arab Spring”, prepared on behalf of France Senate Finance Committee, 4 July 2012, Paris, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

about UFM. Egypt has already given up its co-presidency in UFM and suggested that co-presidency should be handed to the Arab League.²⁸

In case of Syria, France is thinking to arm the rebels in 2013 (European Foreign Policy Scorecard 2013). It has gone along with EU and supported sanctions against Syrian regime. However, it is unlikely that France would take a lead in Syria like it did in Libya. French have on the other hand intervened in Mali in support of the government as it came under attack from the Tureag rebels. French military engaged and pushed back the rebels and liberated Timbuktu. French military presence has increased in North and West Africa as it tries to engage in conflicts in Cote de Ivory and Mali.

1.4.2 Italy and the Arab Spring

Italian reaction was primarily governed with its privileged relations that it had built with North African regimes, particularly Libya and its concerns about migration and energy security. Italy depends on the region for energy security. It relies on Libya, Algeria and Gulf States for 70 per cent of its energy needs (Arbatova 2011). In terms of natural gas, Italy satisfies 43 per cent of its consumption from Middle East and North Africa (Stevens 2011). Deciding about military engagement in Libya was particularly testing for Italian foreign policy establishment. Italy had benefitted the most from Qaddafi regime. Italian Oil Company ENI was heavily invested in Libya, similarly the Libyan investments have considerable stake in Italian banking sector (Santini 2011; Lombardi 2011). It also faced the problem of migration from North Africa. The Arab Spring lead to a surge in illegal migration as boat loads of migrants and refugees tried to enter Europe particularly into Italy. Between the period of January 2011 and September 2011, approximately 42000 migrants entered Italy illegally by sea, basing themselves at Island of Lampedusa (Fargues and Fandrich 2012). During the time of uprisings the border control and sea patrolling was minimal as Tunisia and Libya were embroiled in protests (Fargues and Fandrich 2012). Similarly, many non-Tunisians and non-Libyans were also smuggled into the country during this period (Fargues and Fandrich 2012).

Hence issues of energy security, commercial interests and migration guided Italian response to Arab Spring (Santini 2011; Lombardi 2011). Italy recognised Libyan National Transitional Council as country's only 'legitimate voice' of Libyan people after London summit (29 March 2011) of 'Friends of Libya' group, where the NTC agreed to honour

²⁸ Ibid.

“covenants made at international level” with foreign companies as Italian Foreign Minister Franco Frattini assured the media (La Mattina 2011). Paolo Scaroni, the chief executive of Italian oil company ENI, was in Benghazi as early as April 2011 to discuss energy cooperation with the NTC.²⁹ In response to migration, Italian government declared state of emergency after the Tunisian uprisings as around 4000 illegal immigrants landed on Italian ports (Pisa 2011). During Prime Minister Berlusconi’s visit to Tunisia on 4 April 2011, main issue discussed was control of immigration (Kimball 2011). Before him Interior Minister Roberto Maroni and Foreign Minister Franco Frattini had already visited Tunis and offered new government €80 million to control illegal migration and €150 million to re-launch its economy.³⁰ Italy signed a secret deal with Libyan NTC which allowed it to intercept asylum seekers at sea and hand them back to Libyan authorities (Nielsen 2012).

At the level of EU, Italy played hard ball on the issue of migration. In April of 2011, as 23000 North African migrants camped at Island of Lampedusa, Italian government decided to bring them to mainland Italy and then issue them temporary visas, which would make them eligible to travel freely according to Schengen Accord throughout most of EU (Lombardi 2011). Hence Italy decided to pass the problem of immigration to its neighbours. Italian Interior Minister Roberto Maroni stated that the move was to “put pressure” on EU countries after their “utter refusal to collaborate” with Italy to ease the burden of migration that followed Arab uprisings in Tunisia, even though FRONTEX had launched Operation Hermes at request of Italy to curb migration on 20 February 2011 (Lombardi 2011).³¹ Italy faced serious criticism from other EU countries on summit of Interior Minister held in Luxemburg on 11 April 2011 (Lombardi 2011). France decided to shut down rail link between Menton and Ventimiglia, and was thinking of suspension of Schengen and re-instatement of border controls on Franco-Italian border (Lombardi 2011). However, finally Italy and France came together and at a bilateral summit in Rome (26 April 2011), President Nicholas Sarkozy and Prime Minister Silvio Berlusconi announced that the two governments would co-sponsor an initiative in Brussels to “make the EU more effective in the struggle against illegal immigration in southern Europe” and to increase the resources for FRONTEX (Lombardi 2011: 42).

²⁹ “EU sends envoy to Libya’s rebel capital”, *Euractiv.com*, 5 April 2011, (Accessed 14 June 2013) URL: <http://www.euractiv.com/global-europe/eu-sends-envoys-libyas-rebel-cap-news-503800>

³⁰ “Italy threatens to let immigrant loose across Europe”, *Newstime Africa (NTA)*, 1 April 2011, (Accessed 25 March 2013) URL: <http://www.newstimeafrica.com/archives/18738>

³¹ “Italy threatens to let immigrant loose across Europe”, *Newstime Africa (NTA)*, 1 April 2011, (Accessed 25 March 2013) URL: <http://www.newstimeafrica.com/archives/18738>

1.4.3 Southern European Countries and the Arab Spring

In wake of Arab uprisings, Southern European countries also tried to reassert their role in southern neighbourhood by demanding that EU should boost its involvement in MENA region even at an expense of Eastern European neighbourhood (Ananicz 2011). Germany and Central European countries were in favour of a more balanced approach (Ananicz 2011). In letter and a non-paper dated 16 February 2011 by the foreign ministers of France, Spain, Greece, Cyprus, Slovenia and Malta to Catherine Ashton, these countries appealed to High Representative to strengthen southern dimension of EU in order to assist countries of North Africa in their transition (Ananicz 2011). The letter suggests a redistribution of funds from eastern to southern neighbourhood. As Arab Spring also coincides with negotiation EU's new financial perspective for 2014-2020, EU Member States want to influence EU's foreign policy such that their suggestions reflect in EU's budget (Ananicz 2011). However in reality southern neighbourhood has not been ignored at least in terms of funding, as out of €12 billion in the year 2007-2013 earmarked under European Neighbourhood Policy Instrument, €8 billion has been spent on southern neighbourhood (Ananicz 2011). France, Italy, Spain and Portugal have also revived or supplemented their long-term military co-operation across Mediterranean, which includes training, joint military exercises and exchanges and arms sales (European Foreign Policy Score Card 2013)

1.4.4 Germany and the Arab Spring

Germany's reaction to Arab Spring has been looked only from its insistence of not endorsing military engagement in Libya. Therefore it has been assumed that Germany is aloof when it comes to engagement in MENA region. Traditionally, German interests are limited in MENA region compared to Eastern Europe which is of primary importance to Germany; it has been content with having its partners set the regional agenda, while quietly pursuing its limited commercial interests in the region (Behr 2012). It has consented with France's dominance in the region as long as a balance approach between southern and eastern neighbourhood was maintained (Behr 2012). However since 2000, the declining demographics in Germany, migration flows and German reliance on trade-led growth has increased its engagement in the MENA region (Behr 2012).

In the aftermath of Arab Spring German foreign policy has tried to contend with balancing the significance of the region to its own interests and its reluctance of over committing

itself in the region (Behr 2012). Germany along with France, Spain, Italy and United Kingdom was first to issue a joint statement on protests movement in Egypt. German Foreign Minister Guido Westerwelle was the first western Foreign Minister to visit Egyptian President Mohamed Morsi and express his confidence in his leadership (Behr 2012). Germany also advocated dialogue with moderate Islamist parties in Tunisia and Egypt.

It also moved to transform its relations with Tunisia and Egypt under *Transformationspartnerschaft* (Transformation Partnership) (Behr 2012). A Transformation-dialogue was initiated between Tunisia and Germany following the visit of Foreign Minister Guido Westerwelle to post-revolutionary Tunisia (Behr 2012). The focus was political and economic transformation of Tunisia. German funding to Tunisia included, 60 million debts converted into Official Development Aid (ODA) and a further 32 million (Behr 2012). Funding for German political foundations in Tunisia was also increased. Similarly, Germany and Egypt signed “Berlin Declaration” on 12 August 2012, agreeing on number of measures for closer bilateral cooperation (Behr 2012). The declaration outlines broad areas for bilateral cooperation and foresees exchanging €240 million of Egyptian debt for ODA over a four-year period. Significantly, it also establishes a bilateral strategic dialogue to be held annually at senior official level to discuss bilateral, regional and global issues (Behr 2012). Germany has agreed to cancel roughly \$350 million (out of 9 billion owned to EU) in Egyptian debt (Dadush and Dunne 2011). Germany has become the largest ODA provider in North Africa (Behr 2012).

Germans have also actively pursued their commercial interest in the region. Germany has strengthened its cooperation with a number of the Arab Gulf countries, especially in the contentious arms sector. The reason given by German government was that such deals were pursued with Gulf monarchies for maintaining ‘regional stability’ (Behr 2012). Thus, it emerged in 2011 that Germany was negotiating the delivery of up to 270 Leopard II tanks to Saudi Arabia, following an earlier licence for exports to Qatar. It has also negotiated a deal with Algeria to export frigates and Armoured Personnel Carriers (Behr 2012). Hence, German government are willing to take controversial decisions when it comes to their commercial interests in the region. It also points at the growing importance of geo-economics in foreign policy especially as Europe marred with recession is making European companies look for markets abroad.

At the level of European Union (EU), German policy was dictated by two aims; firstly, to keep French and other Southern European states dominance in check in the MENA region and secondly, to make sure that a balanced approach is followed by the European Union between eastern and southern neighbourhoods especially as core German interests are in Eastern Europe (Behr 2012). German policy-makers and diplomats were quick to admit the failure of past EU policies. They began to openly question the role played by southern EU Member States; particularly given their initial resistance to regional developments.³² Christian Democratic Union's foreign policy spokesperson Philipp Missfelder, amongst others, voiced this concern by stating that "there is no consistent EU policy toward North Africa because until now we have ceded everything to the former colonial powers of France and Italy" (Behr 2012: 2). This widely shared perception of the need to rebalance Euro-Med policies educed a more pro-active German position on both the bilateral and multilateral level.

The Germans pushed for change in the defunct Union for Mediterranean (UfM) which was an important French initiative. Germany favoured a re-multilateralisation of the institution, by transferring the European Co-Presidency from France back to the European Commission (Behr 2012). This position once again went against the grain of French policies, which favoured a more intergovernmental approach (Behr 2012). In response to a non-paper floated by six southern Member States demanding a redistribution of resources from the eastern to the southern neighbourhood, greater aid, more flexibility, and a key role for the French-led Union for the Mediterranean, German Foreign Minister Guido Westerwelle launched his own catalogue of proposals, backed by a number of northern and eastern member states.³³ In a letter High Representative of European Union, Foreign Minister Guido Westerwelle opposed geographical redistribution of resources and instead suggested to refocus existing funding towards democracy and human rights, by introducing a much more stringent form of aid conditionality.³⁴ The proposal also

³² For example the case of French Foreign Minister Michele Alliot-Marie dealings with businessmen affiliated to President Ben-Ali's regime.

³³ "Make commitments for North Africa reform: Westerwelle", *Frankfurter Allgemeine Zeitung*, 18 February 2011, (Accessed on 16 May 2013) URL: <http://www.faz.net/frankfurter-allgemeine-zeitung/politik/westerwelle-zusagen-fuer-nordafrika-an-reformen-knuepfen-1594990-11.html>

³⁴ Ibid.

suggested a further opening of EU markets, in particular in agriculture, as well as greater mobility and a new focus on civil society engagement.³⁵

After its opposition to military engagement in Libya, Germans have generally gone along with their European partners in measures taken against Syrian regime of President Bashar Al-Assad and has backed dialogue with the Syrian opposition (Behr 2012). There are also indications that in case a military engagement is contemplated in Syria, Germans may support it (Behr 2012). Germany as NATO member has already authorized the decision of NATO to send two batteries of Patriot missiles near the Turkish border with Syria in order to protect the alliance member from any ballistic missile threat from Syria.³⁶ The mission will involve up to 400 troops from the German military and personnel for AWACS (Airborne Warning and Control System) surveillance aircraft and commando units.³⁷ The mandate has a one year limit with the possibility of extension. There have been reports of German naval assets being used to gather intelligence on Syria by the *Bundesnachrichtendienst* (Federal Intelligence Service) and aid insurgents by monitoring Syrian army movements.³⁸

1.4.5 The United Kingdom and the Arab Spring

The United Kingdom was taken by surprise by uprisings in the region. Its response to Arab Spring was guided by three factors. Firstly, Britain's intention was to try and strike a balance between its commercial interests and its support to the democratic movements. From the start of his tenure, Prime Minister David Cameron has explicitly sought to place commercial diplomacy at the heart of British foreign policy. Facing economic austerity at home, the Coalition's led by the Conservatives stated goals are reinvigorating Britain's bilateral relationships abroad and giving international engagement a commercial focus (Michou 2011). Foreign and Commonwealth Office (FCO) regional officers have seen their mandates expand to include a new hard sell of Britain and its products (Michou 2011). On one hand, Prime Minister Cameron called the uprisings "hugely inspiring" and critiqued British Foreign policy in the region in speech given to Kuwaiti Parliament

³⁵ Opening of agricultural market is a contentious issue for many southern European states as there agricultural lobby would oppose such a move as exports from North Africa would compete with the domestic agricultural produce.

³⁶ "NATO Operation: Berlin Approves Patriots for Turkey-Syria Border", *Der Spiegel Online*, 6 December 2011, (Accessed on 30 April 2013) URL: <http://www.spiegel.de/international/germany/german-cabinet-authorizes-sending-patriots-to-turkey-with-nato-a-871378.html>

³⁷ Ibid.

³⁸ "British, German Spies reported to be aiding Syria insurgents", *Voltairenet.org*, 19 August 2012, (Assesed on 27 April 2013) URL: <http://www.voltairenet.org/article175497.html>

(Harris 2011). He quickly added a visit to Egypt after the fall of President Mubarak to his Gulf tour itinerary in order to become the first Prime Minister to visit post-Mubarak Egypt. Under the Deauville Partnership, United Kingdom launched an initiative called Arab Partnership. Arab Partnership is a joint DFID (Department of International Development) and Foreign and Commonwealth Office (FCO) initiative. The focus countries are Egypt, Tunisia, Jordan, Morocco and Libya.³⁹ It aims at providing expertise and support to countries, at their request, as they implement their plans for reform and economic growth. The UK has created a £110 million four-year Arab Partnership Fund to support political and economic reform in the region (Michou 2011). On the other hand, Britain has actively pursued its commercial interest especially with Gulf monarchies. In the same visit where he addressed Kuwaiti Parliament, Prime Minister Cameron also carried huge entourage of business men especially for arms sales (Harris 2011; Michou 2011). United Kingdom has admitted of having interest in defence sector links with Saudi Arabia and its Ministry of Defence admitted training Saudi National Guard that was part of forces sent to Bahrain to quell the uprising against Al-Khalifa monarchy.⁴⁰ Therefore in the same breath Britain aims to continue to pursue trade and commercial ties and project itself as defender of democratic aspirations of the people.

Secondly, another factor that might have guided Britain's foreign policy response to Arab Spring could be its relationship with Gulf monarchies. Britain has deep commercial relationship with Gulf monarchies especially Saudi Arabia (Harris 2011; Michou 2012). Arab Spring has been both an internal and external challenge for Gulf Monarchies, while they have been trying to contain uprisings in their own monarchies, externally in the region they are acting as reformers, therefore we find Qatar, Saudi's and United Arab Emirates supporting involvement in Libya (Colombo 2011). The influence of Gulf monarchies as stabilizing force in the region might have prompted Britain to get involved in Libya. Britain's defence ministry has admitted that "the Gulf States are key partners in the fight against terrorism and the proliferation of nuclear weapons as well as being an emerging

³⁹ Government of United Kingdom, Department for International Development (2013), "Arab Partnership", 25 March 2013, (Assessed 19 June 2013) URL: <http://www.dfid.gov.uk/Work-with-us/Funding-opportunities/partnerships/Arab-Partnership/>

⁴⁰ "Report: UK-trained forces help quell Arab Spring", *NBCNews.com*, 29 May 2011, (Accessed 22 February 2013) URL: http://www.nbcnews.com/id/43208182/ns/world_news-mideast_n_africa/t/report-uk-trained-forces-help-quell-arab-spring/#.UXUz17VBPU4

source of economic and political influence”.⁴¹ As Britain struggles to keep up with the Arab Spring, and the Gulf monarchies struggle to keep it at bay, neither can afford to downgrade their strategic relationship (Michou 2012).

Thirdly, Euro-scepticism has also been a factor in British foreign policy in the region. Foreign Minister William Hague stated that Britain should be cautious against ‘outsourcing’ of British foreign policy to the European External Action Service (EEAS) (Michou 2011). The British reservation against appointment of Bernardino Leon as EU Special Envoy for the Southern Mediterranean was more to do with his mandate that covered Gulf States rather than anything to do with his competence (Michou 2011). In Libya, some EU Member States resented the Anglo-French ‘takeover’ of defence policy. Others however recognised that these were the only two member states with the military capacity to lead NATO operations (Michou 2011). Indeed, the unprecedented defence pact signed between Prime Minister Cameron and President Sarkozy in November 2010 shows that neither intends to see this power watered down by EU institutions (Michou 2011).

After proactively advocating military engagement in Libya, the British position on Syria is in line with European Union. It does not support intervention in Syria, and supports existing measures of sanctions against the regime (Smith 2012). However there have been reports of British spies aiding Syrian insurgents. Britain’s *Sunday Times* quoted an unnamed Syrian official as saying that British spies, based in Cyprus, gather the intelligence, they then pass it on to Turkish and American sources and the Turkish sources ultimately pass on the intelligence to Syrian insurgents (Leppard and Follian 2012).

European countries would increasingly have to compete with non-European powers for influence in the region. China, India and South Korea have growing economic interests in Middle East and North Africa (Perthes 2011). During the first decade of the century, China’s trade with the region has increased tenfold, India’s trade has increased eightfold and South Korea’s trade has increased threefold (Perthes 2011). All these three countries run a trade deficit with the region and hence they are looking for export contracts in major construction and infrastructure projects (Perthes 2011).

⁴¹ “Report: UK-trained forces help quell Arab Spring”, *NBCNews.com*, 29 May 2011, (Accessed 22 February 2013) URL: http://www.nbcnews.com/id/43208182/ns/world_news-mideast_n_africa/t/report-uk-trained-forces-help-quell-arab-spring/#.UXUzI7VBPU4

1.5 The European Union's Response to the Arab Spring

The other dimension of Europe's relation with the MENA region is through multilateral initiatives floated by European Union (EU), namely the European Neighbourhood Policy (ENP), Euro-Mediterranean Partnership (EMP), which was later merged with the Union for Mediterranean (UfM) in 2008. EU's involvement in the region dates back to Barcelona Declaration of 1995 that commenced the Euro-Mediterranean Partnership (EMP). The EMP consisted of three chapters; the Chapter 1 consisted of the political and security basket that aimed for political and security co-operation; Chapter 2 is the economic basket aimed at creating shared prosperity including free trade area; Chapter 3 was the cultural and social basket that was aimed to create understanding between cultures, develop human resources and facilitate interaction at the level of civil society (Colombo and Tocci 2011). However, in practice most progress was made in Chapter 2, as Arab governments were able to wade through by offering limited commitments on political front while they endeavoured to get access to EU's internal market and attract European investment. Moreover EU felt that economic prosperity would spill on to area of political reform. The EMP was re-launched as Union for Mediterranean in 2008 by French President Nicolas Sarkozy as he precisely aimed at strengthening co-operation on economic issues that had progress the most under EMP while sidelining political issues like democracy promotion in the region and resolution of Israel-Palestine conflict (Colombo and Tocci 2011). President Sarkozy initiative was met with resistance from both within and outside the EU. Germany and the European Commission accused that France aim was to usurp the Mediterranean policies from hands of EU and inter-governmentalize Euro-Mediterranean relations. Southern European countries like Spain and Italy were sceptical that France wanted to place itself at the helm of EU policies in the region thereby sidelining their influence in the region (Knoops 2011: 10). Turkey was sceptical that the UFM was a guise by France to stop Turkey's membership of EU by offering partnership under UFM instead (Knoops 2011: 10; Colombo and Tocci 2011). UFM envisioned economic relations in form of joint commercial projects between Europe and MENA region in areas of energy, infrastructure, transport and the environment (Colombo and Tocci 2011). However, most proposals envisaged within the UFM are yet to be implemented (Colombo and Tocci 2011). Plagued by state to state bureaucracy and tensions that emerged from Israel-Palestine conflict, UFM has more or less been moribund since its inception (Knoops 2011: 11).

In 2003-2004, EU commenced its European Neighbourhood Policy (ENP) for its Eastern and Southern neighbourhoods. The policy envisaged that MENA region was so diverse in political and economic terms; EU needed a differentiated approach towards the region. The other factor was that post 9/11 EU needed to secure its southern frontier from eminent threats of illegal migration and terrorism (Colombo and Tocci 2012). Also United States had launched the Broader Middle East and North Africa Initiative in 2004 to foster political and economic reform in the region. In such a scenario EU could not stay behind and particularly since it had successfully managed to spread its model of 'liberal democracy' in the Eastern Europe after the collapse of Soviet Union. However, just like in case of EMP, the EU's partners in the region only came on board as the ENP promised EU's internal market, investment and aid. The EU's *acquis communautaire*, which EU propagated to the regional partners sans the incentive of membership, was hardly attractive to these partners as they were values held dear by EU and not by countries in the MENA region.

EU's policies towards the MENA region before Arab Spring broke out were already limited in success. The policies suffered from serious imbalances and contradictions. Firstly, there was an economic imbalance between EU and the MENA region. Although the countries in the MENA region had hoped to get favourable economic return by partnering with the EU, in reality very little was achieved as trade negotiations were highly skewed in favour of EU (Colombo and Tocci 2012). Liberalization of trade proceeded much speedily in manufacturing where EU had comparative advantage, rather than agriculture which was the main export of the region. Any move to liberalize agriculture trade was blocked by southern European countries, as the agriculture lobby in these countries was very strong. EU's policies were critiqued for not understanding the intricate economic needs and problems of the countries of the region and rather were seen more as a means of stopping illegal migration by throwing money in the region (Colombo and Tocci 2012). Several studies also suggest that the Arab countries' extensive trade agreements reached during the 1990s and early 2000s with the European Union, the region's most important trading partner, have by and large failed to deliver on their promises (Dadush and Dunne 2011). For example, a 2004 study concluded that the MENA region is an 'underachiever' falling short of its potential in trade with the European Union and Eastern European countries. From 1997 to 2007, trade between the European Union and Arab countries grew by less than trade between Arab countries and the rest of the world, despite

the agreements. Trade among Arab countries has grown even less rapidly than with the rest of the world (Dadush and Dunne 2011). Secondly, there was serious contradiction between democracy promotion and security (Colombo and Tocci 2011). Even though they were presented as complementary, security issues undermined democracy promotion as regime stability was perceived as imperative for safeguarding of security in the region. Therefore, authoritarian nature of regimes was ignored while hard security issues were accentuated particularly after 9/11 attacks (Colombo and Tocci 2011). EU's inability to deal with Islamic movements further limited their credentials as promoter of democracy. When democracy brought groups like the Hezbollah and Hamas to power, there was a dilemma between need for democracy promotion and security (Colombo and Tocci 2011). The result was that despite being one of the largest donors in the region, less than 10 per cent was spent on good governance and rule of law.⁴²

The EU's response to Arab Spring was considered slow and ambivalent in the beginning. EU took a month to condemn violence of President Ben-Ali's regime against his people in Tunisia (Knoops 2011). However, EU did come up with the statement on 10 January 2011, which was carefully worded. In statement issued by High Representative Ashton and European Commissioner of Enlargement, Štefan Füle condemned "the death of civilians" and called for "restraint in use of force" and "respect of fundamental freedoms" and release of protestors who were peacefully demonstrating.⁴³ It was criticised probably because it did not go to extend of calling for stepping down of the President and re-iterated the strong relation between EU and Tunisia. In case of Egypt a much quicker response was articulated by a Joint Statement issued by Heads of State of France, Germany, Italy, Spain and United Kingdom on 3 February 2011, calling for a "quick and orderly transition".⁴⁴ EU's statement issued earlier on 27 January 2011 on Egypt again fell short of calling for stepping down of incumbent President Hosni Mubarak.⁴⁵ Hence individual states were able

⁴² "Make commitments for North Africa reform: Westerwelle", *Frankfurter Allgemeine Zeitung*, 18 February 2011, (Accessed 8 March 2011) URL: <http://www.faz.net/frankfurter-allgemeine-zeitung/politik/westerwelle-zusagen-fuer-nordafrika-an-reformen-knuepfen-1594990-11.html>.

⁴³ European Union (2011), "Statement by EU High Representative Catherine Ashton and European Commissioner for Enlargement Štefan Füle on the situation in Tunisia", A 010/11, 10 January 2011, Brussels, (Accessed 20 May 2013) URL: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/118752.pdf

⁴⁴ "Egypt: Joint Statement by Heads of State and Government of France, UK, Germany, Italy and Spain", *Voltairenet.org*, 3 February 2011, (Accessed 9 May 2013) URL: <http://www.voltairenet.org/article168373.html>

⁴⁵ European Union (2011), "Statement by EU High Representative Catherine Ashton on events in Egypt", A 032/11, 27 January 2011, Brussels, (Accessed 13 March 2013) URL: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/118963.pdf

to fathom out a more forceful reply rather than a faster response compared to EU. However as Leigh (2011) points out that EU's response was quite fast if one considers that by March 2011 it came out with the review of European Neighbourhood Policy, considering it had to take all 27 Member States on board. But as Alcaro (2012) critiques that it was by sheer accident that ENP's periodical review fell in midst of Arab Spring and despite this review the EU's response was not novel. Part of the delay could also be attributed to the fact that European External Action Service which became operational on 1 December 2010 was still trying to define its role when Tunisian uprising began.

The two communication issued by EU in March and May form the basis of its reply to Arab Spring. First, the *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean Countries* issued on 8 March 2011 and second, *A New Response to Changing Neighbourhood: A Review of European Neighbourhood Policy* issued on 25 May 2011. Broadly speaking both documents chalked out an overall strategy based on conditionality and differentiation. The co-operation with countries will be based on mutual accountability and shared commitment to universal values of human rights, democracy and rule of law.⁴⁶ It will be based on higher differentiation where each country will build relations with EU in its own terms and its capacity, aspiration and willingness to undertake reforms. The incentives offered by the EU will be conditional upon reforms undertaken, based on "more for more" principle, i.e. a country going further in sphere of political reforms will get more inducements from EU in form of money, market and mobility.⁴⁷ EU aims to adapt its approach by engaging in democracy and institution building especially through engaging civil society and moving away from its narrow focus on political elites. The EU has set up funding mechanism for civil society called the Civil Society Neighbourhood Facility for which a funding €22 million has been earmarked for the period 2011-2013. It also hopes to increase flow of trade, investment and people between EU and its Southern Neighbourhood.⁴⁸ There are measures like negotiating Deep and Comprehensive Free Trade Areas (DCFTA's) between individual countries and EU with dismantling of trade barriers and regulatory convergence between EU and its trading partners in the region. Also envisaged in new policy is sectoral co-operation and support

⁴⁶ European Union, European External Action Service (2011), Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, *A New Response to a Changing Neighbourhood: A review of European Neighbourhood Policy*, 25 May 2011, Brussels, (Accessed on 5 March 2013) URL: http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf

⁴⁷ Ibid.

⁴⁸ Ibid.

for Small and Medium Scale Enterprises (SME's).⁴⁹ Another aspect of the policy is the mobility partnership that allows planned migration between MENA region and EU by promoting temporary immigration of students, researchers and business persons. It also aims to help partner countries in capacity building in border control so as to improve law enforcement and security in Mediterranean.⁵⁰ In order to monitor political reform, annual progress reports will be prepared before committing funding and incentives for next year.

On paper the emphasis has been clearly placed on political reform and democracy promotion. However the policy will have to be evaluated on the basis of its actual implementation. Firstly, the whole logic of conditionality has been vague and ambivalent (Colombo and Tocci 2012; Balfour 2011). While the assertion of conditionality has been on basis of “more for more” principle, the issue of benchmarking to evaluate the reforms has not been made clear. The doubts remain about type of benchmarks that EU will use to ascertain the extent of political reforms and whether these will be accepted by countries of MENA region is an important issue that still remains vague in operational sense (Colombo and Tocci 2012; Balfour 2011). Political conditionality is also a very controversial tool as it would increase conflict between EU and partner countries on issues of sovereignty and national identity which can be amplified as new democratically elected governments would be more assertive (Colombo and Tocci 2012; Balfour 2011). The link between conditionality and differentiation has also not been spelt out, as a differentiated approach between individual countries could raise risk of countries accusing EU of double-standards. Secondly, the focus on civil society is welcomed aspect of EU's policy, but here again the nature and type of NGO's and civil society organisation it would support is not defined. Civil society is different in these countries as many organisation with a grassroots reach are also religiously oriented, while some civil society organisations although not religiously oriented do not have a grassroots reach (Balfour 2011: 34). Then there are issue of genuine freedom that some governments in the region are willing to grant civil society organisations as European Commission itself admitted in a Press release on 20 March 2013.⁵¹

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ European Union, European Commission (2013), European Neighbourhood Policy in 2012: Continuing engagement for a stronger cooperation with neighbours despite turbulent political and economic conditions, Press Release, 20 March 2013 (Accessed on 6 May 2013) URL: http://europa.eu/rapid/press-release_IP-13-245_en.htm

Thirdly, the implementation will be tested by level of commitment and co-operation by the Member States. A surge of immigration during the beginning of Arab Spring led to serious confrontation between Member States with Italy blaming other member states of not sharing the burden of immigration. It has highlighted the fact that migration remains a contentious issue and therefore it won't be easy to implement Mobility Partnerships (Whitman and Juncos 2012). The issue DCFTA will also be complicated by Southern Europeans traditional aversion towards liberalization of trade in agricultural products. The Member States also seemed to be less united on issue of conditionality in 2012 compared to 2011. On one side Germany held back its support for Egypt until the elections took place and Finland and Netherland's were keen on reducing incentives for lack of reform from neighbourhood countries (European Foreign Policy Score Card 2013). On the other side Italy and Portugal were reluctant to penalise countries for lack of reform where regimes were intact in spite of uprisings (European Foreign Policy Score Card 2013). Such internal diversions amongst Member States diluted EU's position, for example it simply had to accept Egypt's foreign ministry's last minute decision to withdraw invitation to Egyptian NGO's to attend EU-Egypt Task Force meeting in 2012 (European Foreign Policy Score Card 2013). Similarly in wake of commercial and economic precedence, EEAS simply accepted the relegation of civil society component from EU-Jordanian Task Force. Fourthly, cost of implementation for MENA countries in order to meet EU norms and conditions for co-operation would be weighed against the perceived benefits that could be derived by them. Alcaro (2011) argues that process of harmonization to meet EU standards in order to negotiate DCFTA with EU would be a heavy price even for Eastern European neighbours who have slim chance of EU membership, but southern neighbours with absolute no chance or intention of getting EU membership such a price would be too much to bear. The EU's ability to enforce standards and conditionality, be it economic or political, will be limited by the fact that it cannot offer prospect of membership to countries of MENA region (Leigh 2011; Whitman and Juncos 2012).

Lastly, EU needs to keep in mind the international context in which Arab Spring has taken place and its own limited leverage in the region. The EU at the moment is engulfed by euro-zone debt crisis. The euro-zone crises will hamper EU's foreign policy as well, firstly, EU is more internally focussed with political and bureaucratic set up being more engrossed with finding solution to the economic malaise, and hence it will leave less time for issues related to neighbourhood and enlargement (Whitman and Juncos 2011).

Secondly, in these times of austerity the willingness of Member States to contribute budgetary allocations will also shrink. Although neighbourhood represents just 3 per cent of EU's total budget, yet there has been reluctance on many Southern European Countries to contribute in multilateral efforts of EU. Many diplomats of Southern European countries suffering under the euro-zone crisis have expressed privately their willingness to engage with EU in its external policy only if EU will "pay to play" (European Foreign Policy Score Card 2013). Youngs (2012) points out that European Member States have become more interested in chasing investment deals and with euro-zone crisis and competition from rising powers the scales will tip more towards bilateralism. In fact many European countries EU's leverage will also get limited as influence of Gulf monarchies and Turkey expands in the MENA region. The Gulf is an important source of investment in the region. The average Gulf investment in the MENA region is \$268 million, while EU's average investment in the region is \$70 million (Bruke, Echagüe et.al. 2010). Saudi Arabia (\$1 billion), Qatar (\$4 billion) and Turkey (\$1 billion) are keeping Egyptian balance of payment afloat by their deposits in Egyptian Central Bank as the country struggles in political turmoil.⁵² Egypt has also shown its disinterest in UFM and has called off negotiation on Mobility Partnership with EU.

⁵² "Going to the Dogs", *The Economist*, 30 March 2013, (Accessed 10 June 2013) URL: <http://www.economist.com/news/middle-east-and-africa/21574533-unless-president-muhammad-morsi-broadens-his-government-egypts-economy-looks>

CHAPTER 2

EVOLUTION OF THE LIBYAN CRISIS OF 2011

2.1 The Causes of Libyan Uprising

2.1.1 Economic backdrop of the uprising in Libya

The Libyan uprising did not take place due to economic crisis caused by spiralling energy and food prices in the MENA region (Joffé 2011a: 12). Libya was centrally planned economy and could simply subsidise food and fuel prices to shield people from the vagaries caused by fluctuations in the global prices (Joffé 2011a: 13). Moreover, Libya's prosperity is due to the fact that it is an oil rich country with a population a meagre of just over 6 million. Libya's fiscal and external position was strong.⁵³ The global crisis of 2008 impacted Libya only to an extent of reducing oil revenues, otherwise Libya came out unscathed from global financial crisis as Libyan banks had limited exposure to outside financial system, the trade ties were also limited to hydrocarbon sector and Libya had large foreign reserves held in safe assets.⁵⁴ Libya's fiscal situation was also fairly good with healthy fiscal balance of estimated 12.9 percent of GDP in 2010. Libya's public debt was also as low as 3.3% of GDP as compared to Egypt's 80.6% of GDP (*CIA World FactBook 2011*). The unemployment rate was high at 30% but Libyans were provided unemployment benefits (*CIA World FactBook 2011*). However, unemployment benefits did not exceed \$500 a month.⁵⁵ While the young population was not able to find decent jobs, the demand for labour in the economy was able to absorb 1.5 million foreign workers.⁵⁶

⁵³ International Monetary Fund, The Socialist People's Libyan Arab Jamahiriya—2010 Article IV Consultation, Preliminary Conclusions of the Mission, 28 October 2010, (Accessed 5 May 2013) URL: <http://www.imf.org/external/np/ms/2010/102810.htm>

⁵⁴ Ibid.

⁵⁵ "Endgame in Tripoli", *The Economist*, 24 February 2011, (Accessed on 12 June 2013) URL: <http://www.economist.com/node/18239888>

⁵⁶ Ibid.

Table 4: Selected Economic Indicators of Libya’s Economy for the period between 2006-2011

	2006	2007	2008	2009	2010 (Estimated)	2011 (Projected)
Real GDP (Annual Percentage Change)	5.9	6	2.8	-1.6	10.3	6.3
Overall Fiscal Balance (In percent of GDP)	33.1	28.6	30.3	7	12.9	14.3
Total foreign Exchange Reserves (in billion US dollars)	74.8	100.4	127.2	137.3	152.4	169.5

Source: IMF (2010), International Monetary Fund, The Socialist People’s Libyan Arab Jamahiriya—2010 Article IV Consultation, Preliminary Conclusions of the Mission, 28 October 2010, [Online: Web] Accessed 5 May 2013 URL: <http://www.imf.org/external/np/ms/2010/102810.htm>

The socio-economic indicators also comprehend a healthy picture of Libya. Libya was ranked 64 in Human Development Index (HDI) in 2012 (refer Table 4).⁵⁷ In comparison, Tunisia is ranked 94 while Jordan is ranked 100 (refer Table 4).

Table 5: Human Development Indices of Libya compared for the year 2012

	HDI Value	HDI Rank	Life Expectancy at Birth (Years)	Expected Years of Schooling	Mean Years of Schooling	GNI per capita (PPP US \$)
Libya	0.769	64	75	16.2	7.3	13765

Source: United Nations Development Program (2013), “The Rise of the South: Human Progress in a Diverse World”, Explanatory note on 2013 HDR composite indices, Accessed 17 June 2013 [Online: Web] URL: <http://hdrstats.undp.org/images/explanations/LBY.pdf>

Moreover, education is free in Libya from elementary level to university. Out of a population of 6.31 million, 1.7 million are students and 270,000 are pursuing education at tertiary level.⁵⁸ The health care in Libya is also fully subsidised and hence it has one of the highest life expectancy figures in Africa.⁵⁹ There were “cradle-to-grave” subsidies in Libya, health care and education was free, everyone had right to own a car and as a

⁵⁷ The HDI is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living. As in the 2011 HDR a long and healthy life is measured by life expectancy. Access to knowledge is measured by: i) mean years of schooling for the adult population, which is the average number of years of education received in a life-time by people aged 25 years and older; and ii) expected years of schooling for children of school-entrance age, which is the total number of years of schooling a child of school-entrance age can expect to receive if prevailing patterns of age-specific enrolment rates stay the same throughout the child’s life. Standard of living is measured by Gross National Income (GNI) per capita expressed in constant 2005 international dollars converted using purchasing power parity (PPP) rates. (UNDP 2013)

⁵⁸ British Council, “Skills around the World: Libya”, URL: <http://www.britishcouncil.org/learning-skills-for-employability-libyan-country-education-system>

⁵⁹ Ibid.

consequence 70 per cent of population was on payroll of the state (van Genugten 2011: 64). Therefore, socio-economic situation in Libya was fairly decent, although there were problems of unemployment and large number of population was dependent upon the largesse of the state. Hence socio-economic conditions were not the bases of uprising in Libya.

2.1.2 The nature of opposition to Qaddafi's regime

To fully understand the causes of Libyan uprising one has to look at the nature of opposition that galvanised against Qaddafi regime and why the uprising took the form of a civil war. The uprisings in Libya formed a critical point in the region. Till then Arab Spring was an autochthonous, non-violent movement that had removed authoritarian regimes in Tunisia and Egypt. In Libya the uprisings soon turned into a full blown civil war between pro-regime forces and rebels and the movement was supported through outside involvement to achieve regime change.

2.1.3 Institutional vacuum of Qaddafi regime's governance system

The shape that the crisis took in each country was dependent on political systems that the regimes had created (Joffé 2011b). Tunisia and Egypt tolerated some space for political autonomous groups as long as it did not challenge the regime; on the contrary the participation of groups within the state controlled political space was actually a strategy for regime maintenance (Joffé 2011b: 508). Joffé describes these countries as “illiberal democracies”, a term used by Fareed Zakaria or “liberal autocracies”, a term made famous by Daniel Brumberg (Joffé 2011b: 508). Hence in Tunisia even though the President Ben-Ali had controlled public discourse through political repression, there existed a strong labour movement at the local level as well as UGTT which could not be repressed although attempts were made by President Ben-Ali and his predecessor President Bourghiba but both had to finally co-opt it within the regime structure (Joffé 2011b: 518-519). Similarly in Egypt as the Muslim Brotherhood, opposition parties and NGO's were tolerated in strictly monitored space by the regime (Joffé 2011b: 519-521).⁶⁰ However, when the uprisings broke out the politically autonomous institutions were able to challenge the authoritarian state that controlled it (Joffé 2011b: 508).

On the contrary in Libya, Qaddafi had destroyed all forms of civil society and had left no space for active political participation; hence the uprisings took a form of a civil war (Joffé

⁶⁰ In fact there were some 30,000 organizations operating within Egypt. (Joffé 2011b)

2011b: 521-524; Anderson 2011: 6). According to the system of governance under the Qaddafi regime, every Libyan citizen was supposed to participate in decision making through People's congresses that were organised at various levels starting from local level to General People's Congress at national level. General People's congress was more like legislative branch of the government (Paoletti 2011: 317).⁶¹ Qaddafi disdained western styled multi-party democracy and hence no political parties were allowed in Libya (St. John 2011: 25). Qaddafi regime destroyed all forms of civil society, in effect all forums where people can gather outside the institutions that *Jamahiriyah* system offered (St. John 2011: 25; Joffé 2011b: 521-524; Brahimi 2011: 317; Paoletti 2011: 608; Anderson 2011: 6).⁶² Therefore, when the regime collapsed there were no autonomous civil society organisations that could channel the protest movement, rather it got split into existing fissures within the society.

Qaddafi's regime was therefore, highly personalised even though Qaddafi did not enjoy any official position in the regime (Brahimi 2011: 607-611; Barfi 2011: 16). Even in case of Tunisia and Egypt there was regime figure heads like President Ben-Ali and President Hosni Mubarak respectively, but in Libya the degree of personalisation was much more acute (Brahimi 2011: 607-611). As Barfi points out "in a country where loyalty to the state was non-existent, Qaddafi substituted fealty to the leader instead" (Barfi 2011: 16). Qaddafi and his philosophy was at the centre of Libya's national identity (van Genugten 2011: 62-63). His governing style of plethora of congresses and committees meant that Libyan state was a form of managed chaos in which Qaddafi's was the final word of wisdom and guidance (Paoletti 2011: 317). Moreover, he had given his family members as well as his members of his tribe important positions in security services and government (Paoletti 2011: 315-316).⁶³ The consequence of this was that firstly, regime's shortcomings

⁶¹ The decisions of People's Congress were to be implemented by various People's Committees organised again at various levels that acted like a cabinet (executive branch) and was elected by the People's Congress. In reality as findings in 2000 reveal only about 10 percent of people participated in People's congresses and almost 70 percent felt that they could not influence political decision making. (Joffé 2011; Brahimi 2011)

⁶² However mosques remain a forum where people could collectivize and organize. Hence, Islamic opposition to Qaddafi regime could survive within these spaces particularly in eastern Libya.

⁶³ For example Qaddafi's second son, Saif-al-Islam has acted as the chairman of his International Charity Foundation, a non-governmental association working on human rights related issues. Through this association, Saif al-Islam has taken a leading role on the international scene, and until 2010 he represented the acceptable face of Libya to the international community. Moatassem-Billah Qaddafi, the fourth son, has also fulfilled an important political role. In fact, both he and Saif had been tipped as possible successors to the leader. As national security adviser, Moatassem has been close to conservative forces in Libya and has thus, unlike Saif, acquired national security experience. Moreover, two more of Qaddafi's children, Khamis and Aysha, have held public positions, although less politically influential than the other two. Khamis, the youngest son, is known to be the commander of the notorious 32nd Reinforced Brigade of the Armed People.

and failures were attributed to Qaddafi himself. The opposition to his rule could thus demand that any form of change in Libya meant that Qaddafi's removal (Jöffe 2011a: 17). Secondly, unlike in Tunisia where RCD tried unsuccessfully to salvage the regime while giving up on President Ben-Ali and in Egypt where military jettisoned President Mubarak in order to keep intact the regime, in Libya the Qaddafi regime had no such luxury (Jöffe 2011a: 14-17). In other words there was no 'shadow state' to be saved i.e. coalition of interests (economic, political and security interests) that formed an unaccountable power structure that controlled the state (Jöffe 2011a: 14-17). Qaddafi and his inner circle was the public face of the regime, there was no branch or group that could be decapitated to save the regime (Jöffe 2011a: 17). Moreover, there were no institutions to manage the crisis like the Military in Egypt and RCD party in Tunisia (Lacher 2011). Therefore in face of crisis amplified by external involvement, the Qaddafi regime simply disintegrated (Jöffe 2011a: 14-17; Lacher 2011: 141). It was fear of this disintegration that made Qaddafi fiercely withstand the NATO campaign until the very end as he was aware that any reform of Libyan political system had to be done by the regime in a gradual manner otherwise the entire system of governance would crumble into chaos (Brahimi 2011: 611).

2.1.4 Regional opposition to Qaddafi's rule

The fact that Qaddafi lost almost half of the country by 27 February 2011 was because in Libya power is matter of geography, as power struggle in Libya is characterised by division between West and East i.e. regions of Tripolitania and Cyrenaica respectively (Joffé 2011a: 17; Joffé 2011b: 524). Benghazi which is the main city in Cyrenaica is separated from Tripoli by 650 kilometre of dessert (van Genugten 2011: 63). Effectively the loss of one city means an effective loss of half of territory (Joffé 2011a: 17; Joffé 2011b: 524). The point underscores the second dimension of Libya's uprising, that the geography of opposition was such that it was concentrated in east of Libya in Cyrenaica (Brahimi 2011: 614). This geography was a result of long standing regional rivalry, tribal rivalry between eastern and the western tribes, Islamic opposition to Qaddafi present in the east (Lacher 2011: 141-148; Paoletti 2011: 313-317; Brahimi 2011: 614-619). It was these divisions that embedded Qaddafi's rule in Libya and it was these divisions that incited opposition to his rule.

Aysha, a lawyer by training, has been involved in the Watassemo Charity Association, working on a variety of issues mainly related to women in Libya. (Paoletti 2011)

Traditionally Libya is divided into three regions: Tripolitania, Cyrenaica and Fezzan (see Map 1 below). Cyrenaica tribes that were privileged during the King Idris's *Sanusi* monarchy, after the 1969 coup were being marginalized by Qaddafi as he now built alliances among erstwhile less privileged tribes of Tripolitania and Fezzan regions as opposed to Cyrenaica (Brahimi 2011: 611). Under Qaddafi, Cyrenaica was ignored in comparison to western provinces (van Genugten 2011: 65). According to US diplomatic cable leaked by *WikiLeaks*, the east of Libya suffers from unemployment, particularly among youth between the age of 18 and 34, with "at least half" of population either being unemployed, or irregularly employed.⁶⁴ Qaddafi's negligence of the east was based on the rationale that if east is kept poor, it will not be able to mount any serious threat to the regime.⁶⁵ Moreover, US diplomatic cable reveals that "residents of eastern Libya in general and Derna in particular, view the al-Qadhafa clan as uneducated, uncouth interlopers from an inconsequential part of the country who have "stolen" the right to rule in Libya".⁶⁶ Therefore, uprising in Libya underscores the rivalry between Tripolitania and Cyrenaica, and this rivalry was augmented by tribal enmity between Tripolitania and Cyrenaica.

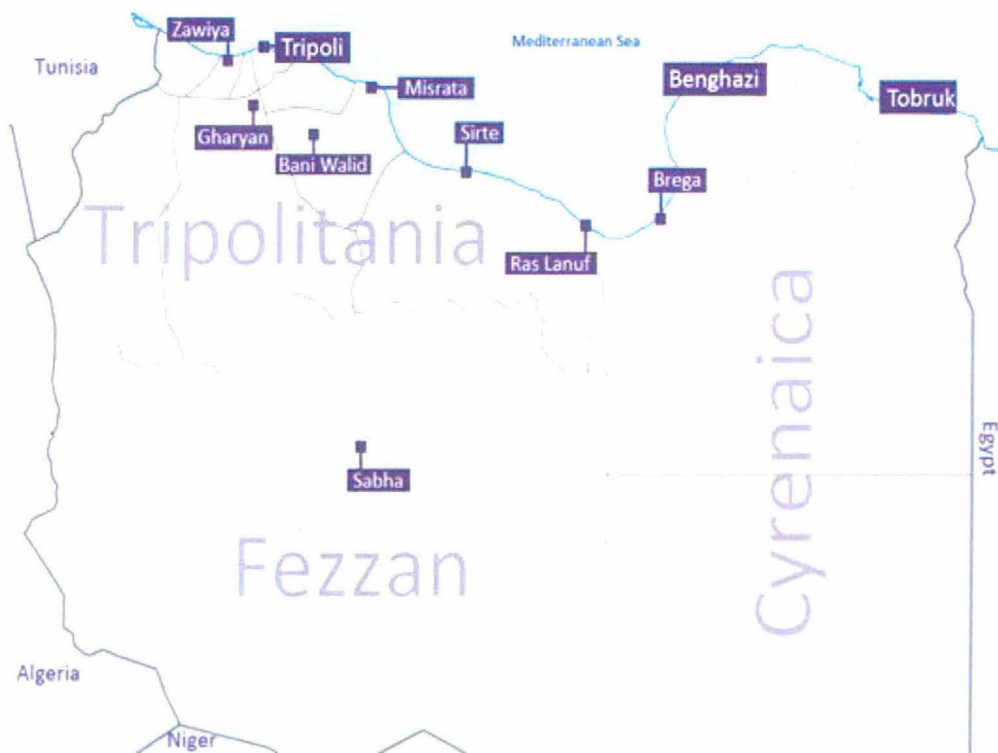
Qaddafi furthered tribal loyalties by vesting power in hands of his own tribe, the Qaddhafa and along with that he accrued loyalties of other tribes namely Warfala and Maghriha (Lacher 2011: 142; Paoletti 2011: 316-317; Barfi 2011: 15-17). The Qaddhafa, Warfalla, and Maghriha largely staffed the senior and middle ranks of military and intelligence services (Barfi 2011: 16). Qaddafi favoured the areas in which these tribes resided thereby further marginalizing other groups (Barfi 2011: 16). Tribal leaders have thus been involved in a variety of functions ranging from the resolution of local conflicts, liaising with the People's Congresses and Committees and implementing socio-economic development plans. This in turn allowed them to protect tribal and regional interests (Paoletti 2011: 316-317). Hence the Libyan uprising had a distinct tribal character, in which tribal loyalties were mobilized by both sides (regime and rebels) to garner support. Such mobilizations caused defections and splits among tribal groups (Lacher 2011: 142).

⁶⁴ The United States of America, Embassy in Tripoli, Cable by Charge d' Affairs, J. Christopher Stevens, "Extremism in Libya", Cable08 Tripoli120, 15 February 2008, URL: <http://wikileaks.org/cable/2008/02/08TRIPOLI120.html>

⁶⁵ Ibid.

⁶⁶ The United States of America, Embassy in Tripoli, Cable by Charge d' Affairs, J. Christopher Stevens, , "Die Hard in Derna", Cable08Tripoli430, 2 June 2008, URL: <http://www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294818/DIE-HARD-IN-DERNA.html>

Map 1: Map of Libya's Regions



Source: Jackson, B. (2012), "The Challenges of Keeping Libya Together", *RUSI Analysis*, 23 March 2012, [Online: Web] Accessed on 15 April 2013 URL: <http://www.rusi.org/analysis/commentary/ref:C4F6C5FC4B633C/#.UZ2PJbXqHU5>

2.1.5 Islamic Opposition to Qaddafi's rule

Islamism is a non-tribal phenomenon that was prevalent in the east (Pargeter 2009; Brahimi 2011). It is mainly concentrated in eastern cities of Benghazi, Derna, al-Bayda and Ajdabiya (Brahimi 2011: 617). Qaddafi's seizure of power and his replacement of *Sanusi* monarchy were considered by the easterners as direct attack on Islam (Pargeter 2009 cited in Brahimi 2011: 614-617). Qaddafi had earned further resentment of the Islamist with his sidelining of religious establishment, his questioning of Islamic sources and his re-interpretation of Islam (Brahimi 2011: 614-617). In 1970 Qaddafi fiercely suppressed Muslim Brotherhood in Libya (Ashour 2012: 2). Many of leaders were arrested and some later went on exile to United States and Europe returning to Libya in the 1980's (Ashour 2012: 2-3). Qaddafi's relentless crackdown weakened the Brotherhood, yet its influence never diminished (Ashour 2012: 1-2; Brahimi 2011: 614-617).⁶⁷ In 2009 former General Observer of Libya's Muslim Brotherhood estimated that the group had around

⁶⁷ Brotherhood split after some of its members joined the National Front for Salvation of Libya (NFSL) founded by Muhammad Yousef el-Magaraif that was ideologically diverse group seeking regime change. (Ashour 2012)

1000 members in Libya mainly concentrated among student and professional sectors, while 200 members were outside Libya in exile (Ashour 2012: 2). These cadres played a critical role in the uprising (Ashour 2012: 2).

Militant Islam had taken root in eastern provinces after 1980's, a fact that was probably known to the west, since CIA had actively supported opposition groups of Cyrenaica during the 1980s (Lewis 2011: 50). Historically Cyrenaica has resisted both the Ottoman and Italian occupation and there is a sense of pride associated with "fighting for justice and their faith".⁶⁸ Eastern Libya has been the hub Islamic violence in Libya. It has sent most number of foreign fighters per capita in insurgency in Iraq than any other country (Douthat 2011). The dire economic situation makes *ihadism* attractive option for youth from the region.⁶⁹ As noted by US diplomatic cable, sermons tend to be more radical in the east than in Tripoli, these sermons encourage youth to join insurgent movements in Iraq and elsewhere.⁷⁰ The eastern town of Derna or Darnah mentioned in the US diplomatic cable, has sent most number of suicide bombers to Iraq according to *Combating Terrorism Centre* based in West Point (Nordland and Shane 2011). East had been home to armed insurgency against the Qaddafi regime as many established groups and freelance *ihadists* were present in the east (Ashour 2011). Until now all *ihadist* cells uncovered by Qaddafi regime have been based in Cyrenaica (Brahimi 2011: 617). One of the most prominent was the Libyan Islamic Fighting Group (LIFG), which was established in the 1990's by Abd al-Hakim Belhaj (Ashour 2012: 3-4). It was an armed insurgency based mainly in east (Ashour 2012). Abd al-Hakim Belhaj was a veteran *ihadist* who had fought in Afghanistan against Soviet Union in 1980's. The LIFG was linked to planning of assassination of Qaddafi at least three times (Ashour 2012: 2). However Qaddafi's security forces had squashed the movement and arrested many of its members (Ashour 2012: 2). Abd al-Hakim Belhaj escaped from Libya and remained at large until 2004 when he was arrested by the CIA in Malaysia and sent back to Libya.⁷¹ Many of the LIFG prisoners including Belhaj were housed at the Abu Salim prison in Benghazi. The east holds strong antipathy against Qaddafi regime for Abu Salim prison massacre that led to 1200 inmates

⁶⁸ The United States of America, Embassy in Tripoli, Cable by Charge d' Affairs, J. Christopher Stevens, "Extremism in Libya", Cable08 Tripoli120, 15 February 2008, URL: <http://wikileaks.org/cable/2008/02/08TRIPOLI120.html>

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ "Libya's New General (II): Conflicting Loyalties", *Al-Akhbar English*, 30 August 2011, (Accessed 10 May 2013) URL: <http://english.al-akhbar.com/content/libya%E2%80%99s-new-generals-ii-conflicting-loyalties>

being killed as a result of force used by the regime to quell prison riots in 1996 (van Genugten 2011: 66; Joffe 2011b: 523). LIFG members that were released in March 2010 as a part of reconciliation program started by Saif-al-Qaddafi in 2007 went back to Benghazi including Abdel Hakkim Behlaj.⁷² Behlaj took active part in civil war and now heads the Tripoli Military Council (TMC) an armed militia based in the west of Libya (Ashour 2012). LIFG itself has rechristened itself by the name of Libyan Islamic Movement for Change from 15 February 2011 (Ashour 2012: 2). Besides LIFG, there was the Martyrs Movement that was based in the east which comprised of Libyan veterans of Afghan conflict (Ashour 2012: 2-3). There were controversial figures like former Guantanamo bay prisoner Abu Sufian Ibrahim Ahmed Humda bin Qummu, who was the leader of Darnah Brigade that fought against Qaddafi forces during the civil war (Nordland and Shane 2011). Sufian bin-Qummu had moved to Afghanistan in the 1990's and fought against the US forces before he was captured in Pakistan.⁷³ Lately, Sufian bin-Qummu has also been linked to Ansar al-Sharia, a group suspected of attack on US Embassy in Benghazi on 11 September 2012 (Lister and Cruickshank 2012). Therefore, east was home to radical Islamist trained in Islamic insurgencies abroad and more than willing to take up arms against the regime. Most volunteer fighters that fought in the Libyan civil war in 2011 came from the *jihadi* trend, with as many as 2000 fighters that had taken part in conflicts abroad between mid-1980s and 2011 (Ashour 2012: 3).

Other radical figures include the three Sallabi brothers (Lacher 2011: 143). Ali al-Sallabi is an Islamic scholar affiliated to Muslim Brotherhood and LIFG (Lacher 2011: 143).⁷⁴ He was released in March 2010 from Abu Salim prison by Saif al-Qaddafi.⁷⁵ Ali al-Sallabi has been living in Qatar before the uprising and like many Muslim Brotherhood members; he has been backed by Qatar (Garrigues 2011: 5). Ismail al-Sallabi is the leader of armed militia called the February 17th Brigade that provided security to United States Embassy in Benghazi (Ashour 2012: 3). Usama al-Sallabi sermons are attended by thousands in Benghazi and they are critical of former members of Qaddafi regime and NTC (Lacher

⁷² "Snap Analysis: Riots breakdown in Libyan city of Benghazi", *Reuters News Agency*, 16 February 2011, (Accessed 12 May 2013) URL: <http://uk.reuters.com/article/2011/02/16/us-libya-rioting-benghazi-sa-idUSTRE71FIGF20110216>; and "Libya's New General (II): Conflicting Loyalties", *Al-Akhbar English*, 30 August 2011, (Accessed 10 May 2013) URL: <http://english.al-akhbar.com/content/libya%E2%80%99s-new-generals-ii-conflicting-loyalties>

⁷³ Ibid.

⁷⁴ "Libya's New General (II): Conflicting Loyalties", *Al-Akhbar English*, 30 August 2011, (Accessed 10 May 2013) URL: <http://english.al-akhbar.com/content/libya%E2%80%99s-new-generals-ii-conflicting-loyalties>

⁷⁵ Ibid.

2011: 143). There were fears raised of Al-Qaeda being involved in Libyan civil war. Admiral James G. Stavridis, NATO's supreme allied commander, in his testimony to US Senate Committee on Armed Service on 29 March 2011 warned that he feared the involvement of Al-Qaeda and Hezbollah elements among Libyan rebels (van Genugten 2011: 61). Hence Cyrenaica not only holds historical rivalry, it is also home to Islamic radical elements for long wanted to topple the Qaddafi regime from power. These radical elements formed a major part of forces that fought Qaddafi's forces during the civil war.

2.1.6 Libyan Military's opposition to Qaddafi's rule

The other group that formed the opposition to Qaddafi's regime was the military which was traditionally been marginalised by the regime and hence an uprising gave them a chance to remove the regime from power (Joffé 2011a: 16). Qaddafi had himself come to power as a result of a coup, hence he did not want an alternative power centre develop in the army that could challenge his power (Lacher 2011: 142; Lutterbeck 2012: 12). Therefore he had intentionally kept the regular army weak. Libya's security set up instead consisted of a set of security forces, paramilitary forces and Special Forces designed to keep a check on each other (Lacher 2011: 142). Security forces in Libya non-institutionalised, fragmented and based on patrimonial considerations of the regime. Lutterbeck characterises Libya as "multiple military" regime (Lutterbeck 2012: 12). Libya had an external army which was chiefly responsible for protecting the country against external threats (Lutterbeck 2012: 12-15). Among the regular army as well, the elite units were set up based on tribal and family considerations (Lutterbeck 2012: 12-15).⁷⁶ For example, Qaddafi's son Khamis commanded the 32nd or the Khamis brigade, which was by far the most well equipped and efficient unit in the Libyan army (Lutterbeck 2012: 13). Since 1970's Qaddafi also relied on foreign mercenaries to protect the regime.

On one hand, a non-institutionalized and fragmented structure of Libyan armed forces quickly led to the disintegration of Libyan Army, as many members quickly defected to join the rebels (Lutterbeck 2012: 12-14). The initial euphoria of quick liberation eastern parts of Libya was a result of defecting soldiers that overwhelmed the pro-Qaddafi forces in the east (Lutterbeck 2012: 13-14). A prominent figure to defect was General Abdul Fatah Younis, the former interior minister of Qaddafi (Brahimi 2011: 617; Lutterbeck 2012: 14). He was from Benghazi and defected from the regime to join the opposition once

⁷⁶ The Qaddhafa, Warfalla, and Maghriha largely staffed the senior and middle ranks of military and intelligence services. (Barfi 2011)

the uprising began (Brahimi 2011: 617). His “Thunderbolt unit” was chiefly responsible for ejecting Qaddafi forces from Benghazi (Lutterbeck 2012: 14). After having liberated the east from pro-Qaddafi forces, many defected soldiers seemed to have sidelined themselves in the conflict as subsequent reports indicated that the rebel forces consisted of fighters having negligible or no military experience (Lutterbeck 2012: 14-15). Pelham reported that Qaddafi forces approach was much more disciplined and innovative than the rebels (Pelham 2011: 256). Qaddafi’s forces were capable enough to launch a co-ordinated attack from land, sea and air (Pelham 2011: 256).⁷⁷ In fact it can be argued that without external military engagement, Qaddafi would easily have subdued the uprising. On the other hand, due to patrimonial structure of Libya’s security forces, the pro-Qaddafi forces remained loyal to the regime till the very end (Luterback 2011: 12-15; Barfi 2011). The much better equipped and trained elite units set up by Qaddafi based familial and tribal loyalties were able to push back rebel forces heading westwards (Luterback 2011: 13-15). The above mentioned Khamis Brigade was instrumental in pushing back the advancing rebels (Luterback 2011: 14). Towns like Sirte (Qaddafi’s home town), Sebha (Maghrihra tribe’s strong hold) and Bani Walid (Warfalla tribe’s base) saw fanatical resistance from pro-Qaddafi forces even after loss of Tripoli to the rebels (Barfi 2011: 16-17).

Moreover Libyan army faced further contempt of Qaddafi regime after Libyan defeat in Chad in 1987 (Joffé 2011a: 16). Many of Prisoners of War (POW) held by Chadian government were not acknowledged by Libya (Todd et. al. 2011). Khalifa Haftar was Libyan POW in Chad in 1987, where he defected as Qaddafi regime failed to acknowledge him and other Libyan POWs. Later on he was moved by the CIA to Virginia in United States as a political refugee in the 1990’s. He came back to Libya on 14 March 2011 and appointed himself as the commander of Free Libyan Army to fight against Qaddafi (Marquardt 2011).

Hence the opposition forces in Libya consisted of eastern tribes, the Islamist, some whom were veteran jihadist and the Libyan Army. The opposition was “an alliance of strange bedfellows built around a single purpose: the removal of Qaddafi” (van Genugten 2011: 62).

⁷⁷ On 7 April 2011 Qaddafi’s forces launched an attack on Ras Lanuf by sea and land. Evading NATO’s bombing they reached Misleh, an oil field on Egyptian-Libyan border. The rebel forces were thrice repulsed from Sirte, despite NATO bombings. (Pelham 2011)

2.2 The Arab Spring in Libya: A Review

This section will highlight the progress of Arab Spring in Libya. The Arab Spring in Libya can be roughly divided into two phases. The first phase is from 15 February 2011 onwards until the United Nations Security Council Resolution 1973 was passed on 17 March 2011. The second phase was when external military engagement started on 19 March 2011 until the death of Qaddafi and the end of NATO's Operation Unified Protector.

The early days of uprisings in Libya have been cloaked with confusing and contradictory accounts. Whether regime violence sparked a civil war in Libya or whether it was violence exhibited by the protestors in initial days that led to escalation in response by the regime is unclear. The tight controls on media and communications made it harder to get information about the situation in Libya. Either way, one thing was certain that Arab Spring in Libya was very different from the largely non-violent uprisings of Tunisia and Egypt. The protests began in east of Libya began on 15 February 2011 on the sensitive issue of Abu Salim prison massacre, although the designated 'day of rage' in Libya was 17 February 2011 (Brahimi 2011: 606; Lacher 2011: 141; Joffé 2011b: 523-524). Human right activist and lawyer Fatih Terbil and writer Idris al-Mismari planned to stage a demonstration demanding higher compensation of those killed in Abu Salim prison riot in 1996, the regime knew the plan and promptly arrested them (Joffe 2011b: 523-524). This sparked initial protests as lawyers led the procession that marched to the court house demanding the release of those representing the victims of Abu Salim prison.⁷⁸ Initial group of protestors were lawyers, students and professors (Brahimi 2011: 606; Lacher 2011, 141). Scholars based in University of Garyounis (also called Garyounis University) in Benghazi have been associated with agitating against the Qaddafi regime for reforms (Brahimi 2011: 617).⁷⁹ The protests were fairly small and attracted hardly 60 supporters.⁸⁰

The 17 February 2011 there was more rioting still concentrated on the eastern part of Libya particularly in Benghazi. Around 500 to 600 protestors marched on the revolutionary committee's headquarters demanding release of Fateh Terbil.⁸¹ The Libyan

⁷⁸ "A Civil War beckons", *The Economist*, 3 March 2011, (Accessed 3 May 2013) URL: <http://www.economist.com/node/18290470>

⁷⁹ Agitations in east of Libya often turned anti-Qaddafi protests like in February 2006 an agitation against Danish cartoons depicting the Prophet quickly turned into anti-Qaddafi protests. (Brahimi 2011)

⁸⁰ "Building a new Libya", *The Economist*, 24 February 2011, (Accessed 2 June 2013) URL: <http://www.economist.com/node/18239900>

⁸¹ "Rioting hits Libyan city of Benghazi", *Reuters News Agency*, 16 February 2011, (Accessed 2 June 2013) URL: <http://uk.reuters.com/article/2011/02/16/uk-libya-rioting-benghazi-idUKTRE71F16J20110216>

authorities also released the remaining 110 militants from the Abu Salim prison on 16 February 2011, probably as a measure to calm down protestors.⁸² There were no signs of protests in Tripoli.⁸³ Qaddafi supporters carried out pro-Qaddafi rally in the capital.⁸⁴

It is said that Qaddafi's son Sa'adi al-Qaddafi had moved to Benghazi on 18 February to quell the uprising, along with Qaddafi's intelligence chief Abdullah Sanussi.⁸⁵ As a result the protest grew, and protestors now tried to break in to army garrison in Benghazi with improvised stun grenades and bulldozers (Hill 2011). The army defections were already taking place in the east and the defecting soldiers brought with them weapons. As one of the defecting soldiers said that many soldiers had already defected, and "they took rocket-propelled grenade launchers, AK-47s and anti-aircraft guns" (Hill 2011). The turning point came with the defection of General Adel Fatah Younis and his "Thunderbolt unit" on 20 February 2011 (Brahimi 2011: 617; Lutterbeck 2012: 14). His unit was instrumental in breaking up of army barracks in Benghazi and liberating the east. Hence very quickly with defecting soldiers, army units and availability of weapons, the uprising in Libya turned into a violent conflict. Weapons were also freely available as soldiers and protestors alike looted the army stockpiles. Eastern Libya was littered with weapons. As Peter Bouckaert of *Human Rights Watch* after conducting a two weeks research in eastern Libya pointed out that "ordinary civilians, even children, can walk into a weapons depot and remove anti-tank missiles, landmines, and surface-to-air missiles capable of shooting down a civilian aircraft, you have a real problem".⁸⁶ Libya was not comparable to Tunisia and Egypt where army largely remained neutral and only weapons were stones and Molotov cocktails. The regime here was not dealing with peaceful protestors but an armed uprising against the regime.

Therefore in the violent uprising Qaddafi quickly lost control of the east and regime witnessed major defections. Mustapha Abdel Jalil, former justice minister in Qaddafi regime defected and on 27 February 2011 formed the National Transitional Council of

⁸² "Libya to free 110 Islamist militants from jail", *Reuters News Agency*, 16 February 2011, (Accessed 5 May 2013) URL: <http://uk.reuters.com/article/2011/02/16/libya-prisoners-release-idUKLDE71F0FG20110216>

⁸³ "Qaddafi's supporters counters Libya's day of rage", *Reuters News Agency*, 17 February 2011, (Accessed 5 May 2013) URL: <http://uk.reuters.com/article/2011/02/17/idINIndia-54950920110217>

⁸⁴ *Ibid.*

⁸⁵ "Big crowds in east of Libya defy police crackdown", *Reuters News Agency*, 18 February 2011, (Accessed 5 May 2013) URL: <http://uk.reuters.com/article/2011/02/18/idINIndia-54987820110218>

⁸⁶ Human Rights Watch, "Libya: Abandoned weapons, Landmines, Unexploded Ordnance, 5 April 2011, URL: <http://www.hrw.org/features/libya-abandoned-weapons-landmines-unexploded-ordnance>

Libya, declaring it the 'sole representative of Libyan people' (Brahimi 2011: 606).⁸⁷ He declared as early as 25 February 2011 that Qaddafi was only in control of South, Tripoli and Sirte, while "East Libya, Zawiyah, Misurata, and the western mountains are now under control of the civilians" (Steir 2011). However, as early as March 2011, the National Transition Council was already debating the possibility for asking for external military involvement (Fahim and Kirkpatrick 2011). There hopefulness for an external military engagement was not unfounded. Qaddafi's 22 February 2011 speech, where he warned of a serious showdown had got international community reacting (Black 2011). German Chancellor Angela Merkel dubbed the speech as "very frightening". Prime Minister Berlusconi called Qaddafi to assure him that Rome is not involved in protests against him and he needs to find a political solution (Black 2011). Arab League suspended Libya from meetings and European Union also suspended the negotiation of Framework Agreement with Libya (Black 2011). United Nation Security Council adopted Resolution 1970 on 26 February 2011 referring Libya to International Criminal Court.⁸⁸ In United Kingdom, Prime Minister Cameron was already keen on discussing the possibility of a No-Fly Zone, as briefed the parliament on 28 February 2011.⁸⁹ United States had sent two naval vessels for humanitarian assistance.⁹⁰

On the ground by mid-march, pro-Qaddafi forces repelled back the advancing rebels as they regained Zawiyah in the west and Brega, Ras Lanuf and Ajdabiya in the east, pinning the rebels in Benghazi.⁹¹ It had surrounded Misurata, cutting of water and medical supplies.⁹² In his 17 March 2011 speech Qaddafi warned that his forces are advancing to Benghazi.⁹³ There were reports that claimed that Qaddafi was using air force against civilians in Benghazi, while two Libyan Air Force pilots defected to Malta claiming Qaddafi had ordered them to bomb civilians (Peregin 2011). In a News Briefing on 1

⁸⁷ Mustapha Abdel Jalil belonged to Cyrenaica and even as justice minister under Qaddafi he was a known critique of the regime. Many other defectors came from former reform camp of Saif al-Qaddafi. These included likes of Dr. Mahmoud Jibril.

⁸⁸ Human Rights Watch, "UN: Security Council Refers Libya to ICC, 27 February 2011, URL: <http://www.hrw.org/news/2011/02/27/un-security-council-refers-libya-icc>

⁸⁹ "The Military Balance", *The Economist*, 3 March 2011, (Accessed 21 April 2013) URL: <http://www.economist.com/node/18291539>

⁹⁰ Ibid.

⁹¹ "Map of the Rebellion in Libya, Day by Day", *The New York Times*, 29 April 2011, [Online: Web] (Accessed 21 April 2013) URL: http://www.nytimes.com/interactive/2011/02/25/world/middleeast/map-of-how-the-protests-unfolded-in-libya.html?_r=1&

⁹² Ibid.

⁹³ "UPDATE 1- Gaddafi tells Benghazi his army is coming tonight", *Reuters News Agency*, 17 March 2011, (Accessed on 12 June 2013) URL: <http://uk.reuters.com/article/2011/03/17/libya-gaddafi-address-idUKLDE72G2E920110317>

March 2011 at United States Department of Defence, Secretary of Defence, Robert Gates and Joint Chief of Staff, Admiral Mike Mullen admitted that they have no confirmation on whether Qaddafi is using Air Force against civilians.⁹⁴

Qaddafi's 17 March 2011 speech where he warned that he will show "no mercy" was taken as a warning of genocide in Benghazi.⁹⁵ This hastened international reaction against him as United Nations Security Council Resolution 1973 was passed on the 17 March 2011. The often cited speech is regarded as testimony of Qaddafi regime's brutality and the necessity of taking action against him to prevent genocide. However, his speech was addressed mainly to armed rebels and he had offered amnesty to those that laid down their arms (Kuperman 2011). He had also given rebels a safe escape route to Egypt in order to avoid a bitter fight till the end (Kuperman 2011). Qaddafi forces also did not penetrate cities that they had captured as it would increase civilian casualties. According to *Human Rights Watch*, the fight for city of Misurata which lasted for 3 months produced 247 dead and around 950 wounded, out of which only 2 children and 22 women (less than 3 percent) were among the casualties (Kuperman 2011). As Kuperman points out that if Qaddafi intended genocide, women would comprise half the casualties (Kuperman 2011).

Internationally France had recognised National Transition Council (NTC) of Libya on 10 March 2011. Arab League voted for United Nations backed No-Fly zone in Libya, while earlier on 10 March 2011 the African Union had rejected military engagement (Royal United Services Institute of Defence and Security Studies 2012). On the battleground, rebels were fast losing territory to Qaddafi's forces. They had lost territory west of Benghazi with the loss of Ras Lanuf, Brega and Zawiyah near the Libyan-Tunisian border by 10 March 2011 (Royal United Services Institute of Defence and Security Studies 2012). The 17 March 2011 speech of Qaddafi sealed the case against him as on 17 March 2011 United Nations Security Council passed Resolution 1973 authorising establishment of No-Fly zone over Libya.

The Operation Odyssey Dawn began on 19 March 2011 under the leadership of United States Africa Command (AFRICOM), United States, France and United Kingdom

⁹⁴ United Department of Defence (2011), "News Briefing with Secretary of Defence Robert Gates and Joint Chief of Staff, Admiral Mike Mullen", 1 March 2011, URL: <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4777>

⁹⁵ "UPDATE 1- Gaddafi tells Benghazi his army is coming tonight", *Reuters News Agency*, 17 March 2011, (Accessed on 12 June 2013) URL: <http://uk.reuters.com/article/2011/03/17/libya-gaddafi-address-idUKLDE72G2E920110317>

launched the establishment of No-Fly Zone. The first barrage of around 120 Tomhawk Cruise Missiles fired from United States warships and British submarine severely curtailed Qaddafi regime's ability to operate air-defence system.⁹⁶ The No-Fly Zone was implemented in most of rebel territory by 22 March 2011.⁹⁷ The rebels took over Ajadabiya, Ras Lanuf and Brega (Bell and Witter 2011). The Qaddafi forces had retreated to Sirte by 27 March 2011 (Bell and Witter 2011).

The coming months were frustrating as Qaddafi forces using innovative tactics were able to frustrate the rebels (Pelham 2011: 256). In the east there was a fear that the Colonel Qaddafi gaining back the control of the territory in the east. General Abdel Fatah Younis in press conference blamed NATO for not doing enough (Pelham 2011: 256). Admiral Mike Mullen, warned that the situation in Libya has become a stalemate (Nordland and Myers 2011). He attributed this to the fact that pro-Qaddafi forces had changed tactics such that it was difficult to identify and target them (Nordland and Myers 2011). Qaddafi's forces had ditched armoured vehicles and army uniforms for plain clothes and machine gun mounted vehicles used by the rebels (Nordland and Myers 2011). Military officials also said that rebel militias were hardly an effective force as they lacked training, communication systems and a sensible command structure (Nordland and Myers 2011). Many defected soldiers now deserted the protestors and the rebel army consisted of volunteer fighters with some 17000 volunteering in Benghazi alone (Lutterbeck 2012: 14).⁹⁸ In mid-April 2011, Britain, France and Italy decided to send military advisors on the ground to train the novice army of the rebels (Royal United Services Institute 2012). NATO also decided to up the ante of aerial campaign by targeting regime symbols on the ground (Shanker and Sagner 2011). After a phone call from President Obama to Prime Minister Berlusconi, Italy which till then was giving only logistic support, decided to let its Air Force participate in No-Fly Zone operations (Lombardi 2011: 37). Hence these factors tipped the balance in favour of the rebels.

The tipping point came when Operation Mermaid Dawn was launched to capture Tripoli on 20 August 2011. The capital Tripoli was captured as a result of coordinated attack by rebel forces on ground, an amphibious landing by rebel unit aided by NATO, precision

⁹⁶ "Into The Unknown", *The Economist*, 24 March 2011, (Accessed 4 June 2013) URL: <http://www.economist.com/node/18442119>

⁹⁷ Ibid.

⁹⁸ "A Civil War beckons", *The Economist*, 3 March 2011, [Online: Web] (Accessed 3 May 2013) URL: <http://www.economist.com/node/18290470>

bombing by NATO Air Forces, activation of rebel sleeper cells within Tripoli and public calls by Imams to rise up against the regime (Barry 2011: 7). General Albarrani Shkal, the military governor of Tripoli, had been secretly recruited by NATO.⁹⁹ He remained at his post and when Operation Siren was launched on 22 August 2011, he demobilized his 3800 men and opened the gates of Tripoli to the rebels.¹⁰⁰ Finally on 23 August 2011, rebels broke into Bab-Al Azizya, Qaddafi's main military compound (Royal United Services Institute for Defence and Security Studies 2012). This signified a fall the fall of Tripoli. After that only Sirte and Bani Walid remained major resistance zone. Finally, after 8 months of bombing on 20 October 2011, Qaddafi was captured, mobbed and killed in Sirte. The NATO ended Operation Unified Protector on 31 October 2011.

There was also an attempt by the African Union to mediate a peace plan between Qaddafi regime and the rebels, which Qaddafi had accepted (Denyer and Fadel 2011). Russian Foreign Minister Sergey Lavrov said that in conversation between President Medvedev and President Jacob Zuma on 28 May 2011, the latter had confirmed that he had visited Qaddafi and his representatives and intended to continue mediating with the rebels.¹⁰¹ However the rebels rejected it as firstly, they did not trust African Union that was considered close to Qaddafi and secondly, any peace was conditional on Qaddafi stepping down along with his family members.¹⁰² In July 2011 there were reports of France and the United States both trying to float a peace plan to let Qaddafi resign and stay in Libya, but buoyed by recent military gains on the ground, rebels again rejected the plan (Koring 2011; Zirulnick 2011). The fact that on 27 June 2011, the International Criminal Court had issued warrant against Qaddafi and members of his family and regime also hampered a peace deal (Bell and Witter 2011: 29).

⁹⁹ "Libyan settling scores", *Voltairenet.org*, 3 May 2012, (Accessed 4 June 2013) URL: <http://www.voltairenet.org/article173971.html>

¹⁰⁰ Ibid.

¹⁰¹ BBC Monitoring Former Soviet Union (2011), "Russian Foreign Minister discusses Belarus, Middle East at the Minsk Conference", 2 June 2011, Supplied by BBC Worldwide Monitoring Service.

¹⁰² Ibid.

CHAPTER 3

RESPONSE OF THE EUROPEAN UNION AND THE MEMBER STATES TO THE LIBYAN CRISIS

3.1 Europe's Reaction to the Libyan Crisis

Many protests taking place in the MENA region were assimilated within the larger narrative of Arab Spring. It led to a misconstruction of aims, aspirations and ideology of these protests and thus affected the response of international community (Lynch 2012: 103). Similarly others have argued that the West had overestimated the democratic forces in the region but at the end it was the well organised Islamists who benefitted the most from regime collapse (Cornell and Verstandig 2012: 1-3; Aliboni 2011: 8). This is particularly true in case Tunisia and Egypt where Islamic parties have come to power by democratic means but political liberalisation has led to confrontation between Islamists and liberals (Donker 2012).

There were three assumptions made by West in interpreting the uprisings in MENA region. Firstly, the West assumed that these were popular movements (Friedman 2011). Secondly, that these protest movements aimed to create a democratic society (Friedman 2011). Thirdly, that the democratic society they aimed to create was akin to the European-American democracy, i.e. a constitutional system supporting Western democratic values (Friedman 2011). Hence the Western response to Arab Spring was tempered by these three assumptions. Therefore, it was assumed that West should cautiously support these protest movements, over involvement could risk where the West is accused of imperialism, while to sit on the fence was not acceptable as it would be a betrayal of fundamental western principles (Friedman 2011). As Friedman (2011) puts it:

The West has been walking a tightrope of these contradictory principles; Libya became the place where they fell off. According to the narrative, what happened in Libya was another in a series of democratic uprisings, but in this case suppressed with a brutality outside the bounds of what could be tolerated. Bahrain apparently was inside the bounds, and Egypt was a success, but Libya was a case in which the

world could not stand aside while Qaddafi destroyed a democratic uprising (Friedman 2011).¹⁰³

Other way to look at it was that the West was caught in the inherent conflict between perceived interest and values (Alcaro 2012: 13). On one hand there are varied hard core commercial, security and political interests of different European countries. On the other hand there are European values of freedom, individual rights and democracy that the protestors were perceived to be fighting to uphold. Hence, in this conundrum of conflict between perceived interest and values, European countries response may seem to be ambivalent, in reality has been a heterogeneous approach, where somehow interests and values both have figured in strategic calculation (Alcaro 2012: 13).

3.2 European Union's Reaction to the Libyan Crisis

The European Union's reaction to Libya highlighted the incoherence in the Union and the intra-EU divisions among member states (Schumacher 2011; Koenig 2011; Menon 2011). However, one can also label its approach as being cautious similar to that of United States. EU being a Union of 27 member states and plethora of institutions did not have alacrity of nation states like France and Britain to move swiftly to take action.

The fundamental position of European Union remained similar to that of France and Britain, it recognised the fact that Qaddafi must step down. "The political objectives, set by the extraordinary European Council on 11 March 2011 remain unchanged: Qaddafi must go, and the EU wants a political transition, led by Libyans themselves, and based on a broad political dialogue", said Herman Van Rompuy, President of the European Council.¹⁰⁴ However, the difference of opinion between President of the European Council and Catherine Ashton, the European Union's High Representative were different as the latter ruled out regime change (Koenig 2011).

The principal disagreements were between member states- particularly France and Germany- on first, the issue unilateral recognition of National Transitional Council by

¹⁰³ Friedman, G. (2011), "Libya, the West and the Narrative of Democracy", Geopolitical Weekly, *Stratfor*, 21 March 2011, (Accessed 14 April 2013), URL: "Libya, the West and the Narrative of Democracy is republished with permission of Stratfor."

¹⁰⁴ European Union, Council (2011), "The EU wants a political transition in Libya", 25 March 2011 (Accessed on 7 January 2013) URL: <http://www.european-council.europa.eu/home-page/highlights/the-eu-wants-a-political-transition-in-libya>

France and second, on the need for military intervention (Schumacher 2011; Koenig 2011).

The unilateral recognition of Libyan National Transitional Council (NTC) by France was severely criticised by EU member states, as French agreed that recognition was based on its intention on other member states to take similar action (Koenig 2011). Diplomats reacted critically of France's recognition of NTC, "we cannot unilaterally rush into recognising groups," said a spokesman for Catherine Ashton, a position backed by Britain. Germany, Italy and others.¹⁰⁵ Italy and Britain had criticised the action for being unilateral and that recognition should be given to states and not groups. EU finally accepted NTC as "political interlocutor", these terms apparently signified that the NTC was an "official negotiating counterparty," a "relevant partner for dialogue," a "discussion partner," or a "credible voice for the Libyan people (Talmon 2011b: 1).

The second issue was the issue of implementation of no-fly zone. This issue split European Union, which rejected the idea. The March 11, 2011 emergency summit held in Brussels many European member states including the office of EU's High Representative had serious reservations about no-fly zone. Arguments against no-fly zone ranged from the issues of legality of no-fly zone as expressed by Germany and the dangers collateral damage expressed by staff of EU's High Representative. Merkel also pointed out, that west should not start something not could not finish. Italians were also not keen on no-fly zone and military action as expressed by their Foreign Minister Franco Frattini. The German position was most critical on military intervention of any sort and the motivations of it lied probably in domestic politics of Germany and the pacifist nature of German foreign policy (Speck 2011). Italians did eventually participate in military action against Libya but their initial reluctance can be attributed to the deep commercial ties it had with the Qaddafi regime (Lombardi 2011).

Yet, EU is hardly foreign policy actor to restraint member states (Menon 2011: 81; Koenig 2011: 20-23). Foreign policy of member states is still strictly based on national interest. In fact EU contributed in its own way to let France and Britain in taking action against Libya. The European Declaration issued on 11 March, 2011 was phrased in a manner that did not out rightly challenge the logic of military action or no-fly zone. The Declaration read "the

¹⁰⁵ "France breaks ranks on Libya dwarfs EU's Ashton", *www.euractiv.com*, 11 March 2011 (Accessed 7 January 2013) URL: <http://www.euractiv.com/global-europe/france-breaks-ranks-libya-dwarfs-news-503003>

safety of the people must be ensured by all necessary means” and went on to state “in order to protect the civilian population, Member States will examine all necessary options, provided that there is a demonstrable need, a clear legal basis and support from the region”.¹⁰⁶ The use of terms like “all necessary means” and “examine all necessary options”, EU’s declaration was interpreted by France and Britain strong enough. The fact that EU was not a military alliance; hence France and Britain, the two largest military spenders, did not really consider EU’s opinion rather seriously. The British Prime Minister said “Of course the EU is not a military alliance and I don’t want it to be a military alliance. Our alliance is NATO”.¹⁰⁷

3.3 European Member States Reaction to the Libyan Crisis

3.3.1 Germany and the Libyan Crisis

Germany’s reaction to Libyan conflict was vital as it was a leading member of EU, NATO and a non-permanent member of UN Security Council. Germany was criticised for its abstention of UNSC Resolution 1973 resolution and its refusal to participate in NATO’s military operations in Libya. But the fact was that German refusal on military action in Libya did not mean it had no clear position on means to deal with the Qaddafi regime in Libya. Germans were critical about Qaddafi’s use of force against the civilians and supported the United Nations Security Council Resolution 1970. Peter Wittig, German Ambassador to United Nations stated that Germany welcomed the resolution and the “strong message” sent by the Council that “the violations of rights of Libyan people will not be violated”.¹⁰⁸ Germany also was clear that Qaddafi regime must go. In a joint letter written by German Foreign Minister Guido Westerwelle and British Foreign Secretary William Hague to EU High Representative Catherine Ashton, both governments recognised that Qaddafi “has to step aside to allow full democratic transition of the country”.¹⁰⁹ Even the German Ambassador at UN’s statement during the voting on the

¹⁰⁶ European Union, Council (2011), “The EU wants a political transition in Libya”, 25 March 2011 (Accessed on 7 January 2013) URL: <http://www.european-council.europa.eu/home-page/highlights/the-eu-wants-a-political-transition-in-libya>

¹⁰⁷ Prime Minister Cameron quoted in Traynor, I. and Watt, N. (2011), “Libya no-fly zone rejected by EU Leaders”, *The Guardian*, 11 March 2011, (Accessed on 10 December 2012) URL: <http://www.guardian.co.uk/world/2011/mar/11/libya-no-fly-zone-plan-rejected>

¹⁰⁸ UN Security Council, Security Council Resolution 1970 (2011), 26 February 2011, S/RES/1970 (2011), URL: <http://www.un.org/News/Press/docs/2011/sc10187.doc.htm>

¹⁰⁹ “Blocking Dictator’s Billions: Germany Freezes Gaddafi’s Accounts”, *Der Spiegel*, 10 March 2011, (Accessed 21 May 2013) URL: <http://www.spiegel.de/international/germany/blocking-the-dictator-s-billions-germany-freezes-gadhafi-s-accounts-a-750109.html>

Resolution 1973 was clear on the fact that Qaddafi must “relinquish power immediately”.¹¹⁰

However it was on the issue of the means to pursue regime change in Libya that Germans disagreed with France, Britain and United States. Germans were against military means being used for regime change and “non-military” means instead (Speck 2011: 1). As Guido Westerwelle’s statement in German parliament said that alternative to military action is not inaction, rather alternatives is stepping up the pressure, adopting and tightening sanctions.¹¹¹ Even during the vote on UNSC 1973, Germany expressed that it was crucial to tighten the sanctions on Libya.¹¹² Angela Merkel even suggested an implementation of oil embargo on Libya.¹¹³ Therefore, Germans were inclined towards a non-military strategy to achieve regime change, which perfectly fitted with Germany’s inclination to avoid participating in military conflict as well as support protest movement against Qaddafi. In fact it was only German reluctance on military engagement which was the troubling point. otherwise as Chancellor Merkel stated that Germany “unequivocally shared the goals” stated in UNSC 1973 (Ischinger 2011: 52).

However when it came to the question of supporting military engagement and voting in favour of UNSC 1973, German stance on non-military solution left it increasingly isolated from its allies France, Britain and United States. The official reason behind German aversion towards military action in Libya was that Germans were sceptical about military engagement fearing that it would lead to a protracted military conflict for the participating countries that could draw in wider region.¹¹⁴ Germany mainly feared that it would have to send its troops to Libya as Chancellor Angela Merkel stated in a Press Statement on 18 March 2011 (Ischinger 2011: 50). German government’s decision was partly motivated by the fact that many Germans were against German troop’s current involvement in

¹¹⁰UN Security Council, Security Council Resolution 1973 (2011), 17 March 2011, S/RES/1973(2011), URL: <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>

¹¹¹ “Statement by Guido Westerwelle in the German Bundestag on resolution 1973”, *Voltairenet.org*, 18 March 2011, (Accessed 15 May 2013) URL: <http://www.voltairenet.org/article169181.html>

¹¹² UN Security Council, Security Council Resolution 1973 (2011), 17 March 2011, S/RES/1973(2011), URL: <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>

¹¹³ “Merkel favors Libya oil embargo”, *Times of Malta*, 21 March 2011, (Accessed on 21 May 2013) URL: <http://www.timesofmalta.com/articles/view/20110321/local/merkel-favours-libya-oil-embargo.355917>

¹¹⁴ UN Security Council, Security Council Resolution 1973 (2011), 17 March 2011, S/RES/1973(2011), URL: <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>

Afghanistan.¹¹⁵ It was assumed that neither the German public nor the Bundestag would support such a decision (Ischiger 2011). There were also number of regional elections that were going to take place during the time when decision on Libya was to be made (Ischiger 2011: 50). Domestic political calculations made Christian Democratic Union and Free Democratic Party coalition act more cautiously with regards to Libya. An election in conservative strong hold Baden-Württemberg, where the Christian Democratic Union (CDU) and Free Democratic Party (FDP) was facing a severe completion from Greens and Social Democratic parties on the issue of nuclear power plants following Fukushima disaster in Japan (Ischiger 2011: 50). The compulsions of coalition politics also constrained a stronger response on military engagement in Libya (Ischiger 2011: 49). The FDP had been having a tough year as within a period of 12 months it lost two-thirds of its support base. Foreign Minister Guido Westerwelle was the leader of FDP and he risked losing his position both as a party leader and cabinet minister (Ischiger 2011: 49). Therefore with regard to Libya, domestic concerns were increasingly colouring foreign policy decision of the government (Ischiger 2011: 49).

German scepticism on military engagement also stemmed from their doubts about the possibility of success of a limited intervention without any clear objectives and that relied solely on air power (Ischiger 2011: 48). Germany also feared a larger protracted war and possibility that Libya might become a failed state (Ischiger 2011: 48). Similar scepticism was also expressed by United States Defence Secretary Robert Gates and initially President Obama was also reluctant on use of force (Ischiger 2011: 48). However, once United States administration changed its opinion and endorsed the option of military engagement, Germany was unable to come up with an appropriate and balance response, and ended up abstaining from voting on UNSC 1973 (Ischiger 2011: 52). An appropriate debate failed to materialise in German government regarding weighing of different actions that can be taken regarding the resolution (Ischiger 2011: 52). The UNSC 1973 at least in principle ruled out participation of foreign occupation force (Speck 2011: 2). Moreover, a yes vote would not automatically mean participation in military operations. Instead it was assumed that a pacifist Bundestag would never approve of a military engagement (Speck 2011: 2). Therefore, Germans ended up defying the “never alone” rule, which had been the

¹¹⁵ “Angela Merkel: What Explains her Unexpected Position on Libya?”, *New Republic*, 15 July 2011, (Accessed on 21 May 2013) URL: <http://www.newrepublic.com/article/world/92039/angela-merkel-germany-libya-abstention#>

fundamental principle of Germany's "integration into the West and in Europe" (Ischiger 2011: 52).

Germans then went on to withdraw all German military personnel that were involved in NATO operations in the Mediterranean (Ischiger 2011: 53). The logic given was that since NATO's mission was to enforce an arms embargo in Libya, the German military personnel may have to resort to use of military force (Ischiger 2011: 53). Therefore, technically that would require an approval from Bundestag (Ischiger 2011: 53). In order to compensate for their non-involvement, Germans increased its AWACS surveillance in existing NATO mission in Afghanistan in order to free up NATO AWACS planes for operations in Libya.¹¹⁶ The fact that Merkel's government had sought to prevent former commander of NATO forces in Afghanistan, General David Petraeus from requesting an increased German assistance in aerial surveillance as it was reluctant to meet any such request, the decision take by the government was perceived as compensation for abstention in UNSC vote and non-participation in NATO operations in Libya.¹¹⁷

After severe criticism Germany finally started to come closer to European position. After criticising France for unilateral recognition of National Transitional Council of Libya, on June 2011 Germany recognised the Libyan opposition. In a visit to Benghazi, Foreign Minister Guido Westerwelle recognised NTC as "legitimate representative of Libyan people".¹¹⁸ During Chancellor Angela Merkel's visit to United States in June 2011, she endorsed NATO's mission in Libya.¹¹⁹ On 1 September 2011, while attending the meeting of Libya Contact Group in Paris, Angela Merkel offered German assistance to the NTC in drafting of the new constitution and also in areas like water supply, hospital and infrastructure.¹²⁰ In post-war Libya Germany has contributed €4.3 million aid for promoting democratic development in Libya (Hodali 2013). Ministry of foreign affairs is also financially supporting Libyan Mine Action Centre (LMAC), set up to secure weapons,

¹¹⁶ "Germany's Libya contribution: Merkel Cabinet approves AWACS for Afghanistan", *Der Spiegel*, 23 March 2011, (Accessed on 19 May 2013) URL: <http://www.spiegel.de/international/world/germany-s-libya-contribution-merkel-cabinet-approves-awacs-for-afghanistan-a-752709.html>

¹¹⁷ Ibid.

¹¹⁸ "Germany recognises Libya rebels as sole government", *BBC News*, 13 June 2011, (Accessed 30 May 2013) URL: <http://www.bbc.co.uk/news/world-europe-13753422>

¹¹⁹ "Merkel backs Libya mission, joins Obama in call for Gadhafi to leave", *CNN*, 8 June 2011, (Accessed 19 May 2013) URL: <http://edition.cnn.com/2011/POLITICS/06/07/obama.merkel.visit/index.html>

¹²⁰ Federal Republic of Germany, The Federal Chancellor (2011), "International assistance to Libya", 1 September 2011, (Accessed 17 May 2013) URL: <http://www.bundeskanzlerin.de/Content/EN/Reiseberichte/fr-paris-2011-08-29.html;jsessionid=E6CCC482E93AD3686ED1638E9C5A03DB.s4t2>

ammunitions and landmines in Libya (Hodali 2013). Germany has imported oil worth €5 billion from Libya in 2012 as compared to €1 billion in 2010 (Hodali 2013). There is also a demand for German construction machines in Libya but at the moment due to security risks many construction project have stopped.

3.3.2 Poland and the Libyan Crisis

Germany's neighbour to the east, Poland, was also a staunch opponent of military engagement in Libya. On 19 March 2011, at the Paris conference on Libya, Prime Minister Tusk endorsed the United Nations Security Council Resolution 1973 but confirmed that Poland will not participate in military operations although it was ready to participate in providing humanitarian aid.¹²¹ Prime Minister Donald Tusk openly accused European governments of hypocrisy and double standards when it comes to implementation of human rights and he added that it was one of the reasons why Poland was not going to participate in military operations in Libya.¹²² He said elsewhere that the reason for Poland not participating in the military operations in Libya is because it does not see any NATO's security interests at stake in Libya (Benitez 2011).

However, in an interview to BBC on 19 April 2011, Prime Minister Tusk stated a more pragmatic reason for not committing to military operations in Libya. He said that he fully approved regime change in Libya, but "Poland with its limited means and large commitment in Afghanistan has declared not military help in Libya but humanitarian help".¹²³ Poland has around 2600 troops serving under NATO mission in Afghanistan. Prime Minister Tusk had also been critical of Polish engagement in Iraq and removed last of Polish troops from Iraq in 2008 (Kulich 2011). The other factor for Poland's reluctance could have been that Prime Minister Donald Tusk was set to face election in October 2011 (Kulich 2011). Polish-Russian relations that had improved in recent times were also a factor that made Poland disinclined towards military operations in Libya particularly as Moscow viewed the mission critically. After the Smolensk plane crash that killed Polish President Lech Kaczynski, the relations between Poland and Russia have warmed up.

¹²¹ Republic of Poland, The Chancellery of Prime Minister (2011), "Prime Minister: Poland will not take part in any military operation in Libya", *premier.gov.pl*, 19 March 2011, (Accessed on 6 June 2013) URL: <https://www.premier.gov.pl/en/news/news/prime-minister-poland-will-not-take-part-in-any-military-operation-in-libya.html>

¹²² "Polish PM chides Europe over Libya "hypocrisy"", *Reuters News Agency*, 9 April 2011, (Accessed 7 June 2013) URL: <http://www.reuters.com/article/2011/04/09/poland-eu-libya-idAFLDE73806T20110409>

¹²³ Interview with Kasia Madera on 19 April 2011, *BBC News*, (Accessed on 7 June 2013) URL: <http://www.bbc.co.uk/news/world-europe-13125496>

President Kaczynski and his twin brother former Prime Minister Jaroslaw Kaczynski were both against improving relations with Russia. After the demise of President Lech Kaczynski, the new President Bronislaw Komorowski was much more supportive of building a “new strategic relationship” with Russia (Bagdonas 2011). Poland and Russia had signed an agreement regarding delivery of natural gas from Russia to Poland until 2022 (Bagdonas 2011). Poland which consumes 14-15 billion cubic meters of gas per year needs Russian help to maintain secured supply (Bagdonas 2011). There was also an agreement to build a pipeline to transport Russian natural gas via Poland bypassing Ukraine. Russia had also invited Poland to develop a nuclear power plant in Kaliningrad and Russian’s had shown interest in investing in Poland’s second largest refinery the Lotos Group (Bagdonas 2011).

3.3.3 Italy and the Libyan Crisis

Italian reaction was primarily governed with its privileged relations that it had built with North African regimes, particularly Libya. It depends on the region for energy security. Italy relied on Libya, Algeria and Gulf States for 70 per cent of its energy needs (Arbatova 2011: 10). In terms of natural gas, Italy satisfies 43 per cent of its consumption from the Middle East and North Africa (Stevens 2011). Libyan oil and gas exports to Italy were 23 per cent and 12 per cent respectively. Hence Italians were cautious of not reacting to uprisings in the region. Italians were second largest investor in Libya after France (Witney and Dworkin 2012: 44). The signing of the 2008 Friendship Treaty between Italy and Libya would have made Italians top most investors in Libya as Rome-Tripoli relations were getting stronger. The 2008 Friendship Treaty between Italy and Libya was a foreign policy success for Prime Minister Berlusconi. Under the treaty Italians had promised to give annual \$5 billion for next 20 years as compensation for Italian colonial rule in Libya (Gazzini 2009). The compensation was not simple cash payment but was going to be in form of Italian investments and trade in Libya. In short the treaty was about “less illegal immigrants and more oil” (Gazzini 2009). In one stroke Prime Minister Berlusconi had been able to establish commercial relations with Libya and also guarantee a co-operation on migration. As a result Italy had benefitted the most from Qaddafi regime. ENI had pledged to invest \$28 billion in Libya to extend its oil and gas contracts up to 2040 (Donadio 2011). Italy was also the largest trading partner of Libya. Italians were the top arms exporter to Libya among the EU countries. Before the uprising started Italian company was building a coastal highway in Libya and there were contracts in

construction, railways and fibre optics (Donadio 2011). Libya also had considerable investment in Italy. The Libyan Foreign Bank owns 67.5 per cent of Banca UBAE Spa, of which slightly less than 11 per cent is owned by Italy's largest bank, Uni-Credit, of which Libya owns 7.5 per cent (Lombardi 2011: 38). Given the weak condition of Italy's economy, any pull out of funds by Libyan government would have led to a loss of liquidity in the banking sector (Lombardi 2011: 38-39). Such kind of calamitous thinking existed within Italian foreign policy establishment (Lombardi 2011: 39). It also faced the problem of migration from North Africa. The 2008 Friendship Treaty with Libya had helped Italy to considerably cut down the number of illegal migrants from North Africa, as illegal immigrants decreased by 98 per cent from 2008 to 2010 (Lombardi 2011: 39).

Hence issues of energy security, commercial interests and migration guided Italian response to Arab Spring (Santini and Varevelli 2011; Lombardi 2011: 33). It was caught between its own legitimate interest and its commitment to EU and NATO. From the beginning of the crisis until mid-March 2011, Italian's were hesitant in reacting to Libya's crisis (Lombardi 2011: 35-36). Franco Frattini in mid-February 2011 said that EU should show caution in acting against Qaddafi only one keeping Libya together (Lombardi 2011: 35). When Prime Minister Berlusconi was asked to use his influence with Qaddafi to convince him to cease violence, he simply stated that he does not want to 'bother' him as he is 'very busy' at the moment (Lombardi 2011: 35). In February in Rome, he warned that the uprisings may bring democracy and freedom but will also create dangerous centres of fundamentalism at our shores and problems of mass exodus of immigrants.¹²⁴ Comments like these isolated Italy in Europe. Qaddafi was becoming a difficult partner for Italy to carry on with, as political columnist Sergio Romano commented that Italy "cannot totally disavow Qaddafi, but it can't sustain him because he's become un-presentable" (Sergio Romano quoted in Donadio 2011). Italy reluctantly accepted sanctions imposed under United Nations Resolution 1970, and regarding Libya's International Criminal Court referral, Prime Minister Berlusconi stated that referring Qaddafi to ICC has made the "idea of staying in power entrenched in him and I don't think anyone can make him change his mind".¹²⁵ Deciding upon military engagement under United Nations Security Council

¹²⁴ "Gadhafi no longer in control of Libya: Berlusconi", *Ha'aretz*, 26 February 2011, (Accessed 19 June 2013) URL: <http://www.haaretz.com/news/world/berlusconi-gadhafi-no-longer-in-control-of-libya-1.345851>

¹²⁵ "West may have miscalculated with Gaddafi: Berlusconi, *Reuters News Agency*, 11 March 2011, (Accessed 15 June 2013) URL: <http://www.reuters.com/article/2011/03/11/us-libya-eu-summit-berlusconi-idUSTRE72A6HJ20110311>

Resolution 1973 was also tough decision. Initially Italy contributed only logistically to the operations (Lombardi 2011: 31).

However, from mid-March onwards Italian strategy started to change. It recognized that if Qaddafi stayed in power, he would not forgive Italian support albeit lukewarm to sanctions against him (Lombardi 2011: 36). Qaddafi may want to review the Friendship Treaty of 2008 which may be a heavy cost for Italians to pay. Italy suspended the Friendship Treaty of 2008 (Donadio 2011). Italy recognised Libyan National Transitional Council as country's only legitimate voice after 29 March 2011 London summit of 'Friends of Libya', where the NTC agreed to honour "covenants made at international level" with foreign companies as Italian Foreign Minister Franco Frattini assured the media (La Mattina 2011). It also increased its participation in military operations by conducting air strikes and sending Special Forces on the ground. In a phone call to President Obama, Prime Minister Berlusconi called for intensification of air strikes by targeting military targets on Libyan territory (Pullella 2011). Paolo Scaroni, the chief executive of Italian oil company ENI, was in Benghazi as early as April 2011 to discuss energy co-operation with the rebels.¹²⁶ In terms of migration, Italy signed a secret deal with Libyan NTC which allowed it to intercept asylum seekers at sea and hand them back to Libyan authorities (Nielsen 2012).

3.4 European Countries Participation in the Military Operations in Libya under NATO's Operation Unified Protector

The military operation in Libya began on 19 March 2011 in the name of Operation Odyssey Dawn. The mission began under the United States America's Africa Command (AFRICOM) with France, United Kingdom and other coalition partners participating in it.¹²⁷ The command was transferred from United States to North Atlantic Treaty Organisation (NATO) on 31 March 2011. Thus Operation Unified Protector with mission to enforce arms embargo, no-fly zone and protect civilians came under NATO's sole command. However it took NATO effectively 10 days to completely get the mission under its control (Hallamas and Schreer 2012: 323). This was due to the internal bickering between NATO countries. While prominent NATO countries like Poland and Germany

¹²⁶ "EU sends envoy to Libya's rebel capital", *Euractiv.com*, 5 April 2011, (Accessed 14 June 2013) URL: <http://www.euractiv.com/global-europe/eu-sends-envoys-libyas-rebel-cap-news-503800>

¹²⁷ Initially coalition members included Spain, Netherlands, Belgium, Italy, Norway, Denmark, Italy, Canada, United Arab Emirates and Qatar. Later other members contributed under NATO Operation Unified Protector.

refused to participate in the military operations, France and Turkey tried to block NATO from getting the command of the operation (Hallamas and Schreer 2012: 323). France did not want to get NATO involved as it felt that it would alienate Arab countries as NATO was unpopular in the Middle East (Hallamas and Schreer 2012: 323). However the actual reason was that French wanted to be seen as the one leading the operations. A French military source stated that it was trying to “find a way of NATO being involved without it being seen as a head of the operations” (Willsher 2011). Turkey on the other hand was angry that it was not invited for 19 March 2011 conference about Libya held in Paris, therefore it briefly tried to block NATO taking up the operations in Libya (Hallamas and Schreer 2012: 323; Willsher 2011). However United States and Britain along with majority of NATO member states were in favour of NATO being given the command (Clarke 2012: 9; Willsher 2011). Norway threatened to suspend participation of its F-16 fighter jets until the command structure of the operation was clear (Willsher 2011). Therefore French had to cave in and accept NATO’s leadership.

It took NATO around 7 months, 26500 sorties and 9700 strike sorties to complete its mission on 31 October 2011(NATO, Operation Unified Protector Final Mission Stats 2011). Peak Military Figures indicate a participation of 8000 troops, 260 air assets and 21 naval assets (NATO, Operation Unified Protector Final Mission Stats 2011). At the end 15 (including France and Britain) out of 28 members of NATO contributed military assets to the operations. Only 6 European nations out of 14 contributed to strike missions, namely: Britain, France, Italy, Belgium, Norway and Denmark (Hallamas and Schreer 2012: 322). However, the Norwegians pulled out of air strikes in the middle of the campaign (Hallamas and Schreer 2012: 322). There was participation of non-NATO countries in the mission, namely: Jordan, Qatar, United Arab Emirates and Sweden (Barry 2011: 5; Hallamas and Schreer 2012: 322). Qatar and United Arab Emirates participated in strike missions and even gave tactful political and military support to the rebels (Barry 2011: 5).

Among the European countries Italy was a main contributor to NATO’s operations after France and United Kingdom. The command and control headquarters was based in NATO while it provided 5 Air Bases (refer Table 6): Amendola, Decimomannu, Gio del Colle, Pantellaria Airport and Tripani-Birgi (Royal United Services Institute for Defence and Security Studies 2012). Italians conducted 2500 sorties, which were around 9 per cent of total sorties, the largest among European countries except France and United Kingdom

(refer Table 6).¹²⁸ Italian also contributed a large number of Combat and Non-Combat Assets, the largest number after its European counterparts France and Britain. But its contribution of 4800 personnel made it the largest contributor to the mission in this category, second only to United States (refer Table 6). The Italian contribution can be read in the light that it was also keen on regime change in Libya, particularly after its policy on Libya changed after mid-March 2011. Another Mediterranean country that made significance was Spain. After getting a unanimous support from its parliament for military engagement under NATO, Spanish contributed 1200 personnel and conducted 250 sorties (refer Table 6). Sweden's contribution was fairly significant; despite it being a non-NATO country it conducted 500 sorties (refer Table 6). Turkey which had been a reluctant participant in the NATO's mission flew unusually high number of 748 sorties, however they were non-combat sorties (refer Table 6).

¹²⁸ UK Armed Forces Commentary (2011), "A final analysis of Libya experience", *ukarmedforcescommentary.blogspot.in*, 29 December 2011, (Accessed 22 June 2013) URL: <http://ukarmedforcescommentary.blogspot.in/2011/12/final-analysis-of-libya-experience.html>

Table 6: Military Assets Contributed by Members of NATO for Operation Unified Protector in Libya (excluding France and United Kingdom)

Serial No.	NATO Countries (European Members)	Combat		Non-Combat		Air Bases	Personnel	Sorties
		Air	Maritime	Air	Maritime			
1	Belgium	6	2	0	0	N/A	157	
2	Bulgaria	1	0	0	0	N/A	160	
3	Croatia	0	0	2*	0	N/A	2	
4	Denmark	6	1	0	0	0	86	
5	Greece	0	1	6	0	4	0	
6	Italy	28†	11	8	5	5	4800	2500
7	Netherlands	6	2	2	2	N/A	500	
8	Norway	6	0	2	0	N/A	130	583
9	Romania	0	0	0	1	N/A	207	
10	Spain	4	5	3	0	2	1200	250
11	Sweden (Non-NATO Country)	8	0	1	0	0	122	500
12	Turkey	6	0	0	6	2	Unknown	748
14	Canada	7	2	10	0	0		2561
13	United States of America	35♀	15	14	19	6	8507	7752

NOTES:

Not all military assets were deployed throughout the entire period of operation, as some countries withdrew assets in the middle of the operation.

** This includes 2 Air officers only that are included in Personnel.*

† Additionally Italy also provided Storm Shadow cruise missiles.

‡ Including 1 SH-14D Lynx Helicopter.

♀ This includes 10 AV-8B Harrier II, 4 AH-1W Cobra Attack Helicopters and 400 Marines.

¶ Out of these 6 Air Bases only 1 was based in US, rest were based in Europe. Two were United Kingdom, two in Italy and one in Germany.

⋈ Figure not known or unavailable.

Sources: Royal United Services Institute, ukarmedforcescommentary.blogspot.in and NATO Operation Unified Protector Final Mission Stats

The military operations in Libya highlighted the importance of United States in the alliance. United States announced that on 28 March 2011 that it would withdraw from active combat duties to a more ‘supportive role’ and concentrate of providing unique capabilities (Barry 2011: 5; Hallamas and Schreer 2012: 321). On 4 April 2011 it withdrew from combat operations (Barry 2011: 5). However despite this United States carried 30per

cent of total sorties, i.e. 7752 sorties (refer Table 6).¹²⁹ It conducted 1845 strike sorties (19per cent).¹³⁰ It provided 80per cent of air-to-air refuelling; with 30 out 40 air refuelling tankers were provided by the United States (Barry 2011: 5; Hallamas and Schreer 2012: 323). The NATO forces were heavily dependent on United States Intelligence, Surveillance and Reconnaissance (ISAR) capabilities (Barry 2011: 10-11; Hallamas and Schreer 2012: 323). In particular, United States joint surveillance and target radar system (JSTARS) and air borne warning and control systems (AWACS) were heavily relied upon by the Europeans (Barry 2011: 11; Hallamas and Schreer 2012: 323). The United States also supplied precision ammunitions when Europeans started to run out of stock (Barry 2011). In terms of manpower, United States provided largest contingent of 8507 personnel (refer Table 6). In terms of cost of operations, Europeans owed \$222 million to United States (Hallamas and Schreer 2012: 323).

The campaign in Libya was not much of challenge to Europeans. Libyan military was no match to much superior European force (Hallamas and Schreer 2012: 323). Majority of Libyan population (around 90per cent) is concentrated on Mediterranean coast due to uninhabitable conditions of Sahara Desert (Bell and Witter 2011: 6). Libya did not have non-conventional weapons that could pose a serious threat (Barry 2011: 11). The conflict was near to European shores, hence it did not test NATO's already stretched strategic lift capabilities (Barry 2011: 12). Yet somehow Europeans only managed to scrape through the operations. As former United Defence Secretary Robert Gates pointed out that the NATO campaign was designed to carry out 300 sorties per day but it failed to achieve even 150 sorties per day (Barry 2011: 9). European military capability failed to impress even in such limited operation. Italians had to pull out its carrier *Garibaldi* in midst of operations due to budgetary pressures (Hallamas and Schreer 2012: 323). United States, France and United Kingdom had resisted in redeploying their forces from missions in Afghanistan and Indian Ocean (Barry 2011: 9). However had the military campaign lasted longer their forces would have been severely tested.

¹²⁹ UK Armed Forces Commentary (2011), "A final analysis of Libya experience", *ukarmedforcescommentary.blogspot.in*, 29 December 2011, (Accessed 22 June 2013) URL: <http://ukarmedforcescommentary.blogspot.in/2011/12/final-analysis-of-libya-experience.html>

¹³⁰ Ibid.

CHAPTER 4

POLITICAL AND MILITARY ENGAGEMENT OF FRANCE AND BRITAIN IN THE LIBYAN CRISIS SINCE 2011

4.1 French motivations for involvement in Libya

France's involvement in Libyan civil war can be attributed to its domestic politics, intra-European politics and its economic interests particularly in energy and arms sector.

Domestically President Sarkozy was going through a tough re-election bid. He was facing tough challenge from both from French Socialist Party and the right wing National Front. Especially the right wing party of Marine Le-Pen was raising the fears of immigration that would occur as a consequence of Arab Spring. Many supporters of UMP were drifting towards Le-Pen's party.¹³¹ Sarkozy's re-election chances were slim and as polls conducted by Viavoice concluded that 68% of French voters do not want him re-elected.¹³² In such a scenario the President hoped that a leadership role in international crisis will give his domestic image a boost and also send a strong message that his party was going to be tough on immigration.

Another domestic factor could have been that French foreign policy towards Middle East was in tatters after the Arab Spring. French were particularly concerned because of the geographical proximity of the region, colonial linkages with the region and its assumed leadership role in the region. Its support and offer to help Tunisian President Ben-Ali ward off protestors, the dealings of its Foreign Minister Michele Alliot-Marie with businessmen affiliated to Ben-Ali's regime, and the dismissive comments made by new French Ambassador to Tunisia, Boris Boillon to Tunisian journalists, during his inaugural press conference, had degraded French credentials in the region (Cameron 2012: 17).¹³³ Moreover, France had lost its Co-Presidency of Union of Mediterranean (UfM) to the European Commission. Hence to regain its credentials in a region where it aimed to

¹³¹ "France, U.K. Have Differing Motives For Intervening In Libya", *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

¹³² "After his Libyan Adventure", *The Economist*, 10 September 2011, (Accessed on 16 June 2013) URL: <http://www.economist.com/node/21528636>

¹³³ "France, U.K. Have Differing Motives For Intervening In Libya", *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

assume a leadership role, France needed to show “demonstrable engagement” in the region (Cameron 2012: 17).

French involvement was coherent with strategic outlook of its defence and military establishments. The French *White Paper on Defence and National Security 2008* envisioned as “Arc of Crisis, From the Atlantic to the Indian Ocean” as critical region for French and European Security (White Paper on Defence and National Security 2008: 41). France focus was also shifting away from Sub-Saharan Africa to Horn of Africa, Indian Ocean and Persian Gulf, highlighted by its closing of naval base Senegal and opening a new base in Abu Dhabi (Rowdybush and Chamorel 2012: 170; Hasler 2012: 123). In this region *White Paper on Defence and National Security 2008* emphasises on use of force in an attempt to give French “freedom of action” in its geographical axis.

Intra-European Union politics could have been the other reason for France to exert its weight in European Union during the Libyan crisis. France’s influence within European Union is perceived to be declining especially after Eurozone crisis (Rowdybush and Chamorel 2012: 168; Kramer 2012: 87-88; Strategic Trends 2012: 63-64). The perception is that balance of power has shifted towards Germany due to financial clout as the leading Euro-zone economy. Although France and Germany have been in forefront of managing the crisis, France has been perceived as junior partner rather than an influential player with Germany being seen as the aggressive partner that has gained control over the new bailout mechanisms being designed to support lagging Eurozone Member States.¹³⁴ Moreover, France itself is dealing with economic recession. In aftermath of Libyan uprising, Germany favoured a re-multilateralisation of Union for Mediterranean (UfM), by transferring the European Co-Presidency from France back to the European Commission (Behr 2012). The Libyan involvement is hence being seen as an attempt to demonstrate that France still remains a dominant military power in Europe and an influential coalition builder at a global stage (Rowdybush and Chamorel 2012; Kramer 2012; Strategic Trends 2012).

However, France’s involvement in crisis beyond European border just to gain credence as dominant European power cannot solely explain its decision. Moreover, as Wong and

¹³⁴ “France, U.K. Have Differing Motives For Intervening In Libya”, *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

Sonntag argue that this obsession of France’s decline in Europe (and globally) is much more an Anglo-Saxon perception and French in general have accepted German economic superiority and are happy to align themselves with stronger Germany rather than be completely isolated in Europe (Wong and Sonntag 2012: 185).

Economic interests were essential considerations for France’s involvement in Libya including inter-European commercial competition between in France and Italy. France is the largest investor in Libya as well as in North Africa followed by Italy (refer Table 7). Italians were second largest investor in Libya after France (Witney and Dworkin 2012: 43-44). The signing of the 2008 Friendship Treaty between Italy and Libya would have made Italians top most investors in Libya as Rome-Tripoli relations were getting stronger. The 2008 Friendship Treaty between Italy and Libya was a foreign policy success for Prime Minister Berlusconi. Under the treaty Italians had promised to give annual \$5 billion for next 20 years as compensation for Italian colonial rule in Libya (Gazzini 2009). The compensation was not simple cash payment but was going to be in form of Italian investments and trade in Libya.

Table 7: Top 5 Foreign investors in North Africa for the period 2009-2010 (direct investment stocks in million US \$)

	Algeria	Egypt	Libya	Morocco	Tunisia	Total
France	2771	7705	1195	14631	1527	24960
Italy	2521	4836	249	232	535	8373
United Kingdom	Confidential	6810	Confidential	103	Confidential	6913
Spain†	Not Available	1061	660	1573	Not Available	3294
Germany□	314	859	886	239	243	2258

† Figures of Spain’s investment in Libya is for the year 2009.
 All investment figures for Germany is for the year 2009.

Source: Witney, S. and Dworkin, A. (2012), “A Power Audit of EU-North Africa Relations”, *European Council of Foreign Relations*, URL: http://ecfr.eu/page/-/ECFR62_NAPA_REPORT.pdf, p. 44.

French were already involved in Libyan oil and gas sector like other European countries. French oil major Total SA have operations in Libya yet its crude oil production is much behind Italy’s ENI and Germany’s Wintershall (Parmigiani 2011).¹³⁵ ENI and Wintershall

¹³⁵ “France, U.K. Have Differing Motives For Intervening In Libya”, *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

were top two oil producers in Libya, while Total SA was third by a long shot.¹³⁶ France is not present in Libya's lucrative natural gas industry which remains untapped to a large extent due to lack of infrastructure. Italy's ENI remains the biggest European operator in Libya as it has accrued the benefits of having fostered 'special relationship' with Qaddafi regime (Lombardi 2011: 38-39). Hence French had clear interests in making its position better in Libya's energy sector and get ahead in this intra-European commercial competition.

Oil companies were not particularly pleased with Qaddafi regime. Several international companies that had taken up exploration and drilling contracts had not renewed their licences as they were unable to find worthy reserves.¹³⁷ Oil companies found that approvals for new acreage and drilling contracts were moving slowly due to bureaucratic hurdles and turf war within Libyan regime. There was still a tendency among the conservatives in Qaddafi regime towards nationalizing of oil companies.¹³⁸ The Supreme Council for Energy Affairs was dominated by conservatives; they often challenged the authority of Chairman of National Oil Company Shokri Ghanem who was pro-reformist and commanded respect of foreign oil companies.¹³⁹ Moreover, the Libyan government use to impose harsh contract terms on foreign oil companies under exploration and production sharing agreement IV (EPSA IV) (Fattouh 2008: 7). EPSA IV terms were described as the harshest in the world (Fattouh 2008: 7).

Another French economic interest was in military sales. It had exported arms worth billions to Qaddafi regime once EU had lifted arms embargo against Libya (Lutterbeck 2009: 518-519).¹⁴⁰ A major Rafale deal was stuck in its negotiation phase since 2007, while Italians were getting ahead of negotiating a billion dollar arms deal with Libya in 2010 as Rome-Tripoli relations were getting much closer (Lutterbeck 2009: 519).¹⁴¹ Italy had benefitted the most from removal of arms embargo over Libya, as out of €834 million

¹³⁶ "Paper predicts race between Italy, France for Libya", 29 August 2011, BBC Worldwide Monitoring Service.

¹³⁷ "Factbox- Key Political Risks to watch in Libya", *Reuters News Agency*, 16 May 2011, (Accessed on 12 May 2013) URL: <http://uk.reuters.com/article/2011/02/16/uk-libya-risks-idUKTRE71F1Y120110216>

¹³⁸ Canadian oil firm Verenex was brought over by Libyan Investment Authority at a price much below the market price when the company discovered a large oil reserve.

¹³⁹ "Factbox- Key Political Risks to watch in Libya", *Reuters News Agency*, 16 May 2011, (Accessed on 12 May 2013) URL: <http://uk.reuters.com/article/2011/02/16/uk-libya-risks-idUKTRE71F1Y120110216>

¹⁴⁰ "France, U.K. Have Differing Motives For Intervening In Libya", *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

¹⁴¹ *Ibid.*

worth of European export licence issued a third of those were issued to Italian companies (Witney and Dworkin 2012: 46).

4.2 British motivations for involvement in Libya

If French involvement in Libya signified a coherent strategic outlook at all levels, the British motivations to engage in Libya seem ambiguous. Firstly, as Claire Spencer points out that North Africa and particularly Maghreb does not lie in the strategic zone of United Kingdom since the traditional assumption is of primacy of France in the region and to lesser extent Spain and Italy (Spencer 2009: 923).

Secondly, the British *National Security Strategy* does not characterise Libya like situation as high priority risk (2010). Moreover the *Strategic Defence and Security Review* clearly states the mistakes of previous British military engagements in Afghanistan and Iraq stating that in future “we will be more selective in our use of the Armed Forces, deploying them decisively at the right time but only where key UK national interests are at stake; where we have a clear strategic aim; where the likely political, economic and human costs are in proportion to the likely benefits; where we have a viable exit strategy; and where justifiable under international law”(2010:17).

Thirdly, Prime Minister Cameron had been critical of Tony Blair styled ‘liberal interventionism’. Yet it can also be argued that foreign policy thinking of Prime Minister Cameron has two conflicting tendencies. On one hand, due to Conservative Party’s criticism of Tony Blair’s subservience to US during Labour Party days, it has always strived to play down the transatlantic relations. On the other hand, Cameron has been willing to continue the idealist (mixed with realism) policy of Tony Blair as exemplified by Libya (Michou 2012). Libya however was a special case since in order to improve its relations with Libya, United Kingdom had blighted its image. The diplomacy of Tony Blair government in securing the release of release of Lockerbie bomber Abdel Baset al-Megrahi on humanitarian grounds in exchange of exploration deal for British Petroleum (BP) was criticised by United States and the media (Smith 2011). Hence, Prime Minister Cameron by taking a stance against Qaddafi regime was seen as both supporting the ‘democratic’ protests as well as distancing himself from Labour government’s foreign policy in Libya. Therefore it is hard to define the motivations that convinced Britain to get involved in Libya. However one can fathom certain arguments that could have convinced Britain to take action in Libya along with France.

One of the reasons for Britain's involvement could be a due early position taken by Prime Minister Cameron both on regime change as well as military involvement that might have forced him to take action. Simon Tisdall writing for *The Guardian* stated that by taking a position so early on Libya, United Kingdom (and the West in general) has got itself in a conundrum. If it does intervene it will be staring at another engagement in Middle East, while if it does not it would be accused of being an impostor responsible for letting a dictator crush democratic aspirations and in future would have to face a vengeful Qaddafi (Tisdall 2011).

France and Britain had signed a Declaration on Defence and Security Cooperation in 2010. This cooperation spells an important phase in Franco-British alliance as both partners have all the reasons to co-operate. They are Europe's only nuclear-weapons states, the only EU countries on the United Nations Security Council, and the continent's biggest spenders in security and defence (Gomis 2011: 4). The most recent impetus for closer cooperation between the two countries was provided by the global financial crisis and the subsequent economic downturn (Gomis 2011: 4). Therefore in wake of this agreement, Britain may have decided to back France in Libya. However for Britain to undertake a military operation beyond its shores at time when government was calling for austerity and cut down in military spending there had to be economic motivations. The primary economic interest of Britain was to get a foot hold in Libyan energy sector.

British Petroleum's (BP) foray into Libya has been fraught with difficulties. Ever since it began negotiating a deal worth \$1 billion with Qaddafi regime there were questions raised by the United States, the British media and public in general (Smith 2011). The fact that the negotiations were linked to release of Lockerbie bomber Abdel Baset al-Megrahi on humanitarian grounds raised questions about underlying influence of BP on British government (Smith 2011).

BP was expected to start drilling and exploration in Libya in 2011. Yet questions were raised by Italian oil major ENI and Germans on safety record of BP on the back drop of Macondo well disaster in Gulf of Mexico; Italian Foreign Minister Franco Frattini had raised objections against BP's offshore exploration near the coast of Mediterranean because of its safety record (Dinmore and de Sabata 2010). Moreover, BP has been under heavy financial strain after the Macondo as its future operations in United States remain uncertain. The disaster cost BP \$17.7 billion worth of losses in 2010, and the company

also has had to set up a \$20 billion compensation fund.¹⁴² Estimates of potential further spill-related costs range between \$38 billion and \$60 billion.¹⁴³ Hence getting access to an under-explored destination like Libya has become ever more important for BP.

The potential commercial benefits of military sales could have also prompted Britain to get involved in Libya as its military sales lacked way behind Italy and France (Lutterbeck 2009).¹⁴⁴

In terms of interests, France clearly had much more at stake in Libya than the British. This explains the fact that France was more forward and forceful in its policy towards Libya after the Arab Spring. Throughout France was the clear leader in diplomatic and military engagement in Libya.

4.3 Evolution of French and British strategy on Libya

The Arab Spring was the backdrop in which France and Britain's response to Libyan crisis evolved. Both countries had varied experiences of the upheavals on the other side of the Mediterranean. France had to regain its credentials in the region after the set back its foreign policy faced after the Arab Spring. French Foreign Policy towards Middle East and North Africa was in tatters after the Arab Spring. Therefore, in case of Libya, France avoided the reluctance of support that characterised its reaction to the Tunisian uprising; it avoided any ambiguity in its support to the protests that marred its previous responses. Addressing a news conference in Ankara on 25 February 2011, French President Nicholas Sarkozy stated that "French position is clear, Qaddafi must go" (Shahine et. al. 2011). Thus, he became the first leader to openly call for the resignation of Qaddafi (Shahine et. al. 2011). However President Sarkozy added that intervention was not a good option (Shahine et. al. 2011). While President Sarkozy might have been reluctant in calling for intervention in Ankara due to Turkey's closeness to Qaddafi regime, there is no doubt that President Sarkozy was an early enthusiast of no-fly zone. As early as 23 February 2011 he called for sanctions against Qaddafi regime and implementation of no-fly zone (Watt and Wintour 2011). While the official French position stressed on finding a political solution.

¹⁴² "France, U.K. Have Differing Motives For Intervening In Libya", *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

¹⁴³ *Ibid.*

¹⁴⁴ "France, U.K. Have Differing Motives For Intervening In Libya", *Stratfor*, 29 March 2011, (Accessed on 5 April 2013) URL: <http://www.forbes.com/sites/energysource/2011/03/29/france-u-k-have-differing-motives-for-intervening-in-libya/>

President Sarkozy made statement on 23 February 2011 condemning the violence in Libya and calling for “a political dialogue in order to put an end to the ongoing tragedy”.¹⁴⁵ It changed only after 10 March 2011 meeting between President Sarkozy and National Transition Council representatives in Paris. The French position on Libya developed after French Philosopher Bernard-Henri Lévy offered President Sarkozy that he could help in developing link with the French rebels (Erlanger 2011a). Bernard-Henri Lévy was in Egypt during the final days of uprising, after which he returned to France and contacted President Sarkozy that he could arrange a meeting with the opposition in Libya (Erlanger 2011a). Mr. Lévy then travelled to eastern Libya by crossing over from Egypt and developed contact with National Transition Council led by Mustafa Mohammed Abdul Jalil, the former Libyan minister of justice.¹⁴⁶ After attending the meeting of National Transition Council in Benghazi on March 3, 2011 Bernard-Henri Levy called up President Sarkozy from a satellite phone to arrange a meeting between the rebels and the President (Erlanger 2011a). Then on the 6 March 2011 France comes out with the statement which went unnoticed in Paris but was hailed in Benghazi (Erlanger 2011a). In the statement it welcomed the creation of National Transitional Council, it stated “France hails the creation of the National Libyan Council and offers her support for the principles that drive it and the objectives it is taking on”.¹⁴⁷ It went on stating that “France welcomes the will for unity that characterized the establishment of the National Council and encourages the leaders and movements constituting it to pursue their efforts in this spirit”.¹⁴⁸ But still the emphasis remained on a political solution as the statement goes on to articulate France “calls for the full respect of UNSCR 1970 and for a swift political solution leading to the cessation of violence and the establishment of a democratic government that responds to the aspirations of the Libyan people”.¹⁴⁹ Meanwhile, NTC also held its first official meeting on 5 March 2011, declaring itself the “sole national representative of Libya with

¹⁴⁵Government of France, Ministry of Foreign Affairs (2011), Statement issued by President Sarkozy at the Council of Ministers meeting, 23 February 2011, Paris, (Accessed 29 December 2012) URL: <http://www.diplomatie.gouv.fr/en/country-files/libya/events-7697/events-6776/article/libya-statement-issued-by>

¹⁴⁶ Bernard-Henri Lévy was accompanied by Gilles Hertzog, the grandson of Marcel Cachin, who is the co-founder of French Communist Party. Gilles Hertzog is also the editor of the journal run by Bernard-Henri Lévy. Along with Gilles Hertzog was photographer Marc Roussel.

¹⁴⁷ Government of France, Ministry of Foreign Affairs (2011), Creation of the National Libyan Council, 6 March 2011, (Accessed 13 January 2013), Paris, URL: <http://www.diplomatie.gouv.fr/en/country-files/libya/events-7697/events-6776/article/creation-of-the-national-libyan>

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

all its social and political strata and all geographical regions”.¹⁵⁰ On 10 March 2011, NTC representatives, Dr. Mohmoud Jibril and Dr. Ali Aziz Al-Eisawi flew to Paris and had a meeting with President Sarkozy. President Sarkozy assured them that he would garner international support under United Nations Security Council but if that failed United Kingdom and France would go ahead and act under European Union, Arab League and African Union mandate (Erlanger 2011a). Even though President Sarkozy had kept his own foreign ministry in dark including Foreign Minister Alian Juppe over this secret initiative to meet the NTC members, he had informed Prime Minister Cameron (Erlanger 2011a). After meeting the members of National Transitional Council, France recognised National Transition Council of Libya as “the legitimate representative of Libyan people” on 10 March 2011 (Erlanger 2011a). The way the French policy on Libya evolved through President’s personal efforts, highlights the personalised nature of France’s foreign policy under President Sarkozy. Elyse Palace was at the centre of French diplomatic efforts and decisions, with President Sarkozy playing pivotal role in developing French strategy towards Libya. The Defence and National Security Council that gives policy guidance for French forces is dominated by the French President (Hasler 2012: 124).

United Kingdom did not face such scathing criticism on its foreign policy like France in aftermath of Arab Spring. Its position in the region was not same as France. Prime Minister Cameron called the uprisings “hugely inspiring” and critiqued British Foreign policy in the region in speech given to Kuwaiti Parliament (Harris 2011: 11). He quickly added a visit to Egypt after the fall of President Mubarak to his Gulf tour itinerary in order to become the first Prime Minister to visit post-Mubarak Egypt (Watt and Booth 2011). In the same visit where he addressed Kuwaiti Parliament, Prime Minister Cameron also carried huge entourage of business men especially for arms sales, for which he was criticised (Harris 2011: 11-12; Michou 2011: 3-4). However Libya was a different case for United Kingdom’s foreign policy. The animosity between United Kingdom and Libya arising from the involvement of Libyan official Lockerbie Pan-Am hijacking and the death of Yvonne Fletcher during the shootout in Libyan embassy in London were brushed under the carpet as during the Prime Minister Tony Blair’s years in the office both countries had improved their relationship.

¹⁵⁰ “Statement by the Libyan Transitional National Council”, *Voltaire Network*, 5 March 2011, (Accessed on 21 February 2013 URL: <http://www.voltairenet.org/article169990.html>)

Britain's initial handling of Libyan crises was not very satisfactory. The government's efforts to evacuate British nationals caught in the civil war in Libya was criticised for being slow and ill planned (Harris 2011: 16). Foreign Secretary William Hague then announced on television on the basis of unconfirmed (and ultimately incorrect reports) that Qaddafi had escaped to Venezuela (Harris 2011: 16). On 3 March 2011, six men from Special Forces were dropped by helicopter near Benghazi along in order to make contacts with the rebels (Urban 2012). However rebels were sceptical about the team's identity and intentions and instead arrested them (Bell and Witter 2011b: 18). The Libyan State television then released a transcript of telephone conversation between British official pleading to the NTC member for release of the men (Urban 2012). Foreign Secretary William Hague was able to secure their release in two days after talking to rebel commander General Fattah Younis (Bell and Witter 2011b: 18). Early in the crisis, Foreign Minister William Hague had spoken to Saif al-Qaddafi trying to convince him to show restraint (Bell and Witter 2011b: 14). While President Sarkozy had called for no-fly zone over Libya as early as February 2011, Prime Minister Cameron was doubtful and warned against strong actions against Qaddafi regime (Watt and Wintour 2011). This was due to the fact that evacuation of British nationals from Libya was still under way (Watt and Wintour 2011). Once the evacuation operations were complete, United Kingdom's approach towards Libyan crisis became bolder. It was instrumental in drafting United Nation Security Council Resolution 1970 which was passed on the 26 February 2011. Then on 28 February 2011, Prime Minister Cameron came up with a clear statement regarding his position on Libya where he articulated both his preference for regime change and use of force. The statement read:

Mr Speaker, let me turn to the pressure we are now putting on the Qaddafi regime. We should be clear. For the future of Libya and its people, Colonel Qaddafi's regime must end and he must leave"... And we do not in any way rule out the use of military assets. We must not tolerate this regime using military force against its own people. In that context I have asked the Ministry of Defence and the Chief of the Defence Staff to work with our allies on plans for a military no-fly zone. ...Mr

Speaker, it is clear that this is an illegitimate regime that has lost the consent of its people. My message to Colonel Qaddafi is simple: Go now.¹⁵¹

Contrary to the wide spread belief that United Kingdom had followed France into the Libyan conflict, United Kingdom in fact had made its position clear much earlier than France. Therefore, it was natural for President Sarkozy to see Britain as an ally in case it wanted to achieve objectives of military action and removal of Qaddafi. From 11 March 2011 until 17 March 2011, France and Britain's concerted diplomatic efforts solely focussed on garnering support for military engagement in Libya.

While President Sarkozy's approach towards the Libyan Crisis highlights the personalisation of foreign policy under Sarkozy government, the British decision making on Libya was also characterised a 'top-down' approach where decisions originated from Downing Street and the bureaucracy scrambled together to implement it (Clarke 2012: 8). The Prime Minister had completely ignored the National Security Council system that National Security Strategy 2010 laid down (Clarke 2012: 8). There were visible differences initially between Prime Minister and Liam Fox, the minister of defence as the latter saw no strategic benefit from intervening in Libya (Clarke 2012: 8). There were also differences between Prime Minister and the defence staff over the objective of the mission and did that include targeting Qaddafi (Clarke 2012: 8). They were hastily resolved by publishing a summary legal advice by the attorney general stating that targeting Qaddafi was within the scope of UN resolution 1973 (Clarke 2012: 8).

4.4 Political Engagement by France and Britain in the Libyan Crisis

4.4.1 The recognition of the National Transition Council of Libya

The National Transition Council of Libya (NTC) was formed on 27 February 2011. This self appointed body declared itself as a sole representative of Libyan people. The protests began in mid-February in the east of Libya, and NTC was formed within just 10 days of protests as sole representative of Libyan people is a questionable in itself. More questionable is however that an entity which merely controls half of Libyan territory can call itself the sole representative of an entire country. NTC's membership further adds doubts to its proclamation as a sole representative. It was said to have 31 representatives

¹⁵¹ Government of United Kingdom, Foreign and Commonwealth Office (2011), Statement issued by Prime Minister Cameron at House of Commons, 28 February 2011, London, (Accessed on 6 May 2013) URL: <http://www.fco.gov.uk/en/news/latest-news/?view=PressS&id=558086882>

from various Libyan towns and cities. Yet its membership remains shrouded in secrecy. Its main members listed on the website were from eastern Libya.

The first step towards political entanglement in Libyan crisis was the support to the National Transition Council of Libya (NTC). The initiative was taken by the French but as the conflict in Libya wore on, increasing number of states started to recognise NTC. On 6 March 2011 France came out with the notice welcoming the creation of National Transitional Council, the notice reads “France hails the creation of the National Libyan Council and offers her support for the principles that drive it and the objectives it is taking on. It went on stating that “France welcomes the will for unity that characterized the establishment of the National Council and encourages the leaders and movements constituting it to pursue their efforts in this spirit”.¹⁵² Meanwhile, NTC also held its first official meeting on 5 March 2011, declaring itself the “sole national representative of Libya with all its social and political strata and all geographical regions”.¹⁵³ On 10 March 2011, NTC representatives, Dr. Mohmoud Jibril and Dr. Ali Aziz Al-Eisawi flew to Paris and had a meeting with President Sarkozy. After meeting the members of National Transitional Council, France recognised National Transition Council of Libya as “the legitimate representative of Libyan people” on 10 March, 2011 (Erlanger 2011a).

France’s recognition of NTC as legitimate representative of Libya did not de-legitimise Qaddafi’s regime (Talmon 2011b: 1). Any such declaration that de-legitimised Qaddafi regime would have been against international law which prohibits intervention in internal affairs of a sovereign state, such an intervention also implies to any legitimacy given to a rebel group or a rebellion (Bellodi 2011). By recognising NTC as “the legitimate representative of Libyan people”, it became a *de facto* local government or representative of people of Libya. As Talmon points out that while a state cannot have two *de jure* governments, it can have a *de jure* government and local *de facto* local government or representative of people of Libya (Talmon 2011b: 2-3). However, in real terms the recognition had its advantages, firstly it legitimized the struggle of NTC against the incumbent government; secondly, it gave NTC international acceptance as many countries followed after France to give recognition to NTC; thirdly, it allowed NTC to represent

¹⁵² Government of France, Ministry of Foreign Affairs (2011), Creation of the National Libyan Council, 6 March 2011, Paris, (Accessed 13 January 2013) URL: <http://www.diplomatie.gouv.fr/en/country-files/libya/events-7697/events-6776/article/creation-of-the-national-libyan>

¹⁵³ “Statement by the Libyan Transitional National Council”, *Voltaire Network*, 5 March 2011, (Accessed on 21 February 2013) URL: <http://www.voltairenet.org/article169990.html>

itself on international organisations, forums and open representative offices in other countries; fourthly, NTC could now receive international aid and as per stipulation of United Nations Resolution 1970 the frozen assets of Qaddafi's government could be channelled at a later date through the NTC (Talmon 2011b: 3). At the time France's unilateral recognition of NTC was criticised by many countries, however as the conflict wore on, increasing number of countries started to recognize NTC as sole representative of Libyan people, by August 2011 almost 30 countries gave its recognition to NTC.¹⁵⁴ Russia which was acrimonious towards NATO's military operation in Libya also recognised NTC before the Paris conference held on 1 September 2011 (Lichfield 2011). Moreover, on September 2011, United Nations pronounced NTC as legitimate holder of Libya's UN seat (Bellodi 2011: 40).

The legal status of Qaddafi regime as *de jure* government remained intact, and thus it remained the only authority that could dispose of Libyan assets abroad (as opposed to frozen assets) (Talmon 2011b: 2-3; Bellodi 2011: 42). Qaddafi regime could not access to the assets frozen under UNSC Resolution 1970, but the NTC could also not be given those funds as it was only a *de facto* government (Bellodi 2011: 42). Therefore many officials from United States and Europe conceded that any attempt to disburse Qaddafi's frozen assets to the NTC would lead to serious legal implications.¹⁵⁵ Also since Qaddafi's regime was the *de jure* government it was the only authority that could transfer state-owned natural resources (Talmon 2011b: 2-3; Bellodi 2011: 42). In case of Libya this was particularly problematic as the *de jure* government of Qaddafi could not sell oil as it faced an international embargo as European Union and United States had both imposed sanctions on sale and purchase of oil from Qaddafi government, while *de facto* government of NTC in the east could not sell oil as it did not have the legal status to do so as Qaddafi government was still the owner of natural resources, hence any company buying oil from it could face a suit from Libya's national oil company (Bellodi 2011: 42).

The problem was overcome during the 15 July 2011 meeting of Libyan Contact Group in Istanbul. The meeting was attended by representatives of 32 countries and 7 international organisations. The meeting reaffirmed that Qaddafi regime no longer had "legitimate

¹⁵⁴ "Factbox: International recognition of Libya's rebel movement", *Reuters News Agency*, 22 August 2011, (Accessed 8 June 2013) URL: <http://www.reuters.com/article/2011/08/22/us-libya-rebels-recognition-idUSTRE77L42T20110822>

¹⁵⁵ "EU imposes full oil and gas embargo on Libya", *EurActiv.com*, 13 April 2011, (Accessed 12 June 2013) URL: <http://www.euractiv.com/global-europe/eu-imposes-full-oil-gas-embargo-news-504029>

authority in Libya” and it recognised that National Transitional Council of Libya as “legitimate governing authority in Libya” until an interim authority is in place.¹⁵⁶ Such recognition allowed NTC to get access to frozen assets as on 1 September 2011 in Paris meeting of Libyan Contact Group 63 countries that attended were asked to unfreeze Libya’s assets frozen under UNSC Resolution 1970 and 1973.¹⁵⁷ The representatives agreed to unfreeze \$15 billion worth frozen assets (Lichfield 2011). United Kingdom agreed that it will gradually unfreeze £12 billion worth of assets of Libya by August 2011, which included £1 billion bank notes (Kirkup 2011). France freed €1.5 billion of Libyan assets.¹⁵⁸ Italy unfroze some €2.5 billion of Libyan assets.¹⁵⁹ France and Britain also sought United Nations request to partly free Libyan assets frozen in their country.¹⁶⁰ France, United Kingdom and United States were also at the forefront of diplomatic effort to bring a United Nations Security Resolution that called for unfreezing of Libya’s assets.¹⁶¹ United Nations allowed \$1.5 billion of Libyan assets as emergency aid to the country (Bilefsky 2011). However by December 2011 United Nations had lifted sanctions Central Bank of Libya and Libyan Foreign Bank, clearing the way for return of more than \$ 40 billion to NTC.¹⁶² Recognition of NTC which did not control the entire territory of Libya was not only premature but also a violation of international law as it amounted to interference in internal affairs of a sovereign state (Talmon 2011b; Bellodi 2011). However it was only way the NTC could get access to frozen assets.

The recognition of NTC as “legitimate authority in Libya” also meant that it could sell oil even as the conflict was still going on with the Qaddafi forces. It was Italy that had set the ball rolling by recognising the NTC as Libya’s “only interlocutor on bilateral relations” on 4 April 2011 (Talmon 2011b: 3). Such recognition went beyond the recognition given by France, and Italians later confirmed on 1 June 2011 that they were recognising the NTC

¹⁵⁶ Republic of Turkey, Ministry of Foreign Affairs (2011), Fourth Meeting of the Libya Contact Group Chair’s Statement, 15 July 2011, Istanbul, (Accessed 9 June 2013) URL: http://www.mfa.gov.tr/fourth-meeting-of-the-libya-contact-group-chair_s-statement_-15-july-2011_-istanbul.en.mfa

¹⁵⁷ “World powers to unfreeze Gaddafi’s assets for new Libya”, *ITAR-TASS New Agency*, 2 September 2011, made available by Lexis Nexis News Service.

¹⁵⁸ “France has approval to unfreeze 1.5 bln euros Libyan assets”, *Today’s Zaman*, 1 September 2011, (Accessed 21 June 2013) URL:

http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&newsId=255415&link=255415

¹⁵⁹ “Italy may unfreeze 2.5 billion euro of Libyan assets”, *RIA Novosti*, 3 September 2011, (Accessed 5 June 2013) URL: <http://en.rian.ru/world/20110903/166402832.html>

¹⁶⁰ “France Seeks to Unblock Assets Too”, *Africa News*, 31 August 2011, made available by Lexis Nexis New Service.

¹⁶¹ “US, Britain and France seek unfreezing of Libyan assets through UN”, *Al Arabiya News*, 24 August 2011, (Accessed 9 June 2013) URL: <http://www.alarabiya.net/articles/2011/08/24/163863.html>

¹⁶² “UN unfreezes assets of 2 Libyan banks”, *CBSNews.com*, 16 December 2011, (Accessed 15 June 2013) URL: http://www.cbsnews.com/8301-202_162-57344579/u.n-unfreezes-assets-of-2-libyan-banks/

“as holding governmental authority on the territory that it controls” (Talmon 2011b: 3). The reason was that Italians wanted to secure their energy interests as Paolo Scaroni, the chief executive of Italian oil company ENI, was in Benghazi as early as April 2011 to discuss energy co-operation with the rebels.¹⁶³ Italian recognition prompted France to issue a notice on 7 June 2011 where it upgraded its recognition to the NTC as “the only holder of governmental authority in the contacts between France and Libya and its related entities” (Talmon 2011b: 3). It was in effect recognition of NTC as the government of Libya (Talmon 2011b). Therefore, in order to maintain the global movement of oil, and secure their own energy interests, some European countries were willing to recognise the NTC, given the fact that majority of Libya’s oil fields and refining infrastructure was located in the east which was controlled by the NTC (Halabi 2012: 380).

United Kingdom was reluctant to recognise the NTC. United Kingdom since states generally do not recognise governments (Talmon 2011a). On 27 February 2011, Britain withdrew diplomatic immunity to Qaddafi and his family members. The immunity was withdrawn due to the “deep concern” for the death of civilians and use of violence against them, and due to “strong condemnation by international community” of human rights violations committed by Libya (Talmon 2011a: 5). Withdrawal of immunity to the members of a regime that still controlled half of the territory of Libya was unprecedented practice (Talmon 2011a: 1). Even gross violations of human rights by a regime are not adequate grounds on which a regime can be de-recognised. In this light the withdrawal of diplomatic immunity was a limited move. The withdrawal of diplomatic immunity did not lead to de-recognition of Qaddafi or his regime (Talmon 2011a: 3). Its purpose was limited to restrain Qaddafi’s family members from gaining asylum in the United Kingdom (Talmon 2011a: 3). Given the close relations between Britain and Qaddafi’s British educated son Saif al-Qaddafi before the uprising, this possibility could not be ruled out. Henceforth, United Kingdom’s immigration authorities could turn away member of Qaddafi’s family if they arrived in United Kingdom (Talmon 2011a: 3). Although it was still a political move to isolate Qaddafi internationally and hasten his regime’s demise. The Direction signed by Foreign Minister William Hague clearly stated that refuge will not be provided to those who are associated with “commission of such atrocities” (Talmon 2011a: 3). However, this did not stop Britain from giving asylum to Libyan Foreign Minister

¹⁶³ “EU sends envoy to Libya’s rebel capital”, *euractiv.com*, 5 April 2011, (Accessed on 25 June 2013) URL: <http://www.euractiv.com/global-europe/eu-sends-envoys-libyas-rebel-cap-news-503800>

Moussa Koussa, who defected in March 2011 (Hennessey and Mendick 2011). The British government stated that former Libyan Foreign Minister should not be seen as a ‘defector’ or as a ‘suspect’ (Hennessey and Mendick 2011). It could be read as a step by Britain to encourage other Qaddafi officials to defect and flee to United Kingdom, assuring them that they would not face immediate criminal sanctions for the atrocities done by the regime (Hennessey and Mendick 2011).

United Kingdom recognised NTC as “the legitimate interlocutor in Libya”. In line with the declaration issued on 15 July 2011 at Istanbul, United Kingdom finally recognised NTC as “sole government authority” of Libya on 27 July 2011.¹⁶⁴ The Libya’s charge d’ affaire was summoned to Foreign Office and was told to leave United Kingdom along with other diplomats as Britain did not recognise officials of Qaddafi regime as representatives of Libya. Instead NTC was told to appoint new diplomatic envoy to take over embassy in London.¹⁶⁵ United Kingdom had earlier stated that it only recognised states and not governments but as Foreign Minister William Hague justified that this was a “unique situation” and recognising NTC could help legally in “unfreezing some assets”.¹⁶⁶ He also pointed out that this decision did not alter Britain’s practice of recognising states and not governments but United Kingdom was dealing with NTC “as if they were state of Libya”. Similarly, France had upgraded its recognition of NTC on 7 June 2011, when it stated that it considers NTC as “the only holder of governmental authority in the contacts between France and Libya and its related entities” (Talmon 2011b: 3). It was in effect recognition of NTC as the government of Libya (Talmon 2011b). In July 2011, the efforts made by France to find a diplomatic solution by calling for talks between the Qaddafi regime and the NTC specified that Qaddafi must relinquish all political roles. French Foreign Minister stated that Qaddafi could stay in Libya “on one condition... that he clearly steps aside from Libya’s political life” (Corbet 2011). Therefore, both France and Britain used recognition of NTC as a political tool aimed at delegitimizing Qaddafi’s regime and garner support for opposition. It was an attempt at pursuing regime change in Libya by delegitimizing Qaddafi regime in the eyes of international community. According to Article I of Montevideo Convention on the Rights and Duties of States, a state must possess a permanent population, defined territory and “the state as a person of international law”

¹⁶⁴ “UK expels Gaddafi diplomats and recognises Libya rebels”, *BBC*, 27 July 2011, (Accessed on 9 June 2013) URL: <http://www.bbc.co.uk/news/uk-politics-14306544>

¹⁶⁵ *Ibid.*

¹⁶⁶ “UK expels Gaddafi diplomats and recognises Libya rebels”, *BBC*, 27 July 2011, (Accessed on 9 June 2013) URL: <http://www.bbc.co.uk/news/uk-politics-14306544>

must have the capacity to enter into relations with other sovereign states (Bellodi 2011: 44). Hence recognition from other sovereign states is the basis for a state to operate as full sovereign representatives in international system (Bellodi 2011: 44). It is precisely this stipulation that makes recognition a political tool that can be used to influence and even threaten the survival of a regime (Bellodi 2011: 44). In case of Libya, Qaddafi regime gradually lost its ability to operate as a sovereign entity as other sovereign states withdrew their recognition and bestowed recognition to the opposition National Transition Council of Libya.

4.4.2 The United Nations Security Council Resolution 1970

The United Nation Secretary General on the 23 February 2011 reminded Libyan government as well as the Security Council that they had responsibility to protect civilians (Dembinski and Reinold 2011: 6). Then, on 25 February 2011, the United Nations Human Rights Council adopted a resolution condemning the “gross and systematic human rights violations” and strongly calling “upon the Libyan government to meet its responsibility to protect its population” (Dembinski and Reinold 2011: 6). The first diplomatic gain made by France and United Kingdom in a bid to engage in Libya came with the passing of the United Nations Security Council Resolution 1970 on 26 February 2011. Apart from condemning the violence against peaceful protestors and the gross violation in human rights, the resolution called for the following (refer Appendix 1):

- It referred the situation in Libyan Arab Jamahariya since 15 February 2011 to the Prosecutor of International Criminal Court (ICC). This means that it gave ICC jurisdiction over all war crimes and crimes against humanity that have taken place since 15 February 2011.
- It called for imposition of Arms embargo in Libya. The resolution called Members States to take the “necessary measures to prevent” arms supply, sale and transfer to Libya either directly or indirectly. Further, the Member States need to ensure the implementation of arms embargo by making sure that their territory, nationals or vessels and aircrafts flying their flag are not used to transfer weapons. Arms embargo included not only weapons but any form of training, financial assistance or others assistance for procurement or armed mercenary personnel.
- The resolution imposed travel ban on 16 individuals of Qaddafi regime and asset freeze on 6 members of Qaddafi’s family.

- The resolution called for states to work together and provide humanitarian assistance to Libya.

The resolution was introduced by France and Britain in the Security Council. The United Kingdom played a leading role in drafting the resolution. One of the early versions of the resolution drafted by Britain contained the phrase “all necessary means” in order to deliver humanitarian assistance to Libya. However, Russia and China objected to this strongly worded version and hence the language was toned down. But this goes on to suggest that British were actively seeking a strong action against Qaddafi regime. Just two days after passing of the resolution, Prime Minister Cameron declared his position on Libya that entailed regime change and military action.

Libya responded to the resolution on 2 March 2011, declaring that United Nations Security Councils condemnation of Libya was premature and it requested to the Security Council that the Resolution 1970 should be suspended until the allegations against Libya are confirmed (Williams and Bellamy 2011: 277)

4.4.3 French and British support to the defectors from Qaddafi regime

One of the reasons often ignored is that both France and United Kingdom had contacts within the Qaddafi regime and his opposition that enabled them to pursue a bolder policy during the Libyan crisis. London was the hub of opposition movements against the Qaddafi regime (van Genugten 2011: 66). One such group was the National Conference of Libyan Opposition (NCLC) (Jacob 2011). The group was formed in London in 2005. The group was an association of seven Libyan opposition groups. It included outfits like the National Front for Salvation of Libya, Libyan Constitutional Union, Libyan League for Human Rights and Libyan Tmazight Congress (Jacob 2011). NCLC was actively involved in organising the 17 February 2011 ‘Day of rage’ protests.¹⁶⁷ The successor to Libyan Islamic Fighting Group (LIFG), Libyan Islamic Movement for Change (LIMC) was also formed in London on 15 February 2011, just two days before the uprising (Ashour 2012: 4). The Qaddafi government’s Foreign Minister Moussa Koussa defected to United

¹⁶⁷ One of its founders was Muhammad Yousef el-Magaraif, a resident of Benghazi, who founded the National Front for Salvation of Libya (NFSL), an ideologically diverse group seeking regime change. Muhammad Yousef el-Magaraif was Libya’s Ambassador to India when he defected in the 1980’s. The group was behind the failed Bab-Al Azizya coup attempt in 1984 (Ashour 2012). The group was co-opted by the United States in 1980’s to prop up rebellion against Qaddafi (Ashour 2012). Muhammad Yousef el-Magaraif was in United States till 2011 before returning to Libya during the uprising. Later he was appointed as President of General National Congress of Libya before resigning.

Kingdom on 30 March 2011 (Hennessey and Mendick 2011). The British government stated that former Libyan Foreign Minister should not be seen as a ‘defector’ or as a ‘suspect’ (Hennessey and Mendick 2011). It could be read as a step by Britain to encourage other Qaddafi officials to defect and flee to United Kingdom, assuring them that they would not face immediate criminal sanctions for the atrocities done by the regime (Hennessey and Mendick 2011). Also, Foreign Minister Koussa was an important insider of the regime and hence a valuable asset for providing intelligence. During the crisis, Prime Minister Cameron regularly consulted Libyan expatriates to gain intelligence on Libya (Lindström and Zetterlund 2012: 32).

The French had been in touch Nouri Massoud El-Mesmari, Qaddafi’s ex-chief of protocol. Nouri Mesmari had travelled to France via Tunisia in October 2010.¹⁶⁸ It is said that he had come to Paris for an operation, but later he went missing. Nouri Mesmari was a close confidant of Colonel Qaddafi and knew many secrets of the regime.¹⁶⁹ Despite Tripoli’s request for extradition of Nouri Mesmari, Paris did not comply.¹⁷⁰ There were talks that Nouri Mesmari had fallen out with Qaddafi and hence he had defected to France.¹⁷¹ Another regime insider with which France had contacts was Bachir Saleh, treasurer of the regime (Boltanski and Etchegoin 2011). Later Bachir Saleh headed the Libya Africa Investment Portfolio (LAP), Libya’s sovereign wealth fund. Moreover, Bachir Saleh was the key figure in France and Libya’s relations (Boltanski and Etchegoin 2011). He was well versed in French and was French governments primary contact for negotiation in Tripoli. In a transcript of phone conversation between President Sarkozy and Colonel Qaddafi on 28 May 2007, President Sarkozy had asked Qaddafi name his person in Paris with whom he could discuss “sensitive issues” and Qaddafi had replied that it was Bachir Saleh (Boltanski and Etchegoin 2011). Bachir Saleh had spent many years in Paris and had close contacts with Claude Gueant, Minister of Interior in Nicholas Sarkozy’s government, Bernard Squarcini, head of intelligence and Dominique de Vellipin, former Foreign Minister and an expert on Africa under the Jacques Chirac’s presidency (Boltanski and Etchegoin 2011). After the fall of Tripoli, he was offered asylum in Paris as part of a “gentlemen’s agreement” between France and the NTC (Boltanski and Etchegoin 2011).

¹⁶⁸ “Nouri Mesmari”, *Maghreb Confidential*, 21 November 2010, (Accessed 12 June 2013) URL:

<http://www.africaintelligence.com/MCE/political-leadership/2010/10/21/nouri-mesmari,85881927-BRC>

¹⁶⁹ “Looking for Nouri Mesmari; Concorde Lafayette Hotel, Paris”, *Maghreb Confidential*, 18 November 2010, made available by Lexis Nexis News Service.

¹⁷⁰ “Nouri Mesmari”, *Maghreb Confidential*, 9 December 2010, (Accessed 12 June 2013) URL:

<http://www.africaintelligence.com/MCE/diplomacy/2010/12/09/nuri-mesmari,86610927-BRC>

¹⁷¹ *Ibid.*

The reason probably was that he knew too many secrets of France's dealings with Qaddafi regime especially about Qaddafi's funding of Nicholas Sarkozy's election campaign (Boltanski and Etchegoin 2011).

4.4.4 Establishment of the Libya Contact Group

France was initiator in other initiative to boost up the image of National Transition Council as it proposed to set up Libya Contact Group. French Foreign Minister Alian Juppe proposed a political steering committee among countries involved in military operations in Libya (Viscusi 2011). The political committee was to bring together countries that were participating in military operations, along with international organisations like European Union, United Nations, NATO, Arab League, Gulf Co-operation Council and Organisation of Islamic Conference (Viscusi 2011). The Libyan Contact Group was officially established in London on 29 March 2011. The group aimed to give "provide leadership and political direction" to international effort Libya and serve as "a focal point in the international community" to develop contact with Libyan parties.¹⁷² The Libyan Contact Group went a long way in legitimising the NTC. On the 13 April 2011 at Doha meeting of Libyan Contact Group, it was decided that Qaddafi must stand down as the leader of Libya.¹⁷³ In the Istanbul meeting of the Contact Group, the NTC was officially recognised as "legitimate authority in Libya".¹⁷⁴

The French initiative for the establishing the Contact Group was to be seen as taking a lead in the Libyan crisis (Lindstörn and Zetterlund 2012: 18-19). It also underscores the French scepticism of involving NATO in Libyan crisis. It brought about various stakeholders in the Libyan crisis by forming the Contact Group thereby making sure that political coordination of the Libyan crisis does not fall under North Atlantic Council (Lindstörn and Zetterlund 2012: 18-19). On the issue of military co-ordination in Libya, France had unsuccessfully squabbled with other allies to prevent NATO from getting the command of the operation once United States decided to withdraw.

¹⁷² Government of United Kingdom (2011), "London conference on Libya: Chair's statement", *GOV.UK*, 29 March 2011, (Accessed 8 February 2011) URL: <https://www.gov.uk/government/news/london-conference-on-libya-chairs-statement>

¹⁷³ "Libya: Gaddafi must step down, says 'contact group'", *BBC*, 13 April 2011, (Accessed 12 March 2013) URL: <http://www.bbc.co.uk/news/world-africa-13058694>

¹⁷⁴ Republic of Turkey, Ministry of Foreign Affairs (2011), 'Fourth Meeting of the Libya Contact Group Chair's Statement, 15 July 2011, Istanbul, (Accessed 9 June 2013) URL: http://www.mfa.gov.tr/fourth-meeting-of-the-libya-contact-group-chair_s-statement_-15-july-2011_-istanbul.en.mfa

4.4.5 Garnering of International support for military engagement

Joshi explains that they were three factors that came together to make an external involvement possible in Libya: the legitimacy of regional support (Arab League); the legality of United Nations Security Council and an opportunity of an indigenous uprising taking place in Libya (Joshi 2011b:16). Therefore, Libya was a *sui generis* case (Joshi 2011b: 16). Without the Arab League support, United States would not have joined the coalition, without United States involvement it would have been difficult to get a United Nations Security Council backing, and without the United Nations backing NATO would not have participated in the military operations.

4.4.5.1 Arab support for No-Fly Zone

Initial suggestion for no-fly zone had come from Libya's Deputy Ambassador to United Nations, Ibrahim Dabbashi on 21 February 2011 (Moynihan 2011). On 22 February 2011, the Arab League suspended Libya's membership (Blanchard 2011). A week later some thirty odd Arab intellectuals and over 200 Arab organisations signed a letter urging the imposition of no-fly zone (Joshi 2012: 63). National Transition Council of Libya's Chairman, Mustafa Abdul Jalil, on 8 March 2011 warned of a "catastrophe" if no-fly zone is not imposed (Joshi 2011: 64). On the same day, Organisation of Islamic Conference (OIC) issued a declaration calling upon the Libyan government to stop "military operations targeting civilians" (Dembinski and Reinold 2011: 7). The declaration added that OIC was against any military intervention but will support a no-fly zone (Dembinski and Reinold 2011: 7).

While Arab League has been accredited with giving its support to no-fly zone, it was the Gulf Co-operation Council (GCC) that was the first mover in endorsing no-fly zone over Libya. The GCC met on 7 March 2011, and declared its support for UNSC Resolution 1970 and urged United Nations Security Council to take 'all necessary means' to protect the civilians (Bell and Witter 2011b; Joshi 2012). However, an organisation that represents the 6 Gulf monarchies could hardly provide regional legitimacy for military involvement in Libya. Therefore on 12 March 2011, Arab League pushed by GCC to spearhead the Arab response to Libyan crisis, held an emergency meeting in Cairo, where it expressed its desire to communicate with NTC and called for United Nations Security Council to impose no-fly zone over Libya and establish safe-havens for civilians (Bell and Witter 2011b). The endorsement of the Arab League was critical factor in influencing the

decision of both Europeans and United States (Bronner and Sanger 2011). One of the objections against no-fly zone raised by Russia and China was that such an operation did not have regional support (Bronner and Sanger 2011). This objection was also blunted by the Arab League's support (Bronner and Sanger 2011).

The Arab League's endorsement of military action in Libya is partly a reflection of diplomatic isolation that Qaddafi faced in the Arab world. After his failed attempts to fathom Arab unity, Qaddafi turned his attention towards African unity in the 1980's (Joshi 2012). Qaddafi was seen as rival for regional influence by Saudi Arabia and Gulf monarchies (Williams and Bellamy 2011). Qaddafi had strained relationship particularly with Saudi Arabia, a powerful member of both the Arab League and GCC. In 2003 meeting of The Arab League, Qaddafi had public spat with then Saudi Crown Prince Abdullah, then in 2004 Saudi Arabia had accused Qaddafi of sending hit squad to assassinate the then Crown Prince of Saudi Arabia (Williams and Bellamy 2011).¹⁷⁵ GCC and the Arab League also endorsed the military involvement in Libya to deflect attention from Gulf sponsored crackdown of protests in Bahrain (Bell and Witter 2011b; Williams and Bellamy 2011). On 14 March 2011, just two days after the Arab League summit in Cairo, Peninsula Shield Force of Gulf Co-operation Council was called in by the ruling dynasty to crush the protests in Manama (Tétreault 2011; Lynch 2012; Colombo 2012; Kamrava 2012).

However, the French and the British diplomacy also played a role in acquiring the Arab support. Both used their diplomatic ties with the Gulf States to get the backing of the Arab League (Cameron 2012). Britain has deep commercial relationship with Gulf monarchies especially Saudi Arabia (Harris 2011; Michou 2012). Arab Spring has been both an internal and external challenge for Gulf Monarchies, while they have been trying to contain uprisings in their own monarchies, externally in the region they are acting as reformers, therefore we find Qatar, Saudi's and United Arab Emirates supporting involvement in Libya (Colombo 2011). The influence of Gulf monarchies as stabilizing force in the region might have prompted Britain to get involved in Libya. Britain's defence ministry has admitted that "the Gulf States are key partners in the fight against terrorism and the proliferation of nuclear weapons as well as being an emerging source of economic

¹⁷⁵ "Scotching the snake", *The Economist*, 24 March 2011, (Accessed on 3 May 2013) URL: <http://www.economist.com/node/18442133>

and political influence".¹⁷⁶ France has also started expanding its relations with the Gulf States. France closed its military base in Senegal and opened a new base in Abu Dhabi (Rowdybush and Chamorel 2012; Hasler 2012). President Sarkozy has established strong personal ties with former Emir of Qatar, Sheikh Hammad bin Khalifa Al Thani, who had been primary supporter of his policies in the region (Henry 2012). Lebanon supported the military involvement in Libya partly because it was a French-led initiative (Denselow 2011). However, Hezbollah and Amal Party, both *Shi'ite* organisations have had long standing dispute with Qaddafi regime.¹⁷⁷ France wields influence with Lebanon not only because of its colonial links but also that it had been critical of Israel's invasion of Lebanon in 2006. In January 2007, a donor conference was arranged in Paris to pledge \$7.6 billion help to Lebanon in order to rebuild the country after the Israeli invasion of 2006.¹⁷⁸ France also played a lead role in 2007 as it tried to mediate a consensus between various political factions of Lebanon.¹⁷⁹ French diplomatic ties with Lebanon helped to rope it in drafting the United Nations Security Council Resolution 1973 (Bell and Witter 2011b). Lebanon, a member of Arab League, provided regional participation in drafting of the resolution. The Arab League approval was a huge diplomatic victory for France and Britain, particularly after the European Union had rejected the idea of no-fly zone in its emergency meeting in Brussels on 11 March 2011 (Entous, Solomon and MacDonald 2011). Before the Arab League support French and British diplomats were sceptical of United Nations Security Council's approval of resolution (Williams and Bellamy 2011). In fact it is impossible to think that the United Nations Security Council would have ever voted on UNSC Resolution 1973 without the Arab League's approval (Williams and Bellamy 2011). But with the Arab League's approval, the dynamics within the United Nations Security Council Changed: opposition to enforcement of the resolution became difficult; it pressurised United States to come on board thereby making military option

¹⁷⁶ "Report: UK-trained forces help quell Arab Spring", *NBCNews.com*, 29 May 2011, (Accessed 22 February 2013) URL: http://www.nbcnews.com/id/43208182/ns/world_news-mideast_n_africa/t/report-uk-trained-forces-help-quell-arab-spring/#.UXUzI7VBPU4

¹⁷⁷ Lebanon has rivalry with Libya as both countries have had an estranged relationship since 1978 over the issue of disappearance of influential Shi'a cleric Imam Musa al-Sadr. Lebanon has suspected Libyan role in the Imam's disappearance and there were reports in February 2011 that Libyan agents had killed Imam Musa al-Sadr and buried him in Sabha. Both countries have no direct flight since 1978, and in 2003 Libya closed its embassy in Beirut (Denselow, J. (2011), "Libya and Lebanon: a troubled relationship", 16 March 2011, *The Guardian*, URL: <http://www.guardian.co.uk/commentisfree/2011/mar/16/libya-lebanon-un-security-council-resolution>).

¹⁷⁸ "Timeline: French-Lebanese relations", *Reuters News Agency*, 18 November 2011, (Accessed on 10 May 2013) URL: <http://www.reuters.com/article/2007/11/18/us-lebanon-france-relations-idUSL1842546320071118>

¹⁷⁹ *Ibid.*

more feasible; it compelled the African members of the Security Council (South Africa, Nigeria and Gabon) to vote in favour of the resolution and more importantly it made the sceptics within the Security Council (Russia, China, Brazil, India and Germany) abstain (Williams and Bellamy 2011).

The decision made by the Arab League behind closed doors was hardly unanimous (Bell and Witter 2011b). According to Bellamy and Williams, in the meeting, only 11 members were present, giving Gulf monarchies a majority (Williams and Bellamy 2011). The most fervent supporters of no fly zone were the Gulf monarchies, Lebanon, Morocco and Jordan. Syria, Mauritania and Sudan had opposed the decision (Bell and Witter 2011b). Egypt and Tunisia, which had experienced uprisings, were reluctant in seeking western involvement in the region (Bell and Witter 2011b). Secretary-General of Arab League, Amr Moussa was critical of the operations once they got underway (Joshi 2012). On March 21 2011, he stated that the Arab perspective on no-fly zone meant “not to give the rebels support” (Blanchard 2011: 15). Moreover, the support of the Arab League was regarded as endorsement of regional support, whereas African Union’s reservations were not taken into consideration (Bell and Witter 2011b). Many felt that African Union was too close to the Qaddafi regime; however no one took into account the disdain that the Arab League had for Qaddafi.

4.4.5.2 United States support for military engagement

The United States support was imperative for France and United Kingdom to be able to act militarily. The United States support and diplomatic influence was necessary to get the UNSC Resolution 1973 passed through the Security Council and military capabilities of United States were also essential for carrying out the operations. In his meeting with NTC representatives on 10 March 2011, President Sarkozy told them it was imperative to win United States support (Erlanger 2011a). United States till almost the very end was holding its card close to the chest, not committing to any military options. United States had made its position on Libya clear, as President Obama on 3 March 2011 when addressing a joint press conference with Mexican President Felipe Calderon, he stated that “Qaddafi had lost all legitimacy and must leave” (Blanchard 2011: 7). However, President Obama had given indications that his policy was shifting towards regime change much earlier. In an conversation with German Chancellor Angela Merkel, President Obama remarked that if any leaders only way of staying in power was through use of force then he has lost all

“legitimacy” and “needs to do what is right for his country by leaving now” (Bell and Witter 2011b: 15). Then on 28 February 2011, Secretary of State Hillary Clinton became the first United States official to acknowledge that Qaddafi must leave, while she was in Geneva addressing United Nations Human Rights Council (Bell and Witter 2011b). Once the military operation began President Obama, President Sarkozy and Prime Minister Cameron wrote a joint article on 14 April 2011 in *New York Times* stating that they did not intend to remove Qaddafi by force; however “it is impossible to imagine a future for Libya with Qaddafi in power”.¹⁸⁰ Therefore, United States position was similar to that of France and United Kingdom, with all the three partners favouring regime change in Libya.

The United States had started to act quite early in the crisis, as it tried initially to use its contacts within the Qaddafi regime to broker peace (Bell and Witter 2011b). Just few days after the uprisings erupted in Libya, President Obama had asked Joint Chief of Staff, Admiral Mike Mullen to draw up military options available in Libya (Bell and Witter 2011b). On 28 February 2011, Secretary of State Hillary Clinton said that United States was already in touch with the rebels (Bell and Witter 2011b). However it did not share the same urgency of France and United Kingdom to act. It is in instilling of the urgency to act, where French and British diplomacy played its role. Firstly, Arab League approval had partly compelled United States to act. Secretary of State Hillary Clinton said that the Arab League support had “opened up some doors that were closed” (Bell and Witter 2011b: 21). While she was in Paris for Group of Eight (G-8) summit on 14 March 2011, she pressed for Gulf monarchies to contribute to military operations in Libya, and in return got a promise from Qatar and United Arab Emirates that they would participate (Bell and Witter 2011b). As the Lebanon’s Ambassador to the United Nations stated “active Arab participation was necessary condition for the U.S” (Entous, Solomon and MacDonald 2011). Hence France and Britain were successful in their diplomatic effort to get an Arab League approval and use Arab diplomatic pressure to convince United States to come on board. Secondly, while Hillary Clinton was in Paris for G-8 summit, a meeting was arranged between her and NTC representative Dr. Mahmoud Jibril (Entous, Solomon and MacDonald 2011). Although President Sarkozy did not get any confirmation on United States support for no-fly zone from Secretary of State Hillary Clinton while she was in Paris, the meeting went a long way in dispelling the doubts that Washington had that there

¹⁸⁰ Obama, B., Sarkozy, N. and Cameron, D., “Libya’s Pathway to Peace”, *The New York Times*, 14 April 2011, (Accessed on 29 March 2013)URL: http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html?_r=0

were extremist among the ranks in the opposition (Entous, Solomon and MacDonald 2011). Fourthly, France and United Kingdom also declared that if they do not get United States support, then they would act without it (Bell and Witter 2011b). Although neither United States nor France and Britain wanted act unilaterally, but still this served as warning to United States that it must act soon otherwise it would be sidelined by France (Bell and Witter 2011b). As French diplomat commented that United States “realised it could be left behind” (Entous, Solomon and MacDonald 2011). Finally, it was incessant pressure by France and Britain to push for a United Nations Security Council resolution and the situation on the ground that set a time limit for United States to act (Bell and Witter 2011b). Hence President Obama quickly pulled together his administrative machinery to take a quick decision to support the United Nations Security Council Resolution 1973.

4.4.6 United Nations Security Council Resolution 1973

France and United Kingdom started to draft the resolution in beginning of March 2011 (Joshi 2012). Lebanon was roped in as a representative of Arab League in the drafting process (Bell and Witter 2011b). France and United Kingdom had in fact upped the calls for a no-fly zone from the very beginning. They had tabled a draft resolution on no-fly zone days before any serious discussions on United Nations Security Council Resolution 1973 had begun (Williams and Bellamy 2011). This proposal was met with considerable caution by the United States while Germany outrightly rejected it (Williams and Bellamy 2011). Many factors worked in favour of France and Britain including Qaddafi’s belligerent attitude that influenced the United Nations Security Council to take a tough stand against his regime. Qaddafi had rejected the demands made by United Nations Security Council Resolution 1970 and had disallowed permit to aid convoys to go into besieged towns like Misrata and Ajdabiya (Williams and Bellamy 2011). Even after United Nations Secretary General Ban Ki-Moon personally contacted him and tried to persuade him in 40 minute long conversation, Qaddafi refused to comply (Williams and Bellamy 2011). Therefore, the view within the United Nations, United Nations Officials and among diplomats was moving closer towards the fact that only diplomacy cannot solve the crisis (Williams and Bellamy 2011). Adding to that was the looming threat of a ‘massacre’ in Benghazi and Qaddafi did not do any favours to himself by his inflammatory speeches.

Another factor was that the United States position was turning in favour of military engagement by 15 March 2011, even though the extent of United States involvement in military campaign was not clear (Bell and Witter 2011b). In lead up to United Nations Security Council voting, the debate in United States surrounded on whether a no-fly zone would be sufficient in protecting civilians from Qaddafi's ground forces or a much wider engagement was required that could entail destruction of Qaddafi's air defence capabilities and bombing of Qaddafi's ground forces (Bell and Witter 2011b). France also had similar views as it called for a UNSCR 1973 that allowed flexibility to protect civilians against Qaddafi's ground forces (Gertler 2011). Consensus emerged in the President Obama's administration that a no-fly zone would be ineffective as Qaddafi's ground forces could easily quell the protests even under a no-fly zone (Bell and Witter 2011b). If that was to be the case, it would be a serious embarrassment for the countries engaged in imposing the no-fly zone. Therefore, President Obama instructed United States Ambassador to the United Nations, Susan Rice, to work towards a stronger resolution that allowed not only a no-fly zone but also bombing campaign to stop Qaddafi's ground forces (Bell and Witter 2011b). Therefore, with United States on board, France and Britain could pursue a more 'muscular resolution'.

The United Nations Security Council Resolution 1973 finally turned out to postulate following measures (refer Appendix 2):

- Firstly, the resolution aimed at protecting civilians in Libya. The operative Para 4 of the resolution authorised "Members States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011) [paragraph 9 in UNSCR 1970 was on arms embargo], to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi.." The limits to the measures employed to protect civilians were that it should exclude a "foreign occupation force of any form on any part of Libyan territory".
- Secondly, the resolution called for a no-fly zone and ban on flights. The operative Para 6 of the resolution established "ban on all flights in the airspace" of Libya "in order to help protect civilians". The operative Para 17 of the resolution prohibited States from giving permission to "any aircraft registered in Libya or owned or operated by Libyan nationals or companies to land, take-off or over-fly from their

territories". States will also deny permission "to any aircraft registered in Libya or owned or operated by Libyan nationals or companies to land, take-off or over-fly from their territories" if they have reasonable grounds to believe that the aircraft contains prohibited items like arms and armed mercenaries.

- The resolution also reiterated the arms embargo imposed by the United Nations Security Council Resolution 1970.
- In addition, the resolution widened the scope of travel ban and asset freeze imposed by the United Nations Security Council Resolution 1970.

The resolution was passed in the Security Council with 10 votes in favour (France, United Kingdom, United States, Lebanon, South Africa, Nigeria, Gabon, Portugal and Bosnia Herzegovina) while no member voted against the resolution. There were 5 members (Russia, China, Brazil, India and Germany) who abstained from voting. Hence the United Nations Security Council gave a mandate for the States to act and provided legality to their actions in protecting civilians under threat in Libya.

The resolution clearly called for implementation of no-fly zone and protection of civilians and not the ouster of Qaddafi (Doyle 2011).¹⁸¹ The phrase "all necessary means" used in paragraph 4 of the resolution regarding the protection of civilians created lot of controversy. The phrase "all necessary means" lent a certain ambiguity to the resolution and made it open to interpretation by states involved in military engagement in Libya. States could assume that they could use any military option as long as it did not involve "foreign occupation force". However, Payandeh has argued that "all necessary means" is a standardised language in all United Nations Security Council Resolutions that authorise use of military force (2012: 368). In many instances when United Nations has authorized use of force by a single state, groups of states or regional organisations to use military force, it has routinely used the phrase "all necessary means", which commonly understood to involve the use of military force (Payandeh 2012: 368). The phrase has been used previously by the Security Council in many instances where it has authorised the use of force like the Iraq's invasion of Kuwait (1990), conflict in Somalia (1992) and the conflicts in former Yugoslavia (1993) (Payandeh 2012). Hence, whether a regime change induced through military means was kept in mind while drafting the resolution or not is difficult to conclude. Moreover, even though France and Britain had taken a position that

¹⁸¹ Doyle, M.W. (2011), "The Folly of Protection", 20 March 2011, *Foreign Affairs*, URL: <http://www.foreignaffairs.com/articles/67666/michael-w-doyle/the-folly-of-protection>

Qaddafi had to leave, it would not have been possible for them to get the approval of Security Council members if through the United Nations Security Council Resolution 1973 they had sought to bring about regime change by military means (Brown 2011).

The Libyan crisis was framed by the United Nations from the very beginning as a human rights issue. The United Nation Secretary General on the 23 February 2011 reminded Libyan government as well as the Security Council that they had responsibility to protect civilians (Dembinski and Reinold 2011). The NTC was able to internationalise the conflict by framing it as an impending genocide waiting to happen. National Transition Council of Libya's Chairman, Mustafa Abdul Jalil, on 8 March 2011 warned of a "catastrophe" if no-fly zone is not imposed (Joshi 2012). This not only created a sense of urgency to act among the international community but also helped invoking the principle of Responsibility to Protect (R2P) in regard to Libyan crisis. It was first time that the United Nations Security Council had invoked the application of R2P through military means (Kumar 2012). The principle of R2P states that State sovereignty also entails responsibility and state itself has the primary responsibility to protect its people but in case "a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect" (Findlay 2011: 5). Therefore, R2P overrides the non-intervention doctrine when state is unable or unwilling to protect its citizens. Action that is multilateral in nature, has clear support of target population and has support from countries of the region, is the basis for right criteria for imposition of doctrine of R2P (Dembinski and Reinold 2011). In case of Libya all these criteria were met and hence principle of R2P was invoked.¹⁸² However, Posner argues that R2P is not an international law as states have refused to embody it into a law in a binding treaty.¹⁸³ It is too ambiguous a norm that can be used by countries to justify any type of intervention, while since it is not a law countries can avoid intervening in situation where it does not serve their interests.¹⁸⁴ Similarly, R2P calls on countries to assume

¹⁸² Any military action taken under the principle of R2P has to meet six criteria: Just Cause (expressed as large scale loss of life or large scale ethnic cleansing); Right intention (primary purpose being to halt or avert human suffering); Last resort (only when all non-military options for prevention or peaceful resolution of the crisis has been explored); Proportional means (the minimum necessary means should be used to achieve the objective of human protection); Reasonable prospects (reasonable chance of halting or averting the suffering, with the consequence of inaction being worse than those of action); and Right Authority (the United Nations Security Council) (Findlay 2011: 5).

¹⁸³ Posner, E.A. (2011), "Outside the Law", 25 October 2011, *Foreign Policy*, URL:

http://www.foreignpolicy.com/articles/2011/10/25/libya_international_law_qaddafi_nato?page=full

¹⁸⁴ Ibid.

responsibility to protect in cases when population is suffering serious harm, thereby it sets the bar for intervention so low that in effect any situation of tyranny or anarchy can become a justifiable ground for compromising state sovereignty (Pape 2012). In Libya, the international support has also been given on the basis democratic aspirations of the opposition that is fighting against Qaddafi. However, principle of R2P is not envisioned for supporting pro-democracy or opposing anti-democracy movements (Findlay 2011). In case of Libya, the imposition of R2P doctrine through military means has only strengthened the “neo-conservative belief that democracy can be exported through military means”.¹⁸⁵

Even if R2P was invoked in case of Libya, neither R2P nor United Nations Security Council Resolution 1973 called for regime change. The violation of the resolution was more in its implementation rather than drafting. France and Britain along with United States and to certain extent Italians used the UNSCR 1973 for regime change. Initially at least the military operations began with an earnest to protect the civilians and regime change was only a secondary objective (Pattison 2011). But as the military operations lingered on the objective increasingly became regime change (Pattison 2011). The fact that France, Britain, United States and other major powers had taken the position that Qaddafi must relinquish power, thereby the perceived success of the military mission was only with the end of Qaddafi’s reign (Pattison 2011). This may have put NATO under pressure to achieve regime change in Libya in order to declare the mission as successful (Pattison 2011). The next eight months of civil war was characterised by the struggle between the political objective of removal of Qaddafi regime set by France, Britain and United States while the military objective under the United Nations Security Council mandate that allowed only for protection of civilians.

Hence both France and Britain’s political engagement in Libya was aimed at regime change. They were able to steadily delegitimize Qaddafi’s regime by recognising the NTC and garnering active political support for them by creating a political platform like the Libya Contact Group. Both engaged with defectors of the regime to gain intelligence about the regime. They worked to acquire international support for military action in Libya and were proactively engaged in the United Nations Security Council in drafting the two resolutions on Libya as well in gaining legitimacy from United Nations. Moreover, both

¹⁸⁵ Barkawi, T., “Intervention without responsibility”, 23 November 2011, *Aljazeera*, URL: <http://www.aljazeera.com/indepth/opinion/2011/11/20111121161326433590.html>

President Sarkozy and Prime Minister Cameron kept a diplomatic pressure on other countries particularly United States to act decisively in Libya.

4.5 French and British Military Engagement in Libya's Civil War

Once the United Nations Security Council Resolution 1973 was passed on 17 March 2011, the military operations began in less than 48 hours. The French and British had planned a joint military exercise in the Mediterranean called the *Southern Mistral* between 15 March 2011 and 25 March 2011. The exercise was planned between French Armée de l'Air and British Royal Air Force (Cameron 2012). The exercise was part of Franco-British Defence and Security Co-operation Treaty signed on November 2010.¹⁸⁶ The planning for *Southern Mistral* had been done in just three months, as Wing Commander Andrew Tierrie-Slough, Deputy Liaison Officer of Royal Air Force in France said that an exercise like this normally takes six months of planning.¹⁸⁷ There were 500 French and British personnel that were mobilised for the military exercise. Royal Air Force 6 GR4 Tornado Bombers were mission ready at French air base at Nancy. There were claims in French Newspaper *Le Monde* that French and British military staff had negotiated the divisions of Libyan waters between their respective submarines months before the NATO intervention (Guibert 2011).¹⁸⁸ The report claimed French had prepared 8 months in advance for the mission in Libya (Guibert 2011).¹⁸⁹ They had deployed two nuclear attack submarines in Mediterranean months prior to the uprising in Libya; one of them was allegedly running intelligence missions in Libya (Guibert 2011).¹⁹⁰

French Air Force launched Operation *Harmattan* that began the first air strikes in Libya on 19 March 2011. Pre-empting a massacre in Benghazi, France launched air strikes in Libya as delegates were still to arrive in an emergency meeting to be held in Paris on 19 March 2011. Twenty French aircrafts started to impose no-fly zone over Benghazi, after which they attacked advancing column of Qaddafi regime's tanks, artillery and infantry (Bell and Witter 2011b: 23). These attacks were not co-ordinated with other allies participating in the military mission and had angered many leaders attending the summit in Paris (Bell and

¹⁸⁶ Government of Republic of France, Ministry of Defence (2011), "Starting the Franco-British exercise Southern Mistral", 16 March 2011, (Accessed on 5 May 2013) URL: <http://www.defense.gouv.fr/air/actus-air/demarrage-de-l-exercice-franco-britannique-southern-mistral>

¹⁸⁷ *Ibid.*

¹⁸⁸ "Allied forces deployed in Libya since mid-February", *Voltaire Network*, 10 November 2011, (Accessed on 12 June 2013) URL: <http://www.voltairenet.org/article171884.html>

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

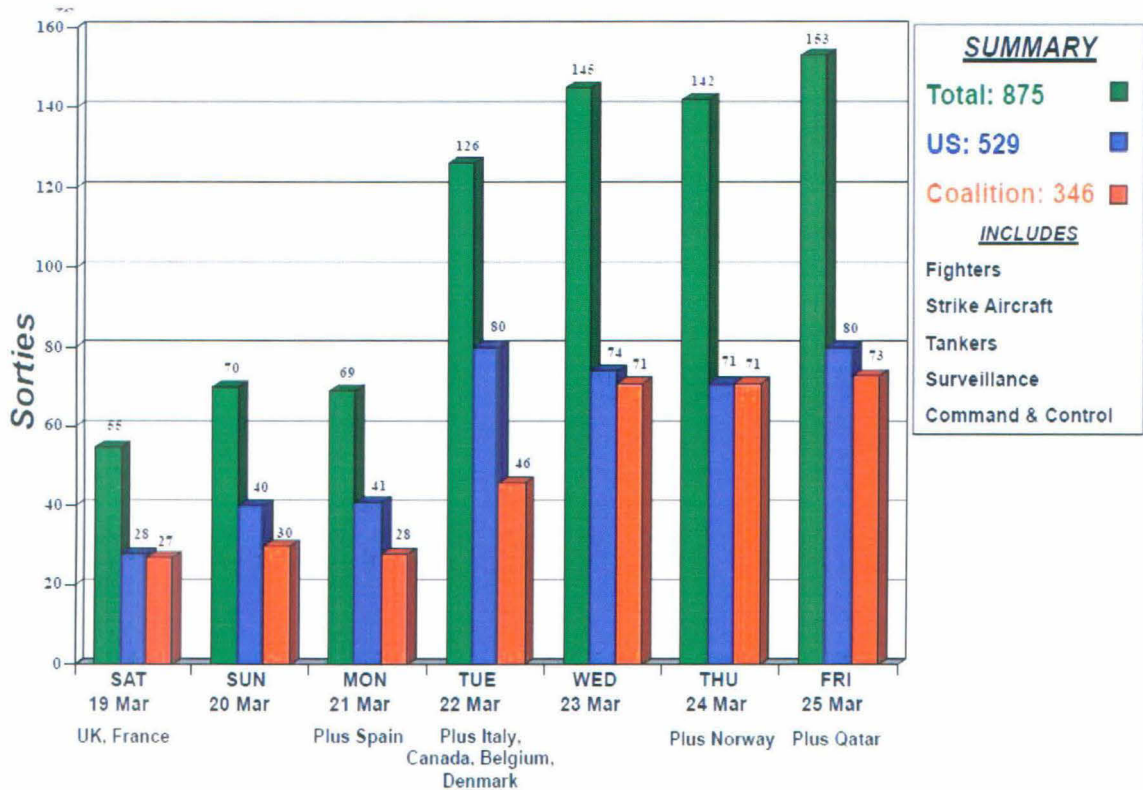
Witter 2011b: 23; Kirkpatrick, Erlanger and Bumiller 2011). It was argued that France made the right move by not waiting till the end of Paris summit to launch military operations as a massacre in Benghazi would have been severely embarrassing for the coalition partners engaged in military operations (Cameron 2012). The UNSCR 1973 also mentions Benghazi as population centre being under threat. However, it was France that had insisted that air strikes would be launched only after the emergency meeting in Paris (Kirkpatrick, Erlanger and Bumiller 2011). French insistence on having the meeting had delayed military action even when there was clear intelligence on Qaddafi forces on 18 March 2011 (Kirkpatrick, Erlanger and Bumiller 2011). Therefore, the French move to be the first to launch air strikes and thereby preventing a massacre in Benghazi can be interpreted as an attempt to show that it was leading the operations. Once the Operation Harmattan began, the French Air Force claimed it was flying 150 to 200 sorties a day (Gertler 2011).

Some hours after the French had launched air strikes, the mission began under the United States America's Africa Command (AFRICOM) as in the evening of 19 March 2011 United States launched Operation *Odyssey Dawn* and the British launched Operation *Ellamy*.¹⁹¹ American warships and British submarine fired a barrage of around 120 Tomhawk cruise missiles targeting Libya's air defence sites (Bell and Witter 2011b). After the destruction of majority of air defence capabilities, the coalition started to impose a no-fly zone over Libya. United Kingdom faced trouble at the beginning of the military operation itself as it ran short of Tomhawk cruise missiles as it had stocks of around 60 Tomhawk cruise missiles (Harding 2011). In the opening barrage of 120 Tomhawks fired at Libyan air defence during the evening of 19 March 2011, United Kingdom had just fired 12 (Harding 2011). In comparison to United States which fired 221 Tomhawk cruise missiles between the period of 19 March 2011 and 31 March 2011, United Kingdom only fired 37 (Bell and Witter 2011b). United States naval fleet had to then supply had to supply emergency stocks to the British.¹⁹² During the period of 19 March 2011 till 25 March 2011, United States conducted 529 (60%) of total 875 sorties (refer Figure 1).

¹⁹¹ Initially coalition members included Spain, Netherlands, Belgium, Italy, Norway, Denmark, Italy, Canada, United Arab Emirates and Qatar. Later other members contributed under NATO's Operation Unified Protector.

¹⁹² A final analysis of the Libya experience, 29 December 2011, ukarmedforcescommentary.blogspot.in, URL: <http://ukarmedforcescommentary.blogspot.in/2011/12/final-analysis-of-libya-experience.html>

Figure 2: Number of Sorties conducted by United States and Coalition partners (19 March 2011-25 March 2011):



Source: Taylor, C. (2011), "Military Operations in Libya", Standard Note SN/IA/5909, House of Commons Library, URL: www.parliament.uk/briefing-papers/SN05909.pdf

Imposition of no-fly zone was a fairly simple job for United States, France, Britain and other coalition partners. Libya was short distance from European coast. Most of Libya's air defence assets were located on Mediterranean Sea coast, thereby making it easy for naval forces to establish a no fly zone (Gertler 2011). The Libyan air assets consisted of mostly Soviet-era MiG and Sukhoi jets and a few modern French Mirage fighters (Gertler 2011; Taylor 2011). Most of the fleet was not operational as the equipment had aged and maintenance was poor (Gertler 2011; Taylor 2011). Libyan pilots were believed to average only 85 flight hours per year, half of what pilots of the coalition partners averaged; therefore they lacked adequate training (Gertler 2011). The coalition forces destroyed most of the Libyan long range air defence assets and Libyan air force by 22 March 2011 (Gertler 2011; Taylor 2011). The main challenge was not the Libyan air assets, but the Libyan ground forces which were better trained and equipped than the rebels having around 2000 artillery pieces, multiple rocket launchers, armoured infantry vehicle,

armoured personnel carriers and around 800 battle tanks (Taylor 2011). Moreover, Qaddafi's forces possessed numerical advantage of 10 to 1 over the rebels (Taylor 2011). Following the withdrawal of United States from command and combat operations, what followed was a period of stalemate as NATO and its allies struggled to bring an end to the conflict.

4.5.1 France and Britain in Operation Unified Protector

France willingness to pose as a leader in military engagement in Libya was shown in its unwillingness to accept to work under the command of NATO. France did not want to get NATO involved as it felt that it would alienate Arab countries as NATO was unpopular in the Middle East (Hallamas and Schreer 2012). Qatar and United Arab Emirates also backed up French claims (Bell and Witter 2011). However the actual reason was that French wanted to be seen as the one leading the operations. French Foreign Minister stated that it not NATO that took the "initiative" in Libya (Chivvis 2012: 4). A French military source stated that it was trying to "find a way of NATO being involved without it being seen as a head of the operations" (Willsher 2011). France also wanted to avoid the influence of other NATO allies like Turkey and Italy (that was initially reluctant) who were reluctant about military operations in Libya (Chivvis 2012). It took astute diplomacy by United States and pressure from other NATO countries to convince France to work under NATO. On 23 March 2011 and 25 March 2011, less important operations of implementing the arms embargo and no-fly zone were transferred to NATO. In between the United States negotiated with France, Turkey (which was also reluctant to operate under NATO) and Qatar to convince them to accept NATO command (Bell and Witter 2011; Chivvis 2012). After a four way conference calls between French, British, American and Turks brokered a consensus in which France (and Turkey) accepted NATO's command of the operations (Bell and Witter 2011; Chivvis 2012). There was pressure from Britain along with majority of NATO member states that were in favour of NATO being given the command (Clarke 2012; Willsher 2011). Norway threatened to suspend participation of its F-16 fighter jets until the command structure of the operation was clear (Wilsher 2011). However United Kingdom also played a important role in pressurising France to accept NATO's command. Prime Minister David Cameron sent forth Peter Ricketts and Chief of Staff Ed Llewellyn who had in-depth knowledge of NATO's working to make sure it obtains the command role of the operations in Libya. Ambassador Peter Ricketts had served as Permanent Representative to NATO and Ed Llewellyn as

advisor to Paddy Ashdown in his capacity as High Representative for Bosnia and Herzegovina (Lindstörms and Zetterlund 2012: 34). It is said that United Kingdom's delegation in NATO played a leading role in convincing NATO to join the operations once the criteria for engagement are fulfilled (Lindstörms and Zetterlund 2012: 34).¹⁹³ Therefore French had to cave in and accept NATO's leadership. Hence NATO got the command of the operations on 31 March 2011.

France and Britain both contributed large number combat assets to Operation Unified Protector (refer Table 8). France, Britain along with United States and Italy were the highest contributors in Operation Unified Protector (refer Table 8). In terms of personnel, France had the third largest contingent after United States and Italy, while Britain had the fourth largest contingent (refer Table 8). In terms of sorties United States leads with 30 per cent of overall sorties because it provided 80 per cent of air-to-air refuelling; with 30 out of 40 air refuelling tankers were provided by the United States (refer Table 9) (Barry 2011; Hallamas and Schreer 2012). The NATO forces were heavily dependent on United States Intelligence, Surveillance and Reconnaissance (ISAR) capabilities (Barry 2011; Hallamas and Schreer 2012). In particular, United States joint surveillance and target radar system (JSTARS) and air borne warning and control systems (AWACS) were heavily relied upon by the Europeans (Barry 2011; Hallamas and Schreer 2012). However, France was second highest contributor with 21 per cent followed by Britain (11 per cent) (refer Table 9). France, Britain, United States and Italy together accounted for almost 72 per cent of sorties (refer Table 9). In terms of strike sorties, France took the lead with 32 per cent of strike sorties followed by Britain with 22 per cent. Both France and United Kingdom conducted nearly half of the strike sorties (54 per cent) (refer Table 9). While France, Britain and United States conducted 73 per cent of strike sorties (refer Table 9). In terms of cost, United States spent \$1.1 billion, while France spent \$502 million (€350 million) and Britain coughed up \$337 million (£212 million) (Chivvis 2012).

All these four countries had taken position on Qaddafi regime relinquishing power. President Obama, President Sarkozy and Prime Minister Cameron wrote a joint article on 14 April 2011 in *New York Times* stating that they did not intend to remove Qaddafi by

¹⁹³ The criteria for engagement in Libya were: demonstrable need, legal basis and regional support (Lindstörms and Zetterlund 2012: 34).

force; however “it is impossible to imagine a future for Libya with Qaddafi in power”.¹⁹⁴ Therefore, France, Britain and United States had similar position, with all the three partners favouring regime change in Libya. Italy which was reluctant in the beginning started to change its approach towards Libya as there was growing realisation that it might lose the most if Qaddafi regime stayed in power (Lombardi 2011). It also increased its participation in military operations by conducting air strikes and sending Special Forces on the ground.

Table 8: France and United Kingdom's contribution under Operation Unified Protector

	Combat Assets		Non-Combat Assets		Air Bases	Personnel
	Air	Marine	Air	Marine		
United States of America	35	15	14	19	6	8507
France	30	17	8	5	5	4200
United Kingdom	32	13	6	4	3	3100
Italy	28	11	8	5	5	4800

Source: Royal United Service Institute 2012

Table 9: Leading contributors in Operation Unified Protector

	Sorties	Percentage of Sorties	Strike Sorties	Percentage of Strike Sorties
United States of America	7725	30%	1845	19%
France	5600	21%	3100	32%
United Kingdom	3000	11%	2100	22%
Italy	2500	9%	Not Known	Not Known

Source: Royal United Services Institute, ukarmedforcescommentary.blogspot.in and NATO Operation Unified Protector Final Mission Stats

After the command of the military operation was transferred from United States to NATO, there was a period of stalemate in the conflict. What followed was “low-intensity warfare” with much country still under the Qaddafi regimes control (Chivvis 2012: 6). Rebels had captured the east but were still vulnerable to attacks by the Qaddafi regime. The battle lines had frozen at Ajadabiya, which was gateway to rebel-held east (Pelham 2011). There were many factors that lead to this stalemate.

¹⁹⁴ Obama, B., Sarkozy, N. and Cameron, D., “Libya’s Pathway to Peace”, 14 April 2011, *The New York Times*, URL: http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html?_r=0

Firstly, the rebel forces lacked proper training and could not take advantage of NATO's bombing. Military officials said that rebel militias were hardly an effective force as they lacked training, communication systems and a sensible command structure.¹⁹⁵ Many defected soldiers had now deserted the protestors and the rebel army consisted of volunteer fighters with some 17000 volunteering in Benghazi alone (Lutterbeck 2012).¹⁹⁶ Moreover, Qaddafi's forces possessed numerical advantage of 10 to 1 over the rebels (Taylor 2011). A British military contractor training the rebels said that they lacked skill, discipline and tactical awareness.¹⁹⁷ Secondly, the Qaddafi forces were well equipped and had adapted themselves to the NATO's bombing campaign. He attributed this to the fact that pro-Qaddafi forces had changed tactics such that it was difficult to identify and target them.¹⁹⁸ Qaddafi's forces had ditched armoured vehicles and army uniforms for plain clothes and machine gun mounted vehicles used by the rebels.¹⁹⁹

Thirdly, NATO members participating in the operations were less than willing to commit their forces for a long time (Joshi 2012). While the members of the NATO owned thousands of aircrafts only around 100 were participating in the mission (Chivvis 2012). While France and Britain were the most committed to the military operations, they were pulling along the other member countries (Joshi 2012). Norway had a three month time limit set by its parliament for participating in the mission. Similar deadlines were set by parliaments of Netherlands and Sweden (Joshi 2012). As United States withdrew from the operations, NATO also faced a resource crunch. While United States was participating in combat role, the No-Fly Zone was implemented in most of rebel territory by 22 March 2011.²⁰⁰ The rebels had taken over Ajadabiya, Ras Lanuf and Brega and the Qaddafi forces had retreated to Sirte by 26 March 2011 (Bell and Witter 2011c: 13). The advance was a result of United States deployment of A-10 Thunderbolt and AC-130 gunships that were able to provide close air support to the rebels (Bell and Witter 2011c: 13). Once US

¹⁹⁵ Nordland, R. and Myers, S.L. (2011), "Libya Could Become a Stalemate, Top U.S. Military Officer Says", 22 April 2011, *The New York Times*, URL:

http://www.nytimes.com/2011/04/23/world/africa/23libya.html?_r=1&hp

¹⁹⁶ The Economist (2011), "A Civil War beckons", 3 March 2011, *The Economist*, URL:

<http://www.economist.com/node/18290470>

¹⁹⁷ Wiki Leaks, "Re: [alpha] INSIGHT - LIBYA/MIL/CT - Trainer of Libya rebels on the conflict - LY1000", 29 November 2011, *Global Intelligence Files*, URL: http://wikileaks.org/gifiles/docs/115433_re-alpha-insight-libya-mil-ct-trainer-of-libya-rebels-on-the.html

¹⁹⁸ Nordland, R. and Myers, S.L. (2011), "Libya Could Become a Stalemate, Top U.S. Military Officer Says", 22 April 2011, *The New York Times*, URL:

http://www.nytimes.com/2011/04/23/world/africa/23libya.html?_r=1&hp

¹⁹⁹ Ibid.

²⁰⁰ "Into The Unknown", *The Economist*, 24 March 2011, (Accessed on 19 June 2013) URL:

<http://www.economist.com/node/18442119>

withdrew this unique capability, the reverses in rebel advance followed (Bell and Witter 2011c). United States withdrawal also put pressure on NATO countries Intelligence, Surveillance and Reconnaissance (ISAR) capabilities and they remained heavily dependent on United States for it (Barry 2011; Hallamas and Schreer 2012; Chivvis 2012). General Abdel Fatah Younis in press conference blamed NATO for not doing enough (Pelham 2011).

Fourthly, the slow progress of NATO was also due to unclear strategic objectives of the mission (Chivvis 2012; Joshi 2012; Bell and Witter 2011c). While the military objectives authorised by United Nations Security Council Resolution 1973 was to protect civilians, political objectives articulated by France, United Kingdom and United States was regime change. Even the articulation of political objectives remained muddled because neither France, Britain or United Kingdom was taking a clear call on whether they were calling for regime change by use of force. Prime Minister David Cameron on 18 March 2011 before the Paris summit said that the mission is clearly about protecting civilians and not regime change by force. France floated the idea of a political dialogue with Qaddafi regime in mid-July 2011. Therefore communication of strategic ends of the mission was cloaked in ambiguity partly because any mention of regime change by force would invite criticism from countries that were sceptical about military engagement. Another reason for NATO sticking to the mandate was procedural. because as it was commanding the mission it had to notify to Secretary-General of United Nations regarding the actions it was planning to take in order to implement the UNSCR 1973 resolution.

The stalemate had to be broken somehow as the first 90 day deadline was approaching in May 2011. Britain and France deployed attack helicopters in April 2011 in order to conduct precise strikes.²⁰¹ The need for more precision was in identifying targets was also felt by NATO as on 7 April 2011 NATO bombing by mistake destroyed rebels tank force. NATO allowed British and French Officers were allowed on the ground for “deconfliction” or for preventing such accidental clashes from happening (Urban 2012). Since June 2011, both France and Britain were flying regular helicopter missions.

²⁰¹ Mean while, United States introduced Predator drones back into action.

4.5.1.1 French military actions to aid regime change in Libya

France in April 2011 decided to send military liaison officers to aid the rebel army in Libya.²⁰² These were strictly designated as military liaison officers and not military trainers. In mid-April 2011, President Nicholas Sarkozy had a meeting with Chief Commander of rebel army General Abdel Fatah Younis where he most likely took the decision to arm the rebels (Bell and Witter 2011c). The first instance of French aiding rebels by supplying them with arms was when it air dropped weapons to the Berber rebels in Jabal Nafusa in north-western Libya. The rebels in Jabal Nafusa had come closest to breaking through Tripoli while battle in rest of Libya had reached stalemate. French thought that if rebels in Nafusa, who were 65km away from the capital, could break through frontlines and enter Tripoli, then rest of the city might rise up against the regime (Spencer 2011).²⁰³ Therefore French decided to drop 40 tonnes of weapons which included rifles, machine guns, rocket propelled grenades and French made Milan anti-tank missiles (Spencer 2011).²⁰⁴ The French military spokesperson, Colonel Thierry Burkhard confirmed that France had dropped “light arms like assault rifles” but they were meant to “protect civilians against Colonel Qaddafi” (Spencer 2011). The air drop of weapons was confirmed by Masin Madi, the rebel spokesperson in Abu Dhabi (Spencer 2011). French were realising that an air campaign would be insufficient in achieving a breakthrough in the conflict. This was by no means the last attempt by France to aid rebels in devising the capture of Tripoli; in fact in July 2011 the strategy for capture Tripoli was to be formed in Paris.

While the war in the east was in a stalemate, Qaddafi regime had laid a siege on port city of Misrata. Misrata was strategically very significant for both the rebels and Qaddafi forces (Bell and Witter 2011c).²⁰⁵ If rebels could keep Misrata firmly under their control, then Misrata could be a beachhead from which attack on Tripoli was possible (Bell and Witter 2011c). If they lost Misrata, then they would have to push back Qaddafi’s forces by land along the coastal strip (Bell and Witter 2011c). The control of Misrata would free up bulk of Qaddafi’s forces and then these forces could concentrate their attention on the

²⁰² “Libya: France sends military team to rebel territory”, *The Telegraph*, 20 April 2011, (Accessed 3 July 2013) URL: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8463861/Libya-France-sends-military-team-to-rebel-territory.html>

²⁰³ “Libya conflict: France air-dropped arms to rebels”, *BBC*, 29 June 2011, (Accessed 3 July 2013) URL: <http://www.bbc.co.uk/news/world-africa-13955751>

²⁰⁴ *Ibid.*

²⁰⁵ Misrata is 125 kilometers from Tripoli and is Libya’s third largest city in terms of population. It emerged as the site of one of the fiercest fighting during the civil war (Bell and Witter 2011c).

eastern frontlines and impose a further stalemate in the east by virtually dividing Libya into Tripolitania and Cyrenaica (Bell and Witter 2011c). Therefore, supporting rebels in Misrata was essential for capture of Tripoli as well as making sure Qaddafi forces cannot impose a stalemate (Bell and Witter 2011c).

In early April 2011, NATO had declared that Misrata was its top most priority (Bell and Witter 2011). However, NATO found it difficult to stop Qaddafi forces from shelling the city without causing damage to civilians (Bell and Witter 2011c). Brigadier General Mark van Uhm conceded that there were limits on what could be achieved from air power (Bell and Witter 2011c: 22). Meanwhile, France along with the rebels criticised NATO for not doing enough to end the siege in Misrata (Bell and Witter 2011c). Rebels claimed France was more lenient in allowing rebel fleet with arms supply to pass through than other countries. In March 2011, French warships had escorted a rebel fleet to the port of Misrata (Bell and Witter 2011c). On 13 April 2011, the representatives from Misrata's NTC representatives had met President Sarkozy. In the meeting President Sarkozy had promised to deliver more humanitarian aid (Bell and Witter 2011c). The representatives had also hinted to President Sarkozy that they were receiving arms from Qatar and French and British should also arm the rebels (Bell and Witter 2011c). NATO finally succumbed to the pressure by France, as the French Defence Minister Gerard Longuet said that NATO would protect rebel fleet from Qaddafi's forces and by May 2011 increasingly supplies (humanitarian and military) were being routed to Misrata by sea with tacit consent of NATO (Bell and Witter 2011c: Chivers 2011).²⁰⁶ After that the steady shipments of arms strengthened rebels in Misrata (Bell and Witter 2011c).

In July 2011, Misrata Military Council representative met President Sarkozy in Paris (Bell and Witter 2011c). The meeting was attended by the President, Lieutenant- General Benoit Puga, head of Directorate of Military Intelligence, President's senior military advisors and philosopher Bernard-Henri Lévy (Bell and Witter 2011c). In the meeting, the Misrata Military Council representatives proposed a plan to capture Tripoli by attacking the capital in coordination of with Jabal Nafusa rebels based in the west of Tripoli (Bell and Witter 2011c). They asked French to help them acquire weapons in addition to request NATO for increased air cover for the assault on Tripoli (Bell and Witter 2011c). French did not want to get directly involved in weapons transfer but President Sarkozy promised to help them

²⁰⁶ Chivers, C.J. (2011), "Sealift Extends Lifeline to a Rebel City in Libya", 22 May 2011, The New York Times, URL: http://www.nytimes.com/2011/05/23/world/africa/23smuggling.html?pagewanted=all&_r=0

acquire weapons from Arab countries (Erlanger 2011b). After the weeks that following the meeting, France, Britain and Qatar shored up the rebels by providing them with weapons, food, medicines and fuel (Fahim and Mazzetti 2011). NATO intensified its bombing campaign in Tripoli with United States also participating in the campaign (Bell, Butts and Witter 2011). Operation Mermaid Dawn was launched to capture Tripoli on 20 August 2011. The capital Tripoli was captured as a result of coordinated attack by rebel forces on ground, an amphibious landing by rebel unit aided by NATO, precision bombing by NATO Air Forces, activation of rebel sleeper cells within Tripoli and public calls by Imams to rise up against the regime (Barry 2011). General Albarrani Shkal, the military governor of Tripoli, had been secretly recruited by NATO.²⁰⁷ He remained at his post and when Operation Siren was launched on 22 August 2011, he demobilized his 3800 men and opened the gates of Tripoli to the rebels.²⁰⁸ Finally on 23 August 2011, rebels broke into Bab-Al Azizya, Qaddafi's main military compound (Royal United Services Institute Defence and Security Studies 2012). The French actions showed that they were worried about a stalemate in the conflict. The second 90 day period of NATO's mission in Libya was going to end in September 2011. Convincing member states to continue would have been difficult and a stagnant war would not have helped President Sarkozy's election campaign. In the month of July 2011, the French had proposed a political solution to the conflict which entailed that if Qaddafi steps down from political and military role in Libya he may be allowed to stay in Libya while an interim government was to decide the future course of actions (Koring 2011; Zirulnick 2011). The plan was rejected by NTC as they were buoyed by gradual gains in military campaign on the ground (Koring 2011; Zirulnick 2011). The fact that International Criminal Court warrant was issued against Qaddafi and members of his regime on 27 June 2011 made the matters even more complex. French were first to begin the campaign in Libya, they were also the one's that ended it. French jets bombed Qaddafi's convoy as it was planning to escape from Sirte on 20 October 2011; later Qaddafi was caught and killed by mob of fighters (Viscusi and Lerman 2011). French Defence Minister Gerard Louguet said that "killing of Qaddafi was work of Libyans" but "French aviation was present from the start" (Viscusi and Lerman 2011). There was report in *The Daily Mail* on 30 September 2012 that Qaddafi was killed by French secret service

²⁰⁷ "Libyan settling scores", *Voltairenet.org*, 3 May 2012, (Accessed on 3 July 2013) URL: <http://www.voltairenet.org/article173971.html>

²⁰⁸ *Ibid.*

agent who blended himself in the mob with the rebels.²⁰⁹ This was carried out on express orders by President Sarkozy.²¹⁰ The French were therefore involved both militarily and diplomatically to bring about regime change in Libya.

4.5.1.2 British military actions to aid regime change in Libya

Britain's first attempt to be covertly involved in the uprising in Libya was early in March 2011. The British Special Forces the E Squadron was to establish contact with the opposition in Benghazi (Urban 2012). The team took off on 3 March 2011 from Malta and landed near Benghazi but rebels were sceptical about the team's identity and intentions and instead arrested them (Bell and Witter 2011c). The Libyan State television then released a transcript of telephone conversation between British official pleading to the NTC member for release of the men (Urban 2012). Foreign Secretary William Hague was able to secure their release in two days after talking to rebel commander General Fattah Younis (Bell and Witter 2011c). After this embarrassing episode, those that were favouring a covert involvement of British forces on the ground were sidelined for the time being (Urban 2012). However by end of March 2011, the authorisation was given to develop NTC's fighting force by sending a small advisory team and then train and equip the rebels (Urban 2012). It was estimated that the whole exercise will take at least three months to materialise.

In April 2011, British officers arrived in Benghazi and established a Defence Ministry. These Officers were unarmed and their job was to strictly limited to help establish some sort of command structure among the rebels (Urban 2012). After NATO gave permission to French and British officers to be present on the ground for "deconfliction", many British officers ran mission in Misrata while the Royal Air Force was bombing the city under siege (Urban 2012). They also aided NATO in co-ordinating air attacks. British supplied the rebels with weapons, food, medicines and fuel before the final attack on Tripoli. Unlike France, British were less willing to arm the rebels, but they were involved in training (Urban 2012). After the approval given for covert involvement in March 2011, General Sir David Richards, Chief of Defence Staff went Doha on many low profile visits

²⁰⁹ Allen, P. (2012), "Gaddafi was killed by French secret serviceman orders of Nicholas Sarkozy, sources claim", *The Mail Online*, 30 September 2012, (Accessed 7 July 2013) URL: <http://www.dailymail.co.uk/news/article-2210759/Gaddafi-killed-French-secret-serviceman-orders-Nicolas-Sarkozy-sources-claim.html>

²¹⁰ Ibid.

(Urban 2012). Qatar was supplying arms to the rebels and British Special Forces were working in co-ordination with Qatar's Special Forces (Urban 2012).

In a new effort launched, the French focussed their attention in aiding the rebels in the west of Libya, while British focussed their attention in the east (Urban 2012). British sent 22 members of Special Air Service (SAS) to eastern Libya, where they ran mission to train the rebels. However, they did not just train the rebels; SAS men often in pairs use accompany rebel commanders in fighting (Urban 2012). They blended in with the rebels and fought alongside them. Therefore Britain did take the side of the rebels by training them and using Special Forces to assist the rebels against Qaddafi regime (Urban 2012). Even though it did not break the arms embargo, it makes little sense as it was involved closely in operations with Qatar which had broken the arms embargo (Urban 2012). The United Nations report has in fact indicted Qatar and United Arab Emirates for violation of arms embargo in Libya.²¹¹

France was clearly guilty of violating the arms embargo imposed by the United Nations resolution. Although Britain was reluctant in arming the rebels, it was still guilty of violating arms embargo in Libya. Its close coordination with Qatari Special Forces that were supplying arms to the rebels made it a compliant in allowing the violation in arms embargo (Urban 2012). NATO's mission also included imposition of arms embargo and Britain and France were part of NATO it was their duty to ensure preservation of the embargo. UNSCR 1970 had imposed an arms embargo on Libya, and UNSCR 1973 further strengthened by creating an enforcement mechanism for it and criticising Libya for further use of mercenaries (Eyal 2012: 60). Christian Turner, the former head of Middle East Department in Foreign Office argued that under certain circumstances "defensive weapons can be provided with aim of protecting civilians". However there was no clear definition on what constituted a defensive weapon (Eyal 2012: 60). A defensive can also become an offensive weapon as Bob Stewart, Member of Parliament from Conservative party pointed out. Legal counsellor at Foreign Office Cathy Adams argued the UNSCR 1973 stated that "to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011)" [paragraph 9 in UNSCR 1970 was on arms embargo], thereby UNSCR 1973 had set aside arms embargo (Eyal 2012: 60-61). However, that was not the case as Eyal

²¹¹ United Nations Security Council, Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya, S/2013/99, 9 March 2013, (Accessed 7 April 2013)URL: www.securitycouncilreport.org/atf/cf/%7B65BF9B.../s_2013_99.pdf

points out that the reason that the resolution was worded in like that was to make sure that any military action taken by the NATO does not get impeded by arms embargo (Eyal 2012: 60-61). Therefore if NATO at some point decided to send troops on the ground then such an operation does not get hampered by the arms embargo clause that did not allow foreign combatants (Eyal 2012: 60-61). The supply of arms to rebels in order to tip the civil war in favour of one side was definitely not the meaning or the spirit of the mandate provided by UNSCR 1973.

CHAPTER 5

FRENCH AND BRITISH ASSISTANCE IN THE POST-CONFLICT RECONSTRUCTION IN LIBYA

5.1 Post Conflict Scenario in Libya

The reconstruction process in Libya began even before Qaddafi's death on 20 October 2011. The recognition of National Transition Council of Libya (NTC) by France and other countries and the setting up of Libya Contact Group were all part of the reconstruction efforts of Libya. The Istanbul meeting of Libya Contact Group held on 15 July 2011 recognised NTC as "legitimate governing authority in Libya" thereby allowing it access to Qaddafi regime's frozen assets and allowed it to legally export oil.²¹² The international efforts to establish a footing in Libya's government were on before this formal recognition. Qatar, United Arab Emirates and Italy offered to sell Libyan oil to keep Eastern Libya solvent (Pelham 2011: 252). Italian oil company ENI was in Libya developing contacts with the NTC as early as April 2011.²¹³

The post-conflict situation Libya has been touted as favourable compared to other post-conflict countries (Chivvis et. al. 2012: 2). Libya has a homogenous population with 99 per cent of it identifying themselves as Sunni Muslims. Civil war in Libya has not seen as bloody an ethnic conflict like the one witnessed in Bosnia and Kosovo. Libya has literacy rate of 82 per cent that is highest in North Africa (Chivvis et. al. 2012: 2). The civil war in Libya has resulted in minimal damage to infrastructure (Chivvis et. al. 2012: 2). Libya enjoys enormous hydrocarbon reserves, the largest known oil reserves and the second-largest natural gas reserves in Africa, making it a relatively wealthy state when compared to Egypt, Syria, Tunisia, and Yemen with a pre-war per capita income of \$12000 (Chivvis et. al. 2012: 2). Moreover, the high quality of Libyan crude oil and the proximity of its oil and gas deposits to Europe mean that it will enjoy a ready market for those resources in the

²¹² Republic of Turkey, Ministry of Foreign Affairs (2011), Fourth Meeting of the Libya Contact Group Chair's Statement, 15 July 2011, Istanbul, (Accessed 9 June 2013) URL: http://www.mfa.gov.tr/fourth-meeting-of-the-libya-contact-group-chair_s-statement_-15-july-2011_-istanbul.en.mfa

²¹³ "EU sends envoy to Libya's rebel capital", *Euractiv.com*, 5 April 2011, (Accessed 14 June 2013) URL: <http://www.euractiv.com/global-europe/eu-sends-envoys-libyas-rebel-cap-news-503800>

foreseeable future. It is probably Libya's energy sector that is considered a priority for reconstruction efforts as it guarantees substantial revenue. Libya does not have any outstanding debt. Moreover, the unfreezing of sovereign assets has helped the new regime become cash rich. The Libyan Central Bank and the Libyan Investment Authority, the country's sovereign-wealth fund, have about \$168 billion in assets abroad (Shahine and Salama 2011). About \$50 billion of that is in bank deposits in European countries including Germany, the U.K., France, Italy, Portugal, Spain, Sweden, Belgium and the Netherlands that have already called for release of the frozen assets (Shahine and Salama 2011). The Libyan Central Bank and the Libyan Investment Authority also hold about \$40 billion in U.S. and European government bonds (Shahine and Salama 2011). Libya therefore will not need any assistance in form of loans and international assistance in Libya will take the form of foreign investments and business contracts.

However, there are serious hurdles to be overcome, and these hurdles are political in nature. Reforming the system after the fall of Qaddafi means a total redesign of the governing system and institutions which will take time and effort. The resulting has been exacerbated by the precarious security situation in Libya as the Libyan state still lacks sovereign authority on its territory.

5.1.1 Reforming the Hydrocarbon Sector

Libya's hydrocarbon sector is pivotal to its economy. Standing at 47.1 billion barrels, Libya has the largest proven reserves of oil in Africa (Chivvis et. al. 2012: 11). Hydrocarbons account for 95 per cent export earning, 90 per cent of revenues and 70 per cent of Gross Development Product (Chivvis et. al. 2012: 11). State oil company National Oil Company (NOC) controls the management of Libya's oil reserves while some of its operations are devolved to its subsidiaries Arabian Gulf Oil Company (AGOCO) and Sirte Oil Company (SOC). In relative terms, NOC is one of the most functional institutions in Libya (Pargeter 2011). The importance of oil can be judged by the fact that both Qaddafi forces and the rebels made sure not to destroy oil infrastructure even as fierce fighting carried on in the rest of the country.²¹⁴ Soon after the civil war was over, Libya reached pre-war production levels of 1.5 million barrels per day.²¹⁵

²¹⁴ "Gurgle and Splutter", *The Economist*, 8 June 2013, (Accessed 19 June 2013) URL: <http://www.economist.com/news/middle-east-and-africa/21579060-after-initial-recovery-output-oil-prospects-are-dipping-gurgle-and-splutter>

²¹⁵ Ibid.

However, there are several short term problems that inflict the oil sector. First is the problem of disruptions in production caused by militias and workers. The demand of the locals is that they be offered jobs while militias that were guarding oil installations during the uprising feel that they too are entitled to jobs and other benefits (Saleh 2013). These disruptions have amounted to loss of \$1 billion over a period of five months (Saleh 2013). In late May 2013, protestors shut down Feel oil field in south-west Libya. Libya's Waha Oil Companies had to scale down its production as protestors had shut down its production in Gialo field.²¹⁶ Oil exporting ports of Ras Lanuf, Tobruk and Zueitina have also been afflicted by the strikes and shut downs.²¹⁷ Secondly, there is the problem of security in Libya and the region in general. After the January 2013 terrorist attack in gas field operated by British Petroleum and Statoil in In Amenas in Algeria, the foreign investors are wary of committing more resources in the region due to security risks in the region (Saleh 2013). European investors and companies remain hesitant in committing investment in Libya as the overall risk assessment of the country remains high.²¹⁸ Italian insurance group SACE said that Libya's risk category is seven which is the highest. It is imperative that Libya gets new geological information before auctions on oil fields begin, but due to security concerns oil field services firms are staying away from Libya.²¹⁹ Under the pressure of eastern oil workers and activists, the General National Congress decided to shift the headquarters of NOC from Tripoli to Benghazi (Donati and Shennib 2013). This further exacerbates the problem of security as many governments have advised their citizens against travelling to Benghazi after the killing of United States Ambassador in September 2012 (Donati and Shennib 2013). Thirdly, General National Congress is yet to pass the new hydrocarbon law but its attention is diverted by political tussle to isolate Qaddafi era officials from holding any office as it passed a new isolation law that forced the Speaker Muhammad Megarief to resign.²²⁰

²¹⁶ "Gurgle and Splutter", *The Economist*, 8 June 2013, (Accessed 19 June 2013) URL: <http://www.economist.com/news/middle-east-and-africa/21579060-after-initial-recovery-output-oil-prospects-are-dipping-gurgle-and-splutter>

²¹⁷ Ibid.

²¹⁸ "Westerners got cold feet? Investors play it cool with oil-flowing Libya", *albawaba.com*, 25 March 2013, (Accessed on 27 April 2013) URL: <http://www.albawaba.com/business/libya-oil-investors-479649>

²¹⁹ "Gurgle and Splutter", *The Economist*, 8 June 2013, (Accessed 19 June 2013) URL: <http://www.economist.com/news/middle-east-and-africa/21579060-after-initial-recovery-output-oil-prospects-are-dipping-gurgle-and-splutter>

²²⁰ Ibid.

5.1.2 Reconciliation with remnants of Qaddafi regime

Reconciliation also remains a major issue in Libya. Libya was initially hailed as an example where former members that were affiliated with Qaddafi regime were not barred from public office. It was said that Libya was not repeating the mistake of Iraq where the barring of members of Baath Party from holding public office hampered the reconciliation process, promoted sectarianism and also affected the bureaucratic capacity of the state (Sharqieh 2013). However, on 5 May 2013 Libyan parliament passed a law that disqualified those who held office under the Qaddafi regime.²²¹ The law covers politicians, bureaucrats, judiciary, army, police, banking as well as National Oil Company (Sharqieh 2013). The law was passed under the pressure of militias who surrounded the foreign ministry and justice ministries armed with weapons (Sharqieh 2013). The law will affect the bureaucratic capacity of Libyan government as many people with know-how and experience will have to give up office. For example Libya faces severe shortage of judges and the law will further hamper the judiciary as many judges would have to leave office under it (Sharqieh 2013).

Moreover, entire cities and groups that fought along with Qaddafi forces have been deemed pro-Qaddafi and thus have been excluded from rebuilding process. It is estimated that there are around 60 detainee centres across Libya where more than 8000 detainees (allegedly Qaddafi loyalist) are being tortured (Kumar 2012: 3). The towns of Bani Walid and Sirte and tribes like the Warfalla which remained loyal to Qaddafi till the very end have all been reckoned as pro-Qaddafi (Sharqieh 2013). This form of division and marginalization of groups that fought alongside Qaddafi will not help in the reconciliation of Libya. Many of these groups may unite and pose a threat to Libya's stability.

5.1.3 Institutional vacuum in Libya

Four decades of Qaddafi's rule has left Libya devoid of institutional capacity required for governance. Libya lacks a trained civil service to manage and administer governance (Chivvis et.al. 2011: 10). The returning expatriates will bring considerable skills with them but they lack knowledge of ground realities in Libya and they would have less legitimacy in the eyes of broader public. Libyans also don't have any experience with democratic process (Chivvis et.al. 2011: 10). The distrust in political parties remains high in Libya and

²²¹ "The militias' writ", *The Economist*, 11 May 2013, (Accessed 26 May 2013) URL: <http://www.economist.com/news/middle-east-and-africa/21577415-law-set-bar-senior-qaddafi-era-people-holding-office-militias>

there is no civil society that can act as a conduit for people's interaction with the states. The elections held on 7 July 2012 were deemed as success with 60 per cent of voter turnout (Chivvis et.al. 2011). The moderate National Forces Alliance won 49 per cent of seats while Justice and Construction Party affiliated to the Muslim Brotherhood got 21 per cent of seats (Chivvis et.al. 2011: 10-11). It was thought that Libya had bucked the Islamic trend after the victory of Islamist parties in Tunisia and Egypt. But integrating Islamists in Libya is going to be difficult. After the poor showing in elections they might revert back to armed tactics. Islamist also enjoy the backing of Gulf countries, particularly Qatar which has been funding the Tripoli Brigade commanded by Abd al-Hakim Belhaj, the founder of LIFG and the February 17th Brigade commanded by Ismail al-Sallabi. Libya's Ambassador to United Nations, Abdel Rahman Shagman on 3 November 2011 said that "I do not rule out Qatar setting up Hizbollah party in Libya" and he warned against foreign intervention (Garrigues 2011: 5).

The 7 July 2012 elections elected the General National Congress (GNC). GNC is a parliament-like body that will govern Libya while a constitution making body is elected (Karim and Pickard 2012). The constitution will be put for referendum after the approval of GNC (Karim and Pickard 2012). Earlier GNC was to appoint a constitution making body, but in last minute decree issued by the NTC this power was taken away from the GNC (Chivvis et.al. 2011: 8). This was done under pressure from Cyrenaican leaders that favoured an elected constitution making body rather than one selected by GNC (Karim and Pickard 2012). They feel that in an elected body their interests would be better represented in the Tripoli based GNC (Karim and Pickard 2012). However an elected body will be more prone to political divisions and will lack the legal expertise required to draft a constitution keeping long term interests of Libya in mind. There is also a potential conflict of interest in "having the parliament decide on the balance of power between legislative, executive and the judicial branches" (Chivvis et.al. 2011: 9). It also points to wider issues related to regional autonomy and the division of power between centre and regions that will have to be worked out in Libya. Just a few months before the elections, Benghazi based civic leaders had declared semi-autonomy for the oil-rich region of Cyrenaica.²²²

²²² "Libya: Semi-autonomy declared by leaders in east", *BBC*, 6 March 2012, (Accessed on 11 February 2013) URL: <http://www.bbc.co.uk/news/world-africa-17271431>

5.1.4 Armed Militias, Extremism and Security deficit

Armed militias are a big post-conflict problem in Libya. The fighters or *thuwars* (revolutionaries) as they are called that fought the Qaddafi are now unwilling to disband and disarm themselves (Pelham 2012: 539). The Libyan opposition fighters were never stitched into a single fighting unit and comprised of militia groups. In order to fill in the security gap and ensure protection from Qaddafi forces, the National Transition Council of Libya devolved military and security functions to these militias which further institutionalized them (Pelham 2012). The territory was divided among various militias and they acted as police, military and even judiciary in their territories. Many of these armed militias have filled the void left after the collapse of the Qaddafi regime (Pelham 2012: 539-540). As the security situation in Libya remains precarious, these armed militias have gained legitimacy by filling in the security gap. For example, February 17th Brigade provided security to US Embassy in Benghazi and Ansar al-Sharia was entrusted with securing the Tripoli Airport (Lister and Cruickshank 2012). The presence of militias also shows that Libyan governing authorities lack sovereignty over its territory and real control lies in hands of the militias (Kumar 2012: 2-3). Libya would have to build a professional army and police force in order to avoid security functions being handled by militias (Pelham 2012: 540). Unfortunately Libya has inherited the fragmented security structure of the Qaddafi regime (Chivvis et.al. 2011: 4). Moreover, its own security structure lacks cohesiveness, as it is divided between three entities, namely the National Army, Libyan Shield Forces and Supreme Security Council (a loosely integrated body of armed militias) (Chivvis et.al. 2011: 4). Many of the radical armed militias have been linked to desecration of Sufi shrines.²²³ On 11 September 2012, the attack on the United States Embassy in Benghazi and death of the US Ambassador J. Christopher Stevens has been linked to Islamists, particularly a group known as Ansar-al-Sharia (Lister and Cruickshank 2012). US diplomatic cables reveal the extent of increase in armed groups in Benghazi months

²²³ "Sufi shrine blown up in latest religious attack in Libya", *Reuters News Agency*, 29 March 2013, (Accessed on 28 June 2013) URL: <http://blogs.reuters.com/faithworld/2013/03/29/sufi-shrine-blown-up-in-latest-religious-attack-in-libya/>

before the attack on the US Embassy.²²⁴ On 23 April 2013 a car bomb exploded in Tripoli outside the French embassy.²²⁵

5.1.5 Regional spill over of the Libyan civil war

The Libyan civil war has now given way to general rise in conflicts in the region as Libyan weapons are being smuggled across borders. A recent UN Security Council report claimed that a convoy was intercepted in Niger carrying Semtex explosives and 445 detonators meant to be transported to AQIM camps in Mali (Ashour 2012: 7). The equipment was taken from the Libyan Army's stock pile (Ashour 2012: 7). The AK-104 and F 5 rockets used by Algerian terrorist in the In Amenas hostage crisis on 16 January 2013 all seemed to come from Libya (Matarese 2013). The Belgian made landmines that were used in the attack were also supplied to the Qaddafi regime before the uprising (Black 2013). Similarly Malian Army officers said that the Tuareg rebels were armed just like the "Libyan Army". The crisis in Mali was unforeseen consequence of the Libyan civil war as Tuareg fighter fighting for Qaddafi in the civil war returned with weapons and added to the insurgency movement that was prevalent in northern Mali since January 2012 (Solomon 2013). A report by United Nations has said that crisis in Libya has aggravated an already unstable security situation in the region (Kumar 2012: 3).

The activities of groups like Al-Qaeda and Al-Qaeda in Islamic Maghreb (AQIM) have been prevalent in post-Qaddafi Libya. According to locals in Benghazi, Al-Qaeda flags can be seen everywhere in Benghazi (Ashour 2012: 7). A report claims that *jihadis* close to Al-Qaeda figure head Ayman al-Zawahiri visited Libya and formed a 200 men militia (Ashour 2012: 7). Mokhtar Bilmokhtar, who masterminded the In Amenas attack in 2012 that killed many Western oil workers, had also visited Libya in order to bring arms to Mali (Ashour 2012: 7).

5.1.6 Problems faced by foreign donors due to lack of civil society

Qaddafi disdained western styled multi-party democracy and hence no political parties were allowed in Libya (St. John 2011; Paoletti 2011). The Qaddafi regime destroyed all forms of civil society, in effect all forums where people can gather outside the institutions

²²⁴ Human Rights Investigation, "US Embassy- Tripoli Libya security incidents since 2011", 22 October 2011, (Accessed 4 February 2013) URL: <http://humanrightsinvestigations.org/2012/10/22/us-embassy-tripoli-libya-security-incidents-since-june-2011/>

²²⁵ "Al Qaida said responsible for bombing French embassy in Tripoli", *WorldTribune.com*, 24 April 2013, (Accessed 9 June 2013) URL: <http://www.worldtribune.com/2013/04/24/al-qaida-said-responsible-for-bombing-of-french-embassy-in-tripoli/>

that *Jamahiriya* system offered (St. John 2011: 25; Joffé 2011b: 521-524; Brahimi 2011: 317; Paoletti 2011: 608; Anderson 2011: 6). Under Qaddafi's rule, the legal framework for civil society formation was very restrictive which effectively hindered the growth of civil society (Mikail 2012: 5). In effect, Libyan civil society would have to be built from scratch which will pose a major challenge to foreign donors operating in Libya (Mikail 2012: 3). After years of Qaddafi's anti-western rhetoric, there has been a general feeling of scepticism towards foreign money (Mikail 2012: 6). This scepticism is more prevalent in the country side, while among major cities like Benghazi and Tripoli foreign funding and working with foreign donors is pursued quite keenly (Mikail 2012: 6). In countryside the conservatism of tribal society creates a barrier in accepting foreign donors (Mikail 2012: 7). Therefore, foreign donors have concentrated their efforts in urban centres and have ignored the country side (Mikail 2012: 3). This is partly due to the precarious security situation prevalent in Libya (Mikail 2012: 7). However, major capacity building work is required in the country side and therefore if donors have to effectively engage in Libya's reconstruction they cannot ignore the countryside (Mikail 2012: 7).

Another hurdle that foreign donors will face in Libya is lack of foreign language skills among Libyans (Mikail 2012: 6). Local stakeholders also feel that lack of foreign language skills is an impediment when dealing with foreign donors (Mikail 2012: 6). The Libyan civil society organisations also lack fundraising and project management skills that makes the task of the local Non-Governmental Organisations (NGOs) as well as the donor community challenging (Mikail 2012: 6). The NGOs that corner most of the aid in Libya are those that are run by western educated elites who have the requisite skills to impress the donors (Mikail 2012: 6-7). Therefore very few NGOs have been able to portray themselves as important players in Libya's transition process (Mikail 2012: 6-7). Thematically as well Libyan civil society organisations have focussed very narrowly on areas that are convenient to them while socio-economic issues like health, public infrastructure, sanitation, access to water and education that are important to the local population are ignored (Mikail 2012: 7). Similarly, foreign donors have also ignored locally important issues of employment, economic development and improving of living standards in their support to civil society organisations (Mikail 2012: 7). Libyans take pride in the fact that with its oil wealth Libya won't require foreign aid for its reconstruction (Mikail 2012: 10). This belief makes them hesitant in accepting foreign aid (Mikail 2012: 10). However Libyans lack requisite skills and know-how to channel their

wealth effectively (Mikail 2012: 10). The role of foreign donors is also going to be of imparting skills and facilitating the Libyan government and non-governmental organisation in building institutions, civil society and independent media (Mikail 2012: 10).

5.2 French and British engagement in post-conflict reconstruction in Libya

France and Britain were involved in providing both military as well as humanitarian aid to Libya during the conflict. Under the European Commission humanitarian aid department (ECHO), France provided €2,940,000 in aid. UK gave the second largest amount of all EU Member States providing €13,650,000.²²⁶

Table 10: Contribution of humanitarian aid by ECHO in Libya during the civil war

Donor	Commitments Total (cash and in-kind) €	In-kind Assistance (Main items)
Austria	11,50,000	Health kits, kitchen sets
Belgium	10,00,000	Plane for repatriation
Bulgaria	1,39,650	Plane for repatriation
Czech Republic	1,00,000	
Denmark	48,44,690	Experts
ECHO	7,00,00,000	
Estonia	1,00,000	
Finland	28,50,000	Blankets, tents, medical team
France	29,42,584	Planes, vessels, medicines
Germany	99,13,861	Planes, vessels, sanitation
Greece	16,60,752	
Hungary	51,200	Plane, experts
Ireland	10,00,000	Blankets, tents
Italy	40,01,971	Planes, tents
Lithuania	14,481	
Luxembourg	10,77,700	Expert
Malta	4,30,949	Planes for repatriation
Netherlands	25,00,000	
Poland	2,77,032	

²²⁶ The Guardian Datablog (2011), "Humanitarian aid in Libya: how much has each country donated?", *The Guardian*, (Accessed on 12 May 2013) URL: <http://www.guardian.co.uk/news/datablog/2011/aug/22/libya-humanitarian-aid-by-country>

Slovenia	50,000	
Spain	66,06,794	Planes, medical post
Sweden	1,58,61,391	Planes, tents, sanitation
United Kingdom	1,36,51,934	Planes, vessels
Total (before co-financing)	14,02,24,988	
Co-financing requested by 8 participating states*	1,05,74,084	Transport co-financing requests
European Union Total	15,07,99,072	
*The eight participating that received transport co-financing are: Belgium, Bulgaria, France, Hungary, Italy, Malta, Spain and Sweden. The data was last updated on 17 August 2011.		

Source: The Guardian Datablog (2011), URL: <http://www.guardian.co.uk/news/datablog/2011/aug/22/libya-humanitarian-aid-by-country>

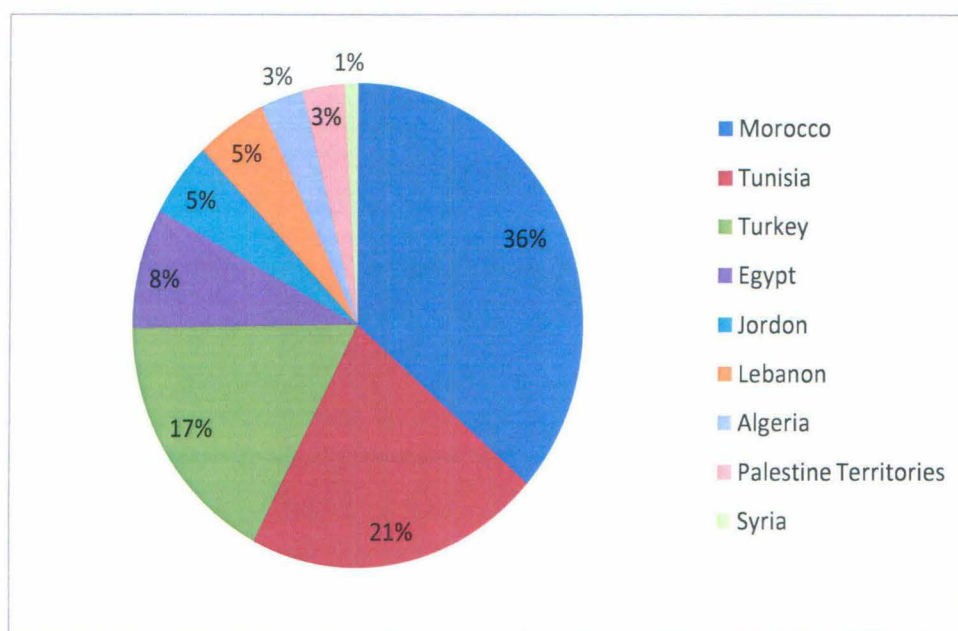
5.3 France's engagement in post-conflict reconstruction in Libya

France held the presidency of Group of 8 (G-8) during the period of Arab Spring. The Deauville Partnership was launched under the French presidency at G-8 Summit on 26-27 May 2011. The Deauville Partnership is a financial and policy framework through which G8 countries will work with Middle East and North African (MENA) countries and the international donor community, with the long-term aim of fulfilling aspiration of people of Middle East and North Africa (MENA) region for greater political and economic participation.²²⁷ In order to assist countries going through transition in the MENA region the focus would be on four priority areas: stabilization, job creation, participation/governance, and integration. Deauville Partnership pledged \$ 20 billion support in May 2011 from the G-8 countries and later in the 10 September 2011 meeting of G-8 Finance Ministers held in Marseille the amount was increased to \$38 billion (Alderman 2011). The Partnership covers countries of Egypt, Tunisia, Morocco, Libya, Jordan and Yemen. Libya's National Transition Council attended the meeting held in Marseille. Libya was also admitted at International Monetary Fund as its board recognised the National Transition Council. However, hardly any amount of the aid of \$20 billion promised at the Deauville summit has materialised (Alderman 2011).

²²⁷ International Monetary Fund (2011), "Deauville Partnership-International Financial Institutions (IFIs) statement", 10 September 2011, URL: <http://www.imf.org/external/np/dm/2011/091011.htm>

Agence Française de Développement (AFD), the aid agency of France has been active in Middle East and North Africa (MENA) for 20 years.²²⁸ It has offices in Tunisia, Morocco, Algeria, Jordan, Egypt, Turkey, Palestine Territories, Syria and Iraq.²²⁹ Given below is the breakup of total commitments made by AFD between from 2002 until 2011:

Figure 2: Percentage break up of French aid commitments per country in the MENA region, 2002-2011



Source: ¹ Republic of France, Agence Française de Développement (2011), *AFD in the Mediterranean and the Middle East*, August 2012, URL: http://www.afd.fr/webdav/shared/PORTAILS/PUBLICATIONS/PLAQUETTES/AFD_Mediterranee_GB.pdf

In 2011 AFD contributed €919 million in the region while its subsidiary Proparco that concentrates its activities in supporting private sector contributed €202 million.²³⁰ In

²²⁸ Republic of France, Agence Française de Développement (2011), *AFD in the Mediterranean and the Middle East*, August 2012, URL: http://www.afd.fr/webdav/shared/PORTAILS/PUBLICATIONS/PLAQUETTES/AFD_Mediterranee_GB.pdf

²²⁹ Ibid.

²³⁰ Republic of France, Agence Française de Développement (2011), *AFD in the Mediterranean and the Middle East*, August 2012, URL: http://www.afd.fr/webdav/shared/PORTAILS/PUBLICATIONS/PLAQUETTES/AFD_Mediterranee_GB.pdf

addition AFD is also organising workshops on Arab Spring support of strategic dialogue with the MENA countries.²³¹ However AFD is not active in any capacity in Libya.

The French were present in Libya before the uprising took place with 44 French companies were operating in Libya.²³² In 2010, French imports from Libya stood at € 4.8 billion (almost 98% of which was oil) and French exports to Libya amounted to € 980 million.²³³ The stock of French Foreign Direct Investment (FDI) stood at € 1.33 billion in 2009.²³⁴ France supplied Libya with equipment, medical and food products and was also involved in infrastructure contracts.²³⁵ BNP Paribas holds 19% stake in Libya's Sahara Bank. In 2011, French imports from Libya fell by 58% (€1.9 billion) while the French exports to Libya fell by 77% (€225 million).²³⁶

The French had already taken the initiative to form a forum for Libya's reconstruction with establishment of Libya Contact Group. The major decisions of unfreezing the frozen of assets was taken at this forum which allowed NTC to get access to funds that were essential for its reconstruction. France has been associated at the bilateral level with Libya in post-conflict reconstruction. As early as 1 September 2011, France was actively seeking a head start with the NTC especially in hydrocarbon sector (Waterfield 2011). According to reports in the French newspaper *Liberation*, the French had got assurance from the NTC that stated in a letter that France would get priority access to 35% of Libya's oil (Waterfield 2011). The letter was addressed to the Qatari government, which was acting as an intermediary between France and Libya. The French Foreign Minister Alian Juppe said that he was not aware of any such letter. However, he said that NTC had stated "officially" that when it comes to reconstruction it will give "preference to those who helped it" (Waterfield 2011). He pointed out that the operation in Libya had cost a lot but it was an "investment for the future" that would enable a democratic Libya to contribute "stability, security and development in the region" (Waterfield 2011).²³⁷ French oil company Total was first to resume operations in Libya on its Al-Jurf field which is now producing at its

²³¹ Ibid.

²³² Republic of France, The Senate, Information Report No. 636 (2011-2012), "Egypt, Libya and Tunisia a year after Arab Spring", prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Republic of France, The Senate, Information Report No. 636 (2011-2012), "Egypt, Libya and Tunisia a year after Arab Spring", prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

²³⁶ Ibid.

²³⁷ Ibid.

pre-civil war rate of 41,000 barrel per day.²³⁸ It has started exploration in north of Zuara, near the Tunisia-Libyan offshore territorial line in the Pelagian basin (Cousins 2013). The area is said to be rich in oil and gas.²³⁹ If Total has any worthy finds, then it will dig to more wells. Towards the end of 2011, the first major contract was signed for Phase 2 of the Benghazi Medical Centre hospital in Benghazi with French company Ideal Medical Products Engineering.²⁴⁰ Contracts have also been proposed for purchase of 4 Airbus A-350 by Libyan airlines Afriqiyah Airways.²⁴¹

A number of French delegations have visited Libya. A French delegation of legislators, led by Secretary of State for Foreign Trade, Pierre Lellouche and accompanied by 80 corporate chiefs visited Tripoli on 12 October 2011.²⁴² Union for Popular Movement (UMP) legislator Renaud Muselier was part of the delegation in his capacity as the president of Institut du Monde Arab (IMA) and the cultural committee of Union for Mediterranean (UFM).²⁴³ The president of Ubifrance (The French Trade Commission), Alain Cousin was also part of the delegation. Other legislators included, Jacqueline Irlès, Christian Menard, Jean-Michel Boucheron and Jean-Paul Bacquet.²⁴⁴ All these members of parliament were contending for the post of the head of French Parliament's France-Libya Friendship Society, a body that plays a key role in bilateral relations between France and Libya.²⁴⁵ A delegation from French Senate Finance committee visited Egypt, Tunisia and Libya between 18 March 2012 and 24 March 2012.²⁴⁶ The Foreign Minister in the President Francois Hollande's government, Laurent Fabius visited Libya in November 2012. The Foreign Minister said that France had sent experts to the Libyan administrations, defence, customs, vocational training and health.²⁴⁷ The Foreign Minister

²³⁸ "French firms establish a bridgehead in Maghreb", *Maghreb Confidential*, 20 October 2011, made available by Lexis Nexis News Service.

²³⁹ *Ibid.*

²⁴⁰ Republic of France, The Senate, Information Report No. 636 (2011-2012), "Egypt, Libya and Tunisia a year after Arab Spring", prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

²⁴¹ *Ibid.*

²⁴² "Legislators flock to Tripoli; National Assembly, Paris", *Maghreb Confidential*, 12 October 2011, made available by Lexis Nexis News Service.

²⁴³ *Ibid.*

²⁴⁴ "Legislators flock to Tripoli; National Assembly, Paris", *Maghreb Confidential*, 12 October 2011, made available by Lexis Nexis News Service.

²⁴⁵ *Ibid.*

²⁴⁶ Republic of France, The Senate, Information Report No. 636 (2011-2012), "Egypt, Libya and Tunisia a year after Arab Spring", prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

²⁴⁷ BBC Monitoring Middle East, "French minister says his country ready to help in Libya's reconstruction", 12 November 2012, Supplied by BBC Worldwide Monitoring.

said that France would double the number of grants offered to Libyan students from 300 to 600.²⁴⁸ He also proposed that Libya should join International Organization of the Francophonie (OIF), a cultural organisation that represents the French speaking countries or countries that affiliate with the French culture.²⁴⁹ He called OIF a “winning card” in the hands of Libya, and offered to encourage Francophonie in University curricula.²⁵⁰

France is actively engaging in Libya’s power and telecommunication sector in Libya. French company Nexan, that produces electrical and telecommunications cable, won a contract of € 110 million in July 2012 for the supply of electrical cables for up gradation of electricity network to Public Electrical Works Company, affiliate of Libya’s General Electricity Company (GECOL).²⁵¹ Siemens (France) signed contract for work on 6 sub-stations while French company Alstom Grid got contracts for 14 sub-stations in Libya.²⁵² Alcatel Lucent is working to restore the country’s telecommunication systems and particularly the network of Libyan mobile operator Al-Madar.²⁵³ It has also offered to extend optical fibre network in Libya. Sofrecom, an affiliate of France Telecom which was operating in Libya before the uprising says it is seeking to “assist in the sector's expected liberalisation”.²⁵⁴

France has also shown immense interest in developing Libya’s agricultural sector. According to the Franco-Libyan Chamber of Commerce, a recent audit of agricultural potential in Libya by UbiFrance confirmed major potential of investing in Libya’s agricultural and agro-industrial sectors (Cousins 2012). It is estimated that only a quarter of the Libya’s food requirements are met locally; the remaining 75 per cent is met by imports (Cordesman 2011: 4). Nonetheless, after being mismanaged for decades by the previous regime, agriculture is seen as a significant potential pillar of a diversified Libyan economy. A delegation of some 20 French agricultural and agro-industrial companies visited Libya from 1 to 6 December 2012 to look for potential collaboration with the Libyan agricultural sector (Cousins 2012). This visit was preceded by the visit of the

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ “Nexans”, *Maghreb Confidential*, 23 August 2012, made available by Lexis Nexis News Service.

²⁵² Republic of France, The Senate, Information Report No. 636 (2011-2012), “Egypt, Libya and Tunisia a year after Arab Spring”, prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

²⁵³ “French firms establish a bridgehead in Maghreb”, *Maghreb Confidential*, 20 October 2011, made available by Lexis Nexis News Service.

²⁵⁴ Ibid.

deputy Libyan Minister of Agriculture to the International Agriculture Show in Paris earlier that year which had resulted in a series of joint meetings in France. The visit was organised by the French government's Bureau des Operations Internationales (BOI) together with France's international agricultural promotion organisation ADEPTA, the Franco-Libyan Chamber of Commerce, the French export promotion agency Ubifrance and the export agency of the Brittany region, Bretagne International.²⁵⁵ French food and beverage company, Soufflet that supplied wheat to Libya in September 2011, is keen on assisting local millers and bakers to improve the quality of bread and of supplying silos for storage.²⁵⁶

France also offered to extend support to Libya to protect its borders particularly in light of events in the Sahel region.²⁵⁷ The Foreign Minister stressed on the need to improve co-operation in field of defence and security. He also said that France would ask the European Union to provide Libya with "special help" in the area of security.²⁵⁸ On 17 February 2013, Prime Minister Ali Zeidan visited for a conference in Paris that specially focussed on issue of border security in Libya.²⁵⁹ The conference was attended by United States, European Union, Turkey and Gulf Co-operation Council.²⁶⁰ In this conference it was decided that European Union will send training and advisory mission to Libya in order to support the country with border security.²⁶¹ The mission will consist of 150 advisors.²⁶² Subsequently, European Union Border Assistance Mission (EUBAM) was inaugurated on 1 June 2013.²⁶³ The mission will strictly focus on training starting with custom officials at Tripoli Airport.²⁶⁴ Libya had also requested France for training and equipment in the area of border security.²⁶⁵

²⁵⁵ Ibid.

²⁵⁶ "French firms establish a bridgehead in Maghreb", *Maghreb Confidential*, 20 October 2011, made available by Lexis Nexis News Service.

²⁵⁷ BBC Monitoring Middle East, "French minister says his country ready to help in Libya's reconstruction", 12 November 2012, Supplied by BBC Worldwide Monitoring.

²⁵⁸ Ibid.

²⁵⁹ "Zeidan adopts military bearing for Paris visit", *Maghreb Confidential*, 7 February 2013, made available by Lexis Nexis News Service.

²⁶⁰ Ibid.

²⁶¹ BBC Monitoring Europe, "France considers stepping up military aid to Libya", 4 June 2013, Supplied by BBC Worldwide Monitoring.

²⁶² Ibid.

²⁶³ "Zeidan lacks allies to improve security situation", *Maghreb Confidential*, 6 June 2013, made available by Lexis Nexis News Service.

²⁶⁴ Ibid.

²⁶⁵ BBC Monitoring Europe, "France considers stepping up military aid to Libya", 4 June 2013, Supplied by BBC Worldwide Monitoring.

French defence companies are also courting Libya. The Libyan government is going to spend 6 billion dinars on defence in the financial year 2013-14 (Doran 2013). French company Thales is looking to supply electronic surveillance equipment for border security.²⁶⁶ French company Sillinger has sold 50 Rigid Inflatable Boats to Libyan armed forces. French naval manufacturers DCNS and CMN are courting Libya to sell warships.²⁶⁷ CMN has already sold *Combattante* class vessels to Libyan navy.²⁶⁸ Dassault Aviation is also promoting the sale of fighter jet Rafale in Libya.²⁶⁹ However, there are still United Nations sanctions in place regarding sale of arms to Libya. As per the sanctions, only non-lethal weapons can be sold to Libya and lethal weapons can be only sold after the approval of the United Nations sanctions committee (Doran 2013). The diplomats in Libya complain that President Obama's administration has maintained an arms embargo in Libya despite several attempts made by Libya to lobby for arm sales.²⁷⁰ France has also expressed its concerns and has urged Libya to tighten up security particularly in the south of Libya which is seen as the new hotbed of Islamic radicalism.²⁷¹ The European Union is debating whether the Code of Conduct on Arms Export that is applicable in conflict zones should be applied to Libya or not.²⁷² Western countries also suspicious that Libya's security set up has been infiltrated by the Islamic radicals from Libyan Islamic Fighting Group (LIFG).²⁷³ Therefore, many defence deals have been stalled.²⁷⁴

5.4 Britain's engagement in post-conflict reconstruction in Libya

Along with participating militarily in conflict, Prime Minister Cameron was also active in post-conflict reconstruction. The Prime Minister had asked Development Secretary Andrew Mitchell to draw up a post-conflict stabilisation plan based on lessons from Iraq (Lindstörn and Zetterlund 2012: 32). As a result United Kingdom sent a Stabilisation

²⁶⁶ "Zeidan adopts military bearing for Paris visit", *Maghreb Confidential*, 7 February 2013, made available by Lexis Nexis News Service.

²⁶⁷ Ibid.

²⁶⁸ "UKTI to curry favor with Bushnak", *Maghreb Confidential*, 20 December 2012, made available by Lexis Nexis News Service.

²⁶⁹ Ibid.

²⁷⁰ "Zeidan lacks allies to improve security situation", *Maghreb Confidential*, 6 June 2013, made available by Lexis Nexis News Service.

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ The deputy defence minister Khalid Al Sharif belonged to the LIFG. The chairman of security committee of General National Congress (GNC) Abdelwahab Muhammad Qaid is close to the Islamist and they would want him to become the Chairman of GNC, while his brother Abu Yahia Al Libi was killed in United States strike in Pakistan in 2012.

Response Team (SRT) consisting of 11 stabilisation experts to Libya.²⁷⁵ The team will respond to the “interim stabilisation” needs in Libya.²⁷⁶ It consisted of experts in fields of economics, infrastructure, essential public services, security, justice system and politics.²⁷⁷ While the core team was provided by Britain, it had representatives from other states including Italy and Denmark and some Member States of European Union were also going to join the team.²⁷⁸ The team was to help the United Nations that was going to lead stabilisation in Libya.²⁷⁹ United Kingdom has also assisted in clearing Libya of landmines and unexploded ordnance. The United Kingdom funded Mines Advisory Group (MAG) and United Nations Mine Action Service (UNMAS).²⁸⁰

Unlike the French, Britain launched initiatives as part of the Deauville Partnership. Under the Deauville Partnership, United Kingdom launched an initiative called Arab Partnership. Arab Partnership is a joint DFID (Department for International Development) and Foreign and Commonwealth Office (FCO) initiative, which focuses on Egypt, Tunisia, Jordan, Morocco and Libya.²⁸¹ It aims at providing expertise and support to countries, at their request, as they implement their plans for reform and economic growth. Britain’s assistance in Libya will remain under multi-lateral institutions like the International Monetary Fund and European Union.²⁸² The UK has created a £110 million four-year Arab Partnership Fund to support political and economic reform in the region. The funding has two components; first, £70 million Arab Partnership Economic Facility (APEF) and second, £40 million Arab Partnership Participation Fund (APPF).²⁸³ APEF will fund projects related to economic growth, job creation, skill building for employment and building accountable institutions.²⁸⁴ The APPF aims at supporting initiatives to strengthen

²⁷⁵ Government of United Kingdom, Department of International Development, “Libya: First ever international Stabilisation Response Team deployed to Libya”, (Assessed 19 January 2013) URL: <http://www.dfid.gov.uk/Media-Room/Press-releases/2011/First-ever-international-Stabilisation-Response-Team-deployed-to-Libya/>

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Ibid.

²⁸⁰ “Making Misrata safer with MAG: clearing unexploded ordnance in Libya”, *reliefweb.int*, 4 April 2012, URL: <http://reliefweb.int/report/libya/making-misrata-safer-mag-clearing-unexploded-ordnance-libya>

²⁸¹ Government of United Kingdom, Department for International Development (2013), “Arab Partnership”, 25 March 2013, (Assessed 19 June 2013) URL: <http://www.dfid.gov.uk/Work-with-us/Funding-opportunities/partnerships/Arab-Partnership/>

²⁸² Ibid.

²⁸³ Ibid.

²⁸⁴ Government of United Kingdom, Department of International Development, “Arab Partnership Economic Facility”, 25 March 2013, (Assessed 19 June 2013) URL: <http://www.dfid.gov.uk/Work-with-us/Funding-opportunities/partnerships/Arab-Partnership/Arab-Partnership-Economic-Facility/>

political participation, freedom of expression and good governance.²⁸⁵ This includes promoting political reform, supporting free and fair elections, stronger parliaments, efficient judiciary and free media.

Currently Britain is engaged in two projects in Libya under the APEF. The first project is of building technical capacity for economic management skills in the Libyan Ministry of Finance.²⁸⁶ The project is under the International Monetary Fund and it will support the implementation of a public financial management action plan agreed with the Libyan government. The second project is in Libya's energy sector and is aimed at providing training and expert policy advice to support the drafting of a new Libyan constitution that ensures a transparent oil and gas revenue management system.²⁸⁷ The project will also support civil society organizations to monitor revenue spending and hold government accountable.

The British government has also given assistance and funding human rights training for lawyers and the judiciary, as well as projects promoting women and youth empowerment. It has given assistance to Libyan government to reform the police, the armed forces and the prison service.²⁸⁸ UK and Libya also signed an agreement to develop a modern and reliable communications infrastructure in Libya, spreading the practice of open government. The agreement included sending technical experts, and other governments and international private sector organizations to develop proposals, provide technical and strategic guidance, training, and education.²⁸⁹ It also includes assisting Libya in improving physical infrastructure capabilities, promoting affordable access of internet, and designing policies to govern the emerging telecommunications market in Libya.²⁹⁰

The British are also looking for investment opportunities in Libya. Before the uprising, British exports to Libya were worth £377 million while British imports from Libya were at

²⁸⁵ Government of United Kingdom (2013), "Working for peace and long-term stability in the Middle East and North Africa", 25 June 2013. (Assessed 3 July 2013) URL: <https://www.gov.uk/government/policies/working-for-peace-and-long-term-stability-in-the-middle-east-and-north-africa>

²⁸⁶ Government of United Kingdom, Department of International Development "Libya", (Assessed 30 June 2013 URL: <http://www.dfid.gov.uk/Where-we-work/Middle-East--North-Africa/Libya/>

²⁸⁷ Government of United Kingdom, Department of International Development "Libya", (Assessed 30 June 2013 URL: <http://www.dfid.gov.uk/Where-we-work/Middle-East--North-Africa/Libya/>

²⁸⁸ Government of United Kingdom (2012), *Government Response to the House of Commons Foreign Affairs Committee Report of Session 2012-13 British Foreign Policy and The 'Arab Spring'*, 12 September 2012, (Accessed 27 June 2013) URL: <http://www.official-documents.gov.uk/document/cm84/8436/8436.pdf>

²⁸⁹ Government of United Kingdom (2012), "UK and Libya agreement on open government", (Assessed 22 June 2013) URL: <https://www.gov.uk/government/organisations/foreign-commonwealth-office>

²⁹⁰ Ibid.

£1.29 billion (Rainey 2011). Britain also has £12 billion of frozen assets of the Libyan Investment Authority. Therefore it has enough leverage to promote trade with Libya. The priority sectors identified by the British government for investment in Libya are: healthcare, education, oil and gas, infrastructure, finance and legal services. Lord Green, the British Minister of Trade and Investment, emphasised the scope for long term collaboration between UK companies, their Libyan counterparts in the health, education, oil and gas, telecoms and infrastructure sectors.²⁹¹ Trade between Libya and UK was £1.5 billion before the civil war but this is likely to change if United Kingdom promotes its business interest and the rules of investment are relaxed by the Libyan government.²⁹² Defence Secretary, Philip Hammond urged businessmen to “pack their suit cases” and head to Libya to secure reconstruction contracts (Adetunji 2011). The British business delegation has been led by the Prime Minister’s trade envoy Lord Marland (Mason 2013). Since the end of the civil war, Lord Marland has led 10 trade delegations to Libya (Mason 2013). According to Lord Marland, Britain is well placed to get dividends for its participation in the Libyan crisis as Libyan ministers are Anglophiles and educated in universities in United Kingdom (Mason 2013). In a private meeting, the ex-president of General National Congress said that he was “keen to see British businessmen taking their fair share of business here in oil, security” (Mason 2013). Local chamber of commerce like Hull and Humber are also sending trade missions to Libya without any government assistance (Mason 2013). This shows Britain’s interest in investing in Libya.

A delegation from British Water, the trade association of British Water Industry was in Libya between 20 April 2013 and 23 April 2013 (Westcott 2013). It was a fact finding mission that was aimed to facilitate British Water Industry to understand the potential projects and find business partners in the area of water, waste water and desalination projects (Westcott 2013). Immediate projects in Libya include the refurbishment of around 100 water pumping stations and building of 10 pumping plants (Westcott 2013). A British team of airport experts visited Libya in March 2013 (Zaptia 2013). The Chairman of United Kingdom Trade and Investment (UKTI) Airports Advisory Council, Peter Budd highlighted that Libya has the potential of becoming the hub of operations in North Africa

²⁹¹ Government of United Kingdom, United Kingdom Trade and Investment (2011), “Speech by Lord Green at conference on Rebuilding Libya”, 20 December 2011, (Assessed 19 January 2013) URL: <http://www.ukti.gov.uk/uktihome/pressRelease/234340.html>

²⁹² Rainey, S. (2011), “Libya-UK trade may resume ‘week after next’”, 27 August 2011, The Telegraph, URL: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8726977/Libya-UK-trade-may-resume-week-after-next.html>

(Zaptia 2013). United Kingdom can provide expertise to Libya in this area as UK was the first country to privatise its airports and 60 per cent of airport revenue in Britain comes from non-airline activities (Zaptia 2013). United Kingdom provides expertise to top 60 airports in the world (Zaptia 2013). Therefore Britain is well placed to supply expertise and resources in the area of financing, design, planning, construction and equipment.

In the area of legal services, British law firm Clyde and Co. has the distinction of being the first international law firm to be given license to practice in Libya (Ash 2012). It was present in Libya even during the Qaddafi era (Ash 2012). The firm says that there are three streams of activity in Libya, firstly, to legally assist companies and individuals who want to invest in Libya; secondly, firms can assist in “capacity building”, i.e. to help in drafting of laws, and standardisation of contracts according to international practice and thirdly, firms can be active in area of dispute resolution as contracts in Libya are often given on randomly and require arbitration related services for resolving disputes (Ash 2012).

The British Council has monopolised Libya’s vocational training market. European External Action Service has given all European Union (EU) financed training programs to the British Council.²⁹³ Suzanne Kodsi, the head of EU’s mission in Libya has said that the reason it has offered the British Council a “clean sweep” in vocational training sector is because of its “good expertise” in the field.²⁹⁴ On 8 April 2013, Alan MacArthur, Chairman of Technical and Vocational Education and Training UK (TVET) was in Libya to finalise an agreement with Libya’s Labour Ministry.²⁹⁵ The vocational training market is worth €6.5 million annually.²⁹⁶ United Kingdom is conducting training programs for health care sector personnel in Libya. It has also provided £2.5 million to assist the revamp of functioning of job training centres, train local specialists to help private sector and encourage businesses to diversify in non-oil sector.²⁹⁷

Majority of United Kingdom’s assistance is currently focussed on defence and security. In speech to Royal United Service Institute for Defence and Security Studies, Chief of

²⁹³ “U.K. puts a lock on the training market”, *Maghreb Confidential*, 25 April 2013, made available by Lexis Nexis News Service.

²⁹⁴ *Ibid.*

²⁹⁵ *Ibid.*

²⁹⁶ *Ibid.*

²⁹⁷ Government of United Kingdom, Department of International Development (2013), *New funding from the UK will help train 4000 new police recruits a year and boost the private sector*, 16 April 2013, (Accessed 21 February 2013) URL: <https://www.gov.uk/government/news/new-uk-boost-to-economy-and-policing-in-libya>

Defence Staff, General Sir David Richards stated that United Kingdom should build “formal relationship” with countries of Middle East and North Africa in order to “make Britain a regional ally across spectrum”. Prime Minister David Cameron on a one day visit to Tripoli on 31 January 2013 promised to increase the support to Libya’s security sector in light of regional security developments like the hostage crisis in Algeria and the civil war in Mali (Wintour 2013). United Kingdom has promised assistance in the renovation of Libya’s police training academy so that it can provide residential courses to train 4000 new recruits every year.²⁹⁸ On 3 December 2012, a British military delegation visited Libya for talks with the Libyan military for drawing up a mechanism for joint cooperation between the two in sphere of “training, rehabilitation, capacity building, and transfer of British technological expertise” to all branches of Libyan military.²⁹⁹ The Royal Navy’s HMS (Her Majesty’s Ship) Kent arrived in Tripoli on 2 April 2013 on a three day visit to Tripoli. It hosted a series of events to assist Libyan Ministry of Defence and Ministry of Interior in their efforts to build essential security structures. The visit also helped United Kingdom’s Minister of International Security Strategy, Dr Andrew Murrison to engage with local business leaders. British National Security Advisor Kim Darroch was in Libya on 29 April 2013 to discuss training and rehabilitation of Libyan rebels in the defence and security sector. The British warship HMS Echo docked in Tripoli on 4 July 2013, while it engaged in training Libyan navy in modern underwater surveying methods. Libya does not have a complete chart of its territorial waters and the information held by the Libyan navy is incomplete. HMS Echo is assisting Libya’s navy in a complete and detailed survey of 283 square kilometres of Libyan territorial waters. In a plan drawn up by the top brass of British Military, United Kingdom soldiers will also help train around 2000 Libyan infantrymen of the Libyan army (Drury 2013). Four infantry brigades based in Catterick, North Yorkshire have been told to prepare for Libyan mission (Drury 2013).

The United Kingdom’s activeness in military and security sector is because Prime Minister David Cameron is genuinely worried that Libya may become a failed state and sanctuary for Al-Qaeda. Attack on the BP facility in Algeria and the civil war in Mali has also influenced United Kingdom’s decision to look more seriously at the region’s security.

²⁹⁸ Department of International Development (2013), Government of United Kingdom, Department of International Development, *New funding from the UK will help train 4000 new police recruits a year and boost the private sector*, 16 April 2013, [Online: Web] Accessed 21 February 2013, <https://www.gov.uk/government/news/new-uk-boost-to-economy-and-policing-in-libya>

²⁹⁹ BBC Monitoring Middle East, “Libyan, British officials discuss military cooperation”, 3 December 2013, Supplied by BBC Worldwide Monitoring.

Britain has already sent 50 troops to West Africa to train the Malian Army to combat Islamic insurgents. There is also commercial competition from Italy and France which are vying for Libya's defence market. Italy has sold 20 Puma armoured vehicles to Libya's defence ministry and Libyan Defence Minister, Mohammed Al-Bargati has said that he would give Italy "priority status for new armaments" (Stephen and Hopkins 2013). French company Sillinger sold 50 Rigid Inflatable Boats to Libya in January 2013 (Stephen and Hopkins 2013). French companies like EADS, Thales and Safran, Italian company Selex and Britain's General Dynamics UK, are all bidding for supply of electronic systems to monitor Libya's borders.³⁰⁰

The United Kingdom seems to be more active in post-conflict reconstruction in Libya. The British government's aid agency Department for International Development (DFID) has launched initiatives in Libya while the France's Agence Française de Développement has been absent from any post-conflict reconstruction work. Britain also seems to be in a better position to win business contracts in Libya as it holds £12 billion frozen assets belonging to Libya. The DFID projects will help Britain develop contacts within Libya's government that will be beneficial in the long run. However Libya is likely to pose a major post-conflict reconstruction challenge for France, United Kingdom and Europe. The need to establish security remains the most pressing concern. Until a professional security set up is not established and armed militias are not disbanded, it will be very challenging for aid organisations or companies to operate in Libya. British Petroleum (BP) has already withdrawn from Libya (Fornaji 2013). In the aftermath of the In Amenas hostage crisis on 16 January 2013 and advisory issued by the British embassy that said that all citizens should leave Benghazi, BP revised its decision to resume exploration in Libya (Fornaji 2013). Other countries like the United States, Canada, Netherlands and Germany have also refrained their citizens from travelling to Benghazi (Fornaji 2013). French company oil sub-contracting company, Pontecelli also pulled out of Libya citing security reasons (Galtier 2013). The killing of United States Ambassador J. Christopher Stevens has highlighted lack of security for top diplomats in the region. Hence a precarious security situation is going to only lead to delay in economic and political reconstruction of Libya.

³⁰⁰ "Zeidan lacks allies to improve security situation", *Maghreb Confidential*, 6 June 2013, made available by Lexis Nexis News Service.

There also remains uncertainty related to contracts signed by countries with the previous regime as each contract signed under the Qaddafi regime has to be reviewed by special review committee. According to the delegation from the French Senate's Finance committee which visited Egypt, Tunisia and Libya between 18 March 2012 and 24 March 2012, there are around 1500 contracts under review that will be evaluated on the parameters of economic criteria and transparency.³⁰¹ The value of contracts under review for the period of 2009-2012 is around 140 billion dinars.³⁰² There is also the problem of corruption in Libya. In order to sign contract with Libyan government French companies have to open an account in Paris based Banque Internationale Arabe (BIA) in order cash in letters of credit from Libyan government. The unfrozen assets of the Libyan government are used to make payments. There have been complaints that Libyan officials demand "additional sum" in return of their authorization. British business delegations have also been warned of middlemen that offer them contracts for payment of kickbacks. Libyan officials are also scared of signing any major contracts as that could invite charges of corruption from "integrity commission" of GNC. Till the time Libya does not have a constitution there will be little progress made on the ground. GNC is an interim body that does not have legitimacy nor are its executive and legislative functions clearly defined; hence its decision making is constrained. A government elected under the constitution with clear divisions of legislative, executive and judicial powers will be able to take decisions regarding Libya's future. Institution building after four decades of Qaddafi's rule remains the greatest challenge for Libya and Libya is likely to remain a complicated work in progress for some time to come.

³⁰¹ Republic of France, The Senate, Information Report No. 636 (2011-2012), "Egypt, Libya and Tunisia a year after Arab Spring", prepared on behalf of France Senate Finance Committee, 4 July 2012, (Accessed on 13 January 2013) URL: <http://www.senat.fr/rap/r11-636/r11-63612.html#toc253>

³⁰² Ibid.

CONCLUSION

The intervention in Libya was an opportunistic endeavour that France and United Kingdom had under taken. A combination of factors came together that made it possible for the French and the British to proclaim a successful intervention. The Qaddafi regime was militarily weak lacking any major threats in terms of non-conventional weapons. His regime was also diplomatically isolated (Alcaro 2012: 13-14). Qaddafi had failed to entrench Libya in the international system and build lasting relationship with countries that could back him in his hour of need. Unlike President Bashar Al-Assad, Colonel Qaddafi did not have strong regional backers like Iran and Russia that had stake in the survival of his regime. Even his generous funding to the African Union did not win him African votes during the voting on United Nations Security Council Resolution 1973.

Strategic risks involved in intervening in Libya were minimal due to the limited strategic importance of Libya. France, which was perhaps the most fervent supporter of intervention, Libya had limited strategic significance as opposed to Algeria or Morocco (Utley 2013: 72). The United States clearly did not see any strategic significance in Libya. This allowed the West to pursue a policy of regime change in Libya without jeopardising its interests in Middle East. Moreover, Libya allowed “relatively easy re-alignment of the West’s interests (a cooperative regime) with its values (support for an anti-authoritarian rebellion)” (Alcaro 2012: 14). China and Russia did not consider Qaddafi’s regime important enough to cast their veto on United Nations Security Council Resolution 1973. Russian and Chinese opposition to intervention was partly blunted by the support of the Arab League. The Russians had considerable economic interests in Libya but in the end it did not find Qaddafi a worthy enough partner to risk its improved relations with the United States and tarnish its relations with the Arab countries (Klein 2012: 2; Katz 2012). China’s opposition was based on its principle of “non-use of force” (William and Bellamy 2012: 279). However, the Qaddafi regime’s unpredictable behaviour was not appreciated by Beijing. Qaddafi had criticised the Chinese expansion in Africa and had “flirted” with Taiwan (Higgins 2011). The Chinese National Petroleum Company (CNPC) was a modest player in Libya as most lucrative contracts went to the European companies (Higgins 2011).³⁰³ Therefore, the Qaddafi regime had been naïve enough to make itself strategically

³⁰³ In 2009, Qaddafi regime thwarted Chinese attempts to buy the Libyan assets of Canadian oil company Vernex and instead the Libyan government itself acquired these assets.

insignificant so much so that important regional and international players were unwilling to back the regime.

Politically, the countries that backed regime change hastily backed a nascent, little-known opposition movement, the National Transition Council of Libya (NTC). The NTC had come into being within 10 days of uprising on 27 February 2011. It publicly announced itself only on 5 March 2011 after it got assurance from President Nicholas Sarkozy of French support. Opposition movements do not get formed in matter of days rather it takes years of legitimisation process for movements to win a broad support base to be able to call itself a genuine opposition (Alterman 2012: 150-151). The Poland's Solidarity Movement, the South Africa's African National Congress, Ayatollah Khomeini's support base in Iran and Fidel Castro's guerrilla movement in Cuba, all went through a "gestation period" that allowed them to form an ideology, build an internal leadership structure and create large enough constituencies of supporters (Alterman 2012: 150-151). In a country like Libya where civil society organisations are missing, the formation of a genuine opposition is likely to take a longer time. The NTC's "ability to unite against a leader" may have won it support base during the uprising, but its inability "to unite behind a leader" would pose huge problems in post-conflict reconstruction of Libya (Alterman 2012: 151). Moreover, as argued by Ould Mohamedou, the revolution in Libya was "infantilised all the more by NATO's intervention as rapid shift from a 'spontaneous' uprising to an elite-led movement" (Ould Mohamedou 2012: 124). Hence, the premature backing of France and then by other countries of the NTC does not set a good precedent for future interventions.

Militarily, the Libyan model of intervention relied on giving air support to the rebels and once the air power was found limiting in removing Qaddafi regime, covert style operations were devised which entailed secretly arming the rebels and sending of military advisors and Special Forces. Such coyness in the conduct of military operations to bring about regime change in Libya may have been a way avoiding 'boots on the ground', yet the sly methods adopted by the French and British are fraught with long-term consequences.

Firstly, the arming of diverse rebel groups without having any intelligence about their backgrounds, ideologies and political agendas meant that arms were being handed out to groups whose intention may not necessarily be limited to toppling of the regime or forming a democratic government in Libya.

Secondly, the presence of large quantitative of arms in the region has led to dangerous escalation in conflict in the region due to proliferation of arms. The Islamic insurgency in Mali and terrorist attack in In Amenas gas facility in Algeria (16 January 2013) are clear example of the increased availability of arms in the region which has destabilised an already precarious security situation in regions of Sahel, Maghreb and Arab Peninsula. In a period when countries like Tunisia and Egypt are going through tumultuous political transition, easy accessibility of weapons could militarise political struggle if some groups choose to take up weapons to support their cause.

Thirdly, it is always easy to arm groups, but disarming them is a complex issue. The difficulty of disarming the armed militias in Libya underscores the point. A similar style of operations is apparently being carried out in Syria where both the French and the British are involved in providing covert support to the rebels (Utley 2013: 74; Leppard and Follan 2012). Yet as witnessed there are groups, among them jihadists “whose ambitions extend far beyond imposing harsh religious laws” (Rodenbeck 2013: 4). Syria has become a “proxy war” that has pitted President Bashar Al-Assad’s allies (Iran, Russia and Hezbollah) against his opponents backed by the Arab monarchies and Western countries (Rodenbeck 2013: 4). However, in Syria the situation is more vexed and delicate, as ramifications of rivalry between Shias and Sunnis could reverberate as far Iraq, Lebanon and Yemen (Rodenbeck 2013: 4). Hence, the interventionists need to be more careful in case of Syria.

For Europe, the participation in military operations in Libya demonstrated the limited military capability of European countries. Military operations in Libya were not much of challenge to Europeans owing to the lack of military might of the Libyan armed forces and the proximity of theatre of conflict to European shores. Yet Europeans barely scraped through the operation. Military success would have eluded them without the support of American military capabilities. Hence any future intervention that the Europeans might want to pursue would require them to either improve their own capabilities or rely on the United States. This would also mean that only those interventions would be possible for Europeans to undertake in which European and United States strategic interest align or where the United States feels that the strategic risk involved in militarily supporting the Europeans is minimal.

The Libyan crisis has also been a test case for the Franco-British alliance. Is the alliance strong enough to act as foreign policy and military leaders in absence of United States that is strategically reorienting its focus on Asia Pacific? The Libyan crisis has been a mixed bag of experiences for both the countries. On the one hand, they both showed cooperation as they came up with similar position on the issue of regime change. Both President Nicholas Sarkozy and Prime Minister David Cameron maintained the diplomatic initiative and kept the Libyan issue in forefront on the international media. They both used diplomatic influence to garner the support of the Arab League, pressurise the United States to join the military operation and kept up the pressure on the Qaddafi regime in United Nations by being at the helm of drafting both the resolutions, UNSCR 1970 and UNSCR 1973. But there were disagreements and competition among them as well. The French side stepped United Kingdom and recognised the National Transition Council of Libya. The French were the first to launch air strikes in Benghazi. It is said that Nicholas Sarkozy had informed David Cameron and Hillary Clinton when they came to Paris for an emergency summit on Libya on 19 March 2011 (Lindstörn and Zetterlund 2012: 32). Nonetheless, British were not pleased with French hastiness. The French also took away the political coordination of the crisis from the North Atlantic Council by proposing to form the Libyan Contact Group (Lindstörn and Zetterlund 2012: 18).. The British on the other hand, clearly demonstrated that NATO remains the preferred alliance for it when it comes to military operations, while French had favoured a bilateral operation with United States backing (Chappel 2011: 4-5). The British were able to successfully convince France that it would have to accept NATO's command after the United States relinquishes its command and control role. This shows that for Britain will not lead any military enterprise unless it does not involve NATO (Chappel 2011: 4-5). As corollary, it also shows that Britain still values its 'special relations' with United States (Chappel 2011: 4-5). The presence of the United States gives a certain amount of credibility to the North Atlantic Alliance and also without US military capability it would be difficult for alliance to function (Chappel 2011: 4-5). In context of Libyan operations, United Kingdom had rejected the French idea of unified Franco-British command (Chappel 2011: 8). It feared that United States will walk away from the military operations in case France and Britain jointly form a command control Headquarter (Lindstörn and Zetterlund 2012: 34). On the whole, however, France was more in lead both politically and militarily in Libya than Britain. It contributed more to military operations than the United Kingdom, Paris was able to politically steer the crisis with help of the Libyan Contact Group. The French were more than willing to arm

the rebels and Sarkozy took active interest in the military operations as number of times during the operations he met the rebel commanders. Paris was able push the NATO to increase the intensity of operations against the Qaddafi regime. France was also in forefront of attempts to find political solution to the crisis in July 2011 which entailed that if Qaddafi steps down from political and military role in Libya he may be allowed to stay in Libya.

There is larger issue of prospects of democracy after the uprisings of Arab Spring. In this context it is important to keep two things in mind, firstly, the nature of protests that erupted in many countries during the Arab spring were unorganised and non-ideological (Lynch 2012). This is especially true for protests in Tunisia and Egypt, and it is also the reason that made these protests successful in removing long serving leaders. The fact that crowds that gathered around city squares were leaderless made it difficult for regimes to deal with them (Lynch 2012: 97). There were no set of leaders that could act as spokesperson of the crowds, hence the regime did not know whom to bargain with and chaos became the order (Lynch 2012: 97). The crowds had congregated with one simple demand of removing the incumbent President from power (Lynch 2012: 97). There was no mortar of ideology that was uniting them, just the desire to see the authoritarian leader out of power was the binding force. Secondly, since there was no ideology to bind them, the future unity of this opposition and the ability to foster democracy remains unpredictable (Toscano 2012: 1-5). There will be severe contestations not only between secularists and Islamists, but among Islamists themselves (Rodenbeck 2013: 3).

The removal of President Mohammad Morsi in Egypt by the Egyptian army on 3 July 2013 highlights the difficulties that Islamist are having to translate their electoral gains to translate their religious beliefs into practical policies (Rodenbeck 2013: 2). They have faced severe backlash from entrenched bureaucracies, secular minded elites and radical Islamists themselves (Rodenbeck 2013: 3).

There are many wider questions of state-society relations and role of religion in state that need to be addressed in countries like Tunisia and Egypt. These contentious issues will test the very fabric of the societies in these countries. The road to transition in the Arab countries will be long, winding and littered with pitfalls. European Union and EU Member States should be careful in their efforts to promote democracy in these countries. Rather than concentrating on elections, it would be more useful for European Union and its

Member States to concentrate on building institutions like an effective judiciary that can set limits to power of President and also help in fostering institutions that can mediate conflicts among society and between state and the society. Many countries like Libya and Egypt need training in forming constitutions, an area where the Europeans could be helpful. The idea is to promote the rule of law and not simply view democracy as a conduct of free and fair elections. Democracy without the rule of law is ineffective, as Toscano calls it that “democracy without rule of law is fraud” (Toscano 2012; 4). Another issue is the promotion of civil society and NGO’s, which are seen as important in both struggle against a non-democratic state and maintenance of a vibrant democracy. However, as highlighted by victory of Islamists in Egypt and Tunisia, when it comes to political gains it is the well organised groups that win elections. As Friedman has pointed out in relation to the “Facebook generation rebels”, that they can organise protests and stand up against the regime but “they could not go on to rally around a single candidate, and then engage in the slow, dull, grinding work of organizing a political party that could contest an election, district by district” (Friedman 2011 quoted in Toscano 2012: 4). Aliboni argues that the initial revolutionaries were “vanguards of revolution” who had spear headed the struggle, they were now sidelined and in their place nationalists, conservatives and various brands of Islamists (‘moderate’ to radical ‘Salafists’) have emerged to usurp power (Aliboni 2011: 8). The Islamists like the Muslim Brotherhood do not just derive their popularity by promoting Islamic ideology, but they also have strong social presence at a grass root level, an area where secular minded liberal elites are found wanting (Toscano 2012: 5). The removal of President Morsi is by no means the end of the relevance of Islamists in politics of Egypt or elsewhere, rather it might either lead to Islamists shunning the democratic process altogether and turning to armed struggle or it could bring the more radical Salafists to power (Rodenbeck 2013: 9). Therefore, the Europeans will have no choice but to find out ways to deal with the Islamists. They might consider taking help of regional organisations like GCC and the Arab League to develop ties with the Islamists. Alternatively, Europeans could also encourage secular minded civil society organisations to increase their presence in the grassroots by giving more funding to grassroots based projects.

Europeans will be well advised to focus on economic issues as tumultuous transition that countries like Egypt, Tunisia and Libya are undergoing has meant that socio-economic issues have been neglected. European Union and Member States can encourage trade by

allowing more access to European markets, it could help in financing of public works in order to create employment in the short-run, it could finance projects of entrepreneurship promotion and provide seed capital to encourage private sector. European Union could also use its experience in encouraging regional cooperation by re-invigorating moribund regional integration projects like the Arab-Maghreb Union comprising of Algeria, Morocco, Tunisia, Libya and Egypt (Salem 2012: 14). The AMU is promising initiative as it consists of oil-rich economies of Algeria and Libya, skill-rich economy of Tunisia and labour-rich economies of Morocco and Egypt (Salem 2012: 14).

In terms of foreign policy, the Arab Spring has led to a significant changed geopolitical context in which the Western and European foreign policy will operate. The first and foremost consequence is the political diversification that has taken place in the region. The region now is characterised by four types of political regimes: the stable authoritarian system (Gulf Monarchies), the stable transition system (Tunisia), the unstable authoritarian system (Syria) and unstable transition system (Egypt) (Beck and Hüser 2012: 10-11). As Youngs and Álvarez point out, that the “region’s new ‘normal’ is vibrant through uncertain political contestation coupled with strikingly varied reform processes together with resilient authoritarianism” (Youngs and Álvarez 2012). Hence region is going through dynamic changes and therefore calibrating a coherent strategy is going to be a big challenge for countries. Europe and EU both will have to face the reality that there would be regional powers and emerging powers all vying for influence and hence limiting the leverage of Europe and EU. Gulf monarchies and GCC have already emerged as important players in the region along with Turkey. Although there are shared interests between Europe and Gulf monarchies especially in relation to security of energy supplies and overall stability of the region, Gulf monarchies have limited interests in promoting democracy in the region. Secondly, Islamic forces and political Islam has emerged as a winner in Arab Spring (Cornell and Verstandig 2012: 1-3). It can be argued that the West had overestimated the democratic forces in the region but at the end it was the well organised Islamists who benefitted the most from regime collapse (Cornell and Verstandig 2012: 1-3; Aliboni 2011: 8). The Islamists may have different stance on many foreign policy matters and the West will at least for now wait and watch the impact Islamists have on the region (Aliboni 2011: 8). Lastly, the Arab Spring may impact the public discourse on foreign policy in the west with regard to the ethics and effectiveness of supporting non-democratic regimes (Joshi 2011: 61). The extensive media coverage of the events in the

Arab world has brought into light to the western audience the duplicity of their government's foreign policy and the depth of their support to these authoritarian regimes (Joshi 2011: 61).³⁰⁴ The popular opinion may in turn impact the foreign policy of the West (Joshi 2011: 61).

Arguing from historical perspective, Aliboni says that the end of Cold War or the 9/11 attacks are not the events that divide time frame in case of Middle East. In the Middle East the time frame should be divided by two events, the rise of Islamic Republic of Iran and the shift of Egypt in to the western camp with its peace with Israel during 1979-80 (Aliboni 2011: 5). These two events paved the way for a coalition between the West and the "moderate" Arab regimes and also led to confrontation between these regimes and the anti-western movements which were largely nationalistic, religious and/or identity based movements; Aliboni labels these anti-western movements "resistance" (Aliboni 2011: 5-6). The coalition between the moderate regimes and the West formed the basis of strategic balancing in the region and due the military might of the west, the coalition was able to dominate the "resistance" and also isolate Iran (Aliboni 2011: 5-6). However in the first decade of the 21st century due to US actions in the region after 9/11 and its unwillingness to solve the Israel-Palestine conflict strengthened the "resistance" and increased the importance of Iran in the region (Aliboni 2011: 6). As these Western-backed moderate regimes faced loss of legitimacy at home, the 'resistance' was able to challenge their survival. Aliboni cautions that the Arab Spring should not be read as just anti-regime and anti-authoritarian movement, but also an anti-West movement (Aliboni 2011: 8). The new democratic regimes after Arab Spring are bound to be more nationalistic and represent the anti-west feeling of their populace; hence there will be weakening of the coalition between the West and moderate regimes (Aliboni 2011). The new regimes will be democratic but may not be pro-western and hence the " Hamas dilemma" will return (Aliboni 2011: 8). Moreover, the difficulty of solving the Israel-Palestine issue will limit the engagement of both the West and Europe in the region (Aliboni 2011: 9).

³⁰⁴ The French public was astounded by reports that former French foreign minister Michele Alliot-Marie, had offered the support of French security forces to then-Tunisian president Zine el-Abidine Ben Ali to stem the protests, having also apparently availed herself of private jets belonging to regime-affiliated businessmen. In Britain three-quarters considered it wrong for British companies to sell arms there and 62 per cent likewise disapproved of David Cameron's implicit promotion of arms sales on his official visit to the Gulf region that month.

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United Nations

S/RES/1970 (2011)*



Security Council

Distr.: General
26 February 2011

Resolution 1970 (2011)

Adopted by the Security Council at its 6491st meeting, on
26 February 2011

The Security Council,

Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians,

Deploing the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,

Welcoming the condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that are being committed in the Libyan Arab Jamahiriya,

Taking note of the letter to the President of the Security Council from the Permanent Representative of the Libyan Arab Jamahiriya dated 26 February 2011,

Welcoming the Human Rights Council resolution A/HRC/RES/S-15/1 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and where possible identify those responsible,

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Expressing concern at the plight of refugees forced to flee the violence in the Libyan Arab Jamahiriya,

Expressing concern also at the reports of shortages of medical supplies to treat the wounded,

* Second reissue for technical reasons (10 March 2011).



Recalling the Libyan authorities' responsibility to protect its population,

Underlining the need to respect the freedoms of peaceful assembly and of expression, including freedom of the media,

Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians,

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect.

Expressing concern for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya.

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations.

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Demands* an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population;

2. *Urges* the Libyan authorities to:

(a) Act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;

(b) Ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;

(c) Ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and

(d) Immediately lift restrictions on all forms of media;

3. *Requests* all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country;

ICC referral

4. *Decides* to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court;

5. *Decides* that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

6. *Decides* that nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the

Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

7. *Invites* the Prosecutor to address the Security Council within two months of the adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

Arms embargo

9. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established pursuant to paragraph 24 below;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or

(c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

10. *Decides* that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya;

11. *Calls upon* all States, in particular States neighbouring the Libyan Arab Jamahiriya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of this resolution for the purpose of ensuring strict implementation of those provisions;

12. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of this resolution,

seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of this resolution and decides further that all Member States shall cooperate in such efforts;

13. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

14. *Encourages* Member States to take steps to strongly discourage their nationals from travelling to the Libyan Arab Jamahiriya to participate in activities on behalf of the Libyan authorities that could reasonably contribute to the violation of human rights;

Travel ban

15. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in Annex I of this resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region; or

(d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Libyan Arab Jamahiriya and the States subsequently notifies the Committee within forty-eight hours after making such a determination;

Asset freeze

17. *Decides* that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all

Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;

18. *Expresses* its intention to ensure that assets frozen pursuant to paragraph 17 shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

19. *Decides* that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee;

20. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

21. *Decides* that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Designation criteria

22. *Decides* that the measures contained in paragraphs 15 and 17 shall apply to the individuals and entities designated by the Committee, pursuant to paragraph 24 (b) and (c), respectively;

(a) Involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or

(b) Acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a).

23. *Strongly encourages* Member States to submit to the Committee names of individuals who meet the criteria set out in paragraph 22 above;

New Sanctions Committee

24. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

(a) To monitor implementation of the measures imposed in paragraphs 9, 10, 15, and 17;

(b) To designate those individuals subject to the measures imposed by paragraphs 15 and to consider requests for exemptions in accordance with paragraph 16 above;

(c) To designate those individuals subject to the measures imposed by paragraph 17 above and to consider requests for exemptions in accordance with paragraphs 19 and 20 above;

(d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(e) To report within thirty days to the Security Council on its work for the first report and thereafter to report as deemed necessary by the Committee;

(f) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;

(h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

25. *Calls upon* all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above;

Humanitarian assistance

26. *Calls upon* all Member States, working together and acting in cooperation with the Secretary General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya, and requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to this paragraph, and expresses its readiness to consider taking additional appropriate measures, as necessary, to achieve this:

Commitment to review

27. *Affirms* that it shall keep the Libyan authorities' actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of the Libyan authorities' compliance with relevant provisions of this resolution;

28. *Decides* to remain actively seized of the matter.

Annex I

Travel ban

1. Al-Baghdadi, Dr Abdulqader Mohammed
Passport number: B010574. Date of birth: 01/07/1950.
Head of the Liaison Office of the Revolutionary Committees. Revolutionary Committees involved in violence against demonstrators.
2. Dibri, Abdulqader Yusef
Date of birth: 1946. Place of birth: Houn, Libya.
Head of Muammar Qadhafi's personal security. Responsibility for regime security. History of directing violence against dissidents.
3. Dorda, Abu Zayd Umar
Director, External Security Organisation. Regime loyalist. Head of external intelligence agency.
4. Jabir, Major General Abu Bakr Yunis
Date of birth: 1952. Place of birth: Jalo, Libya.
Defence Minister. Overall responsibility for actions of armed forces.
5. Matuq, Matuq Mohammed
Date of birth: 1956. Place of birth: Khoms.
Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and violence.
6. Qadhaf Al-dam, Sayyid Mohammed
Date of birth: 1948. Place of birth: Sirte, Libya.
Cousin of Muammar Qadhafi. In the 1980s, Sayyid was involved in the dissident assassination campaign and allegedly responsible for several deaths in Europe. He is also thought to have been involved in arms procurement.
7. Qadhafi, Aisha Muammar
Date of birth: 1978. Place of birth: Tripoli, Libya.
Daughter of Muammar Qadhafi. Closeness of association with regime.
8. Qadhafi, Hannibal Muammar
Passport number: B/002210. Date of birth: 20/09/1975. Place of birth: Tripoli, Libya. Son of Muammar Qadhafi. Closeness of association with regime.
9. Qadhafi, Khamis Muammar
Date of birth: 1978. Place of birth: Tripoli, Libya.
Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.

10. Qadhafi, Mohammed Muammar
Date of birth: 1970. Place of birth: Tripoli, Libya.
Son of Muammar Qadhafi. Closeness of association with regime.
11. Qadhafi, Muammar Mohammed Abu Minyar
Date of birth: 1942. Place of birth: Sirte, Libya.
Leader of the Revolution, Supreme Commander of Armed Forces.
Responsibility for ordering repression of demonstrations, human rights abuses.
12. Qadhafi, Mutassim
Date of birth: 1976. Place of birth: Tripoli, Libya.
National Security Adviser. Son of Muammar Qadhafi. Closeness of association with regime.
13. Qadhafi, Saadi
Passport number: 014797. Date of birth: 25/05/1973. Place of birth: Tripoli, Libya.
Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.
14. Qadhafi, Saif al-Arab
Date of birth: 1982. Place of birth: Tripoli, Libya.
Son of Muammar Qadhafi. Closeness of association with regime.
15. Qadhafi, Saif al-Islam
Passport number: B014995. Date of birth: 25/06/1972. Place of birth: Tripoli, Libya.
Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.
16. Al-Senussi, Colonel Abdullah
Date of birth: 1949. Place of birth: Sudan.
Director Military Intelligence. Military Intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in-law of Muammar Qadhafi.

Annex II

Asset freeze

1. Qadhafi, Aisha Muammar
Date of birth: 1978. Place of birth: Tripoli, Libya.
Daughter of Muammar Qadhafi. Closeness of association with regime.
 2. Qadhafi, Hannibal Muammar
Passport number: B/002210. Date of birth: 20/09/1975. Place of birth: Tripoli, Libya. Son of Muammar Qadhafi. Closeness of association with regime.
 3. Qadhafi, Khamis Muammar
Date of birth: 1978. Place of birth: Tripoli, Libya.
Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.
 4. Qadhafi, Muammar Mohammed Abu Minyar
Date of birth: 1942. Place of birth: Sirte, Libya.
Leader of the Revolution, Supreme Commander of Armed Forces.
Responsibility for ordering repression of demonstrations, human rights abuses.
 5. Qadhafi, Mutassim
Date of birth: 1976. Place of birth: Tripoli, Libya.
National Security Adviser. Son of Muammar Qadhafi. Closeness of association with regime.
 6. Qadhafi, Saif al-Islam
Passport number: B014995. Date of birth: 25/06/1972. Place of birth: Tripoli, Libya.
Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.
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United Nations

S/RES/1973 (2011)

**Security Council**Distr.: General
17 March 2011

Resolution 1973 (2011)**Adopted by the Security Council at its 6498th meeting, on
17 March 2011***The Security Council,**Recalling* its resolution 1970 (2011) of 26 February 2011,*Deploing* the failure of the Libyan authorities to comply with resolution 1970 (2011),*Expressing* grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,*Reiterating* the responsibility of the Libyan authorities to protect the Libyan population and *reaffirming* that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,*Condemning* the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,*Further condemning* acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and *urging* these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),*Considering* that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,*Recalling* paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,*Expressing its determination* to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,*Recalling* the condemnation by the League of Arab States, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in the Libyan Arab Jamahiriya,

Taking note of the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, and the communiqué of the Peace and Security Council of the African Union of 10 March 2011 which established an ad hoc High Level Committee on Libya,

Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in the Libyan Arab Jamahiriya,

Taking note further of the Secretary-General's call on 16 March 2011 for an immediate cease-fire,

Recalling its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and *stressing* that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

Reiterating its concern at the plight of refugees and foreign workers forced to flee the violence in the Libyan Arab Jamahiriya, *welcoming* the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and *calling on* the international community to support those efforts,

Deploing the continuing use of mercenaries by the Libyan authorities,

Considering that the establishment of a ban on all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

Expressing concern also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Welcoming the appointment by the Secretary General of his Special Envoy to Libya, Mr. Abdel-Elah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;

2. *Stresses* the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and *notes* the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution;

3. *Demands* that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;

Protection of civilians

4. *Authorizes* Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and *requests* the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council;

5. *Recognizes* the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and bearing in mind Chapter VIII of the Charter of the United Nations, *requests* the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

No Fly Zone

6. *Decides* to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

7. *Decides further* that the ban imposed by paragraph 6 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorised by paragraphs 4 or 8, nor other flights which are deemed necessary by States acting under the authorisation conferred in paragraph 8 to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8;

8. *Authorizes* Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and *requests* the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above,

9. *Calls upon* all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above;

10. *Requests* the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement

paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

11. *Decides* that the Member States concerned shall inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations;

12. *Requests* the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information on any violations of the flight ban imposed by paragraph 6 above;

Enforcement of the arms embargo

13. *Decides that* paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph : “Calls upon all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections and authorises Member States to use all measures commensurate to the specific circumstances to carry out such inspections”;

14. *Requests* Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and the Secretary-General and *further requests* the States concerned to inform the Secretary-General and the Committee established pursuant to paragraph 24 of resolution 1970 (2011) (“the Committee”) immediately of measures taken in the exercise of the authority conferred by paragraph 13 above;

15. *Requires* any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

16. *Deplores* the continuing flows of mercenaries into the Libyan Arab Jamahiriya and *calls upon* all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights

17. *Decides* that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

18. *Decides that* all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

Asset freeze

19. *Decides* that the asset freeze imposed by paragraph 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;

20. *Affirms* its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

21. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

Designations

22. *Decides* that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and *decides further* that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011);

23. *Decides* that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970

(2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;

Panel of Experts

24. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts (“Panel of Experts”), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 90 days after the Panel’s appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

25. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

26. *Decides* that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

27. *Decides* that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 1970 (2011), this resolution and related resolutions;

28. *Reaffirms* its intention to keep the actions of the Libyan authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970 (2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with this resolution and resolution 1970 (2011).

29. *Decides* to remain actively seized of the matter.

Libya: UNSCR proposed designations

<i>Number</i>	<i>Name</i>	<i>Justification</i>	<i>Identifiers</i>
Annex I: Travel Ban			
1	QUREN SALIH QUREN AL QADHAFI	Libyan Ambassador to Chad. Has left Chad for Sabha. Involved directly in recruiting and coordinating mercenaries for the regime.	
2	Colonel AMID HUSAIN AL KUNI	Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.	

<i>Number</i>	<i>Name</i>	<i>Justification</i>	<i>Identifiers</i>
Annex II: Asset Freeze			
1	Dorda, Abu Zayd Umar	Position: Director, External Security Organisation	
2	Jabir, Major General Abu Bakr Yunis	Position: Defence Minister	Title: Major General DOB: --/--/1952. POB: Jalo, Libya
3	Matuq, Matuq Mohammed	Position: Secretary for Utilities	DOB: --/--/1956. POB: Khoms
4	Qadhafi, Mohammed Muammar	Son of Muammar Qadhafi. Closeness of association with regime	DOB: --/--/1970. POB: Tripoli, Libya
5	Qadhafi, Saadi	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	DOB: 25/05/1973. POB: Tripoli, Libya
6	Qadhafi, Saif al-Arab	Son of Muammar Qadhafi. Closeness of association with regime	DOB: --/--/1982. POB: Tripoli, Libya
7	Al-Senussi, Colonel Abdullah	Position: Director Military Intelligence	Title: Colonel DOB: --/--/1949. POB: Sudan

Entities

1	Central Bank of Libya	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.
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<i>Number</i>	<i>Name</i>	<i>Justification</i>	<i>Identifiers</i>
2	Libyan Investment Authority	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	a.k.a: Libyan Arab Foreign Investment Company (LAFICO) Address: 1 Fateh Tower Office, No 99 22nd Floor, Borgaida Street, Tripoli, Libya, 1103
3	Libyan Foreign Bank	Under control of Muammar Qadhafi and his family and a potential source of funding for his regime.	
4	Libyan Africa Investment Portfolio	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	Address: Jamahiriya Street, LAP Building, PO Box 91330, Tripoli, Libya
5	Libyan National Oil Corporation	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	Address: Bashir Saadwi Street, Tripoli, Tarabulus, Libya
