

INTERVENTION IN LIBYA AND THE "ARAB SPRING": POSSIBLE INTERPRETATIONS

INTERVENÇÃO NA LÍBIA E "PRIMAVERA ÁRABE": INTERPRETAÇÕES POSSÍVEIS

LA INTERVENCIÓN EN LIBIA Y LA "PRIMAVERA ÁRABE": INTERPRETACIONES POSIBLES

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ABSTRACT

This paper analyses the first military operation authorized by the United Nations Security Council on the ground of the principle of the Responsibility to Protect through the Resolution 1973 of 2011 in order to prevent the escalation of the Libyan civil war. This investigation consists of a case study of the Libyan conflict, within the perspective of its long duration, acknowledging the connections between the country's Ottoman history, the Italian domain, its ethnical configuration, independence, the discovery of oil within its borders, the rise of Muamar Kadafi as a political figure, and the international intervention which led to the fall of the regime. To do so, the methods applied were the analysis of the documents approaching the situation, specially the Resolutions 1970 and 1973 issued by the United Nations Security Council, and analysis of the historiography of the region. By the exam of this situation, it was possible to conclude that the mandate, aimed at the Protection of Civilians, was by far more effective in defending strategical interests that led to the regime change.

Keywords: Arab Spring. United Nations Security Council. Libya. Responsibility to Protect.

RESUMO

Este artigo propõe a análise da primeira operação militar autorizada pelo Conselho de Segurança das Nações Unidas (CSNU) com base na Responsabilidade de Proteger (R2P) através da Resolução 1973 de 2011 para a contenção da guerra civil na Líbia. A investigação foi feita a partir de um estudo de caso do conflito na Líbia, inserido na perspectiva da longa duração, estabelecendo conexões entre seu passado otomano, o domínio italiano, sua configuração étnica, independência, a descoberta do petróleo em seu território, a ascensão de Muamar Kadafi e os eventos que levaram à intervenção internacional e a queda do regime estabelecido. Para tanto, as opções metodológicas selecionadas foram a análise de documentos sobre o caso, principalmente as Resoluções 1970 e 1973 emitidas pelo Conselho de Segurança das Nações Unidas, e revisão da historiografia da região. O exame da situação permitiu concluir que o mandato, com o propósito de efetuar Proteção de Civis, foi mais eficaz em defender interesses estratégicos que levaram à mudança do regime de Muamar Kadafi.

Palavras-chave: Primavera Árabe. Conselho de Segurança das Nações Unidas. Líbia. Responsabilidade de Proteger.

RESUMEN

En ese artículo se propone el análisis de la primera operación militar autorizada por el Consejo de Seguridad de las Naciones Unidas (CSNU) sobre la base de la Responsabilidad de Proteger (R2P) por la Resolución 1973 del 2011 para contener la guerra civil en Libia. La investigación se realizó a partir de un estudio de caso sobre el conflicto en Libia, en perspectiva de largo plazo, estableciendo conexiones entre su pasado otomano, la dominación italiana, su configuración étnica, la independencia, el descubrimiento de petróleo en su territorio, la ascensión de Muamar Kadafi y los acontecimientos que llevaron a la intervención internacional y la caída del régimen establecido. Con este fin, las opciones metodológicas seleccionadas fueron el análisis de documentos sobre el caso, en especial las Resoluciones 1970 y 1973 emitidas por el Consejo de Seguridad de las Naciones Unidas, y revisar la historiografía de la región. El examen de la situación llegó a la conclusión de que el mandato para el propósito de hacer Protección Civil, fue más eficaz en la defensa de intereses estratégicos que llevaron al cambio de régimen de Muamar Kadafi.

Palabras clave: Primavera Árabe. Consejo de Seguridad de la ONU. Libia. Responsabilidad de Proteger.

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I INTRODUCTION

In the last three decades, the means of production of organized violence have been changing and, with them, the means to contain its growth and spread (KALDOR, 1999, p. 69-89). The traditional and eminently military character and the limited range of action of troops on the ground were the hallmarks of the United Nations action in the course of the recurring humanitarian crises in the nineties (SANTOS; RUSSO, 2007, p. 322). Prevented from taking effective action because of the successive vetoes by the United States of America (USA) and of the Union of Soviet Socialist Republics (USSR) in the Cold War period, the United Nations Security Council (UNSC), was still unable to effectively fulfill its mission of preserving international peace and security (MAZOWER, 2010, p. 8).

It is in this context that a reformulation of United Nations collective security procedures is sought. The founding principle of the UN, that is, respect to the sovereignty of the States, conflicted with the need to act to deter the recurrent violations of human rights seen at that time. At least, not as it was then interpreted. The intent of assigning a new meaning to the term is evidenced in the words of the UN Secretary General Kofi Annan, from 1997 to 2006, when he wrote the paper "Two Concepts of Sovereignty" for the magazine *The Economist*, in 1999, during the Annual Session of the UN General Assembly.

It was proposed that sovereignty, then a monopoly of the States in charge of protecting the international system, was to be shared with their citizens. Hence, in case state institutions failed to safeguard them, they would lose their purpose (ANNAN, 1999, p. 49), being then subject to the commitment of the international community to resort to military intervention inside state internal jurisdiction (BELLAMY, 2010, p. 143). This argument provided grounds to the so called norm of Responsibility to Protect adopted by UN General Assembly under resolution 60/ 2005 (UNITED NATIONS, 2005). The current status of the debate about international community response to massive violation of human rights points to the use of military intervention as last resort, when all other means have failed (LUCK, 2008, p. 1).

The norm of the Responsibility to Protect is grounded on three pillars. The first of them is the responsibility of a sovereign State to defend its own population; the second, the responsibility of the international community to support it in doing so and the third, is the responsibility of the international community to intervene when a State that should protect its population lacks the required conditions to do so or is unwilling to do it (UNITED NATIONS, 2005). Likewise the Protection of Civilians, (POC), another principle that currently governs international action in face of human rights violations, is associated to the ensuring citizens the exercise

individual rights and preventing breaches of international humanitarian law by the responsible authorities, thus ensuring human safety (INTERNATIONAL COMMITTEE OF THE RED CROSS, 2008, p. 9-10; GIFFEN, 2010, p.14).

After Resolution 60/05 was adopted by the General Assembly, thereby accepting the principle of the Responsibility to Protect, the UNSC made its voice heard on the subject four times before 2011. In 2006, Resolution 1653/06, issued in relation to the United Nations Stabilization Mission in the Democratic Republic of Congo (MONUSCO), deployed in that country since 2001 to contain the civil war that raged since 1996 following the genocide in Rwanda, just recognized the responsibility a sovereign state has to protect its population (UNITED NATIONS, 2006a)³. Resolutions 1674/06 and 1894/09 made no direct reference to the principle, but reaffirmed commitment to the protection of civilians in armed conflicts, and Resolution 1706/06 – about the situation in Sudan and Darfur, mentioned paragraphs 138 to 139 of the SOD 2005 on the Responsibility to Protect (UNITED NATIONS, 2006b; 2009; 2006c)⁴.

The first time, however, a military operation was authorized by the UNSC on grounds of the Responsibility to Protect was during the so called Arab Spring, in 2011, to contain the escalate of violence in Libya's civil conflict. Resolution 1973/11 established a specific civilian protection mandate, to this end authorizing "all necessary measures", with the exception of the deployment of troops on the ground and occupation of any part of the territory of the country, to be carried out by the Member States that had sent notice to the UN Secretary General, either nationally or through regional organizations.

The motives that lead a country or international organization to deploy its troops and employ its military

3 S/RES/1653/06: "10. Underscores that the governments in the region have a primary responsibility to protect their populations, including from attacks by militias and armed groups and stresses the importance of ensuring the full, safe and unhindered access of humanitarian workers to people in need in accordance with international Law".

4 S/RES/1674: "Reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

S/RES/1894: "Reaffirming the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". S/RES/1706: "Recalling also its previous resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, 1612 (2005) on children and armed conflict, and 1674 (2006) on the protection of civilians in armed conflict, which reaffirms inter alia the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document, as well as the report of its Mission to the Sudan and Chad from 4 to 10 June 2006".

assets to protect the population of another State is the subject of vivid debate in the literature (WHEELER, 2001; WELSH, 2006; FINNEMORE, 2004). Notwithstanding, a consensus about the political issues involved in making this type of decision is far from being reached. This paper proposes a possible interpretation of the events that triggered the international military operation in Libya, nicknamed *Odyssey Dawn*, under the military command of the USA, that was renamed *Unified Protector* when mission command was transferred to the North Atlantic Treaty Organization (NATO).

The question this paper intends to answer is up to what point strategic decision making on the air raid against Libya was based on the protection of civilians provided for in the mandate granted by the UN and the actual needs of the population at risk. The key objective of this study is to assess the importance of the long term aspect and the insertion in the international scenario of a country that will host a military intervention, before actually engaging in it. To this end, the starting point was the hypothesis that the lenses through which the UNSC looked at the East, on which the measures to contain the civil conflict in Libya were based, led the event to be interpreted as part of the phenomenon of the so called Arab Spring, but prevented observation of the specificities on which civilian needs are based, and whose protections it the core objective of the norm.

The methods applied for this study consisted of the analysis of documents related to the specific case, most of all Resolutions 1970 and 1973 adopted by the United Nations Security Council, and a revision of the historiography of the region. The study was broken down into four sections. The first one proposes the interpretation of the phenomenon of the Arab Spring as an historical category and empirical experience, drawing a general overview of the uprisings in the Middle East by approaching their timelines and their specificities. The second section takes a long term approach to the history of Libya, seeking to establish connections between the layers of history left by its past and the more recent events. The third section discusses Libya's insertion into the world, the impacts of its foreign policy on the domestic scenario and its implications for the international response to the civil conflict there. Last, the fourth section will approach the strategic decision making process on the international military intervention and aspects of its implementation, which contradict the mandate of the resolution that authorized it.

2 "ARAB SPRING"/ "ARAB SPRINGS"

The scenario of instability existing in the Middle East as of 2010 took both the political scenario and the academia by surprise. At that time the eyes of the analysts were mostly turned to the peculiar "authoritarian stability" of the Arab World, generally attributed to militarization and to State control of the economy (GAUSE, 2011, p.

82-87). Up to that year, among all the participants of the subsequent uprisings only Yemen appeared in 15th place in the Index of Failed States classifying the countries with a high risk of failure. Egypt ranked 49, while Libya and Tunisia were, respectively, in the 111th and 117th positions⁵ (FRAGILE..., 2011).

Despite unexpected, turmoil in the "Arab Street", was by no means unforeseeable. Already in 2009, Egyptian political scientist Bahgat Korany (2009, p. 61-63) expressed his consternation with the threat to political, economic and social institutions that had settled in the region as a reflex of the years of Cold War. Even before, in 2002, the United Nations Development Programme (UNDP) had launched the first report of the series "Arab Human Development Report" (AHDR). The analysis produced by Middle East scholars pointed to the deficit of qualification and opportunities reflected on the low annual growth rate — at that time 0.5% per year —, and to maintain it Arab citizens would need a period fourteen times longer to double their fixed income when compared to the standard of other regions of the world. Besides the economic problem, the report also called attention to three other acute issues demanding specific attention: freedom, empowerment of women and knowledge development (UNITED NATIONS DEVELOPMENT PROGRAMME, 2002).

The initial drive of the uprisings as catalysts of the underlying discontent throughout most of the Middle East, was the act of insurrection by Tunisian citizen Muhamad Bouazizi, who finding himself unable to renew the license of his fruit vending stall, and because of the humiliation inflicted on him, set himself on fire. It is unlikely the young man could have imagined the events his actions would unleash. Between December 2010 and January 2011, Tunisians and Egyptians took over their capital cities demanding the end of hunger and inequality (PRASHAD, 2012, p. 9-14).

Thunderstruck and enthusiastic the world watched the uprisings reaching Libya, Syria, Yemen, Bahrain, and even Morocco and Jordan. The spread of the revolutionary wave was said to be the precarious living conditions prevailing in the region, Western support to the autocratic "hereditary republics", the technological support provided by new media and a Pan-Arabism transnational identity (BRANCOLI, 2013, p. 22-44). Despite the apparent homogeneity of the phenomenon, it was not just by chance that the revolutionary wave was to start in Tunisia and not in Egypt.

With no oil in their territory (PRASHAD, 2012, p. 11) and relying on a relatively well structured teaching system, the young population of both of these States saw their professional and political aspirations limited by the lack of opportunities and corrupt inefficient governments.

⁵ Currently called *Fragile State Index*, published annually by the *Us Think Tank Fund* jointly with the academic journal *Foreign Affairs*, based on international reports and scientific papers.

The claims for social justice found expression there as a result of a rising middle class, healthy institutions, - albeit poorly managed - of the Tunisian State and the urban and cosmopolitan youths of Egypt (FUKUYAMA, 2012, p. 56; ANDERSON, L., 2011, p. 2-4).

The uprisings, interpreted as "the end of subordination in the Arab world", brought with them a feeling of "innovation" (ROGAN, 2012)⁶. The search for structural changes, on the other hand, was already seen in other historical moments of the region. In 1919, uprisings generated by anti-colonial issues and claims for stronger political institutions happened in Tunisia, Egypt and Libya (ANDERSON 2009,p.2)

The Iranian Revolution in 1979 that led to the fall of Shah Reza Pahlavi and the consolidation of a Shiite majority Islamic State with the rise of Ayatollah Khomeini to power, is a milestone in the relations between the West and the Middle East, as people started to believe that Islamism and democracy were incompatible (PRASHAD, 2012, p. 60- 62, 80; BUNTON, 2009, p. 423).

The fallout from this past continues to exist to this date. After seeing Iran, the largest status quo power in the region, appearing as the main challenger of their imperialist interests, Europe and the United States formed a peculiar alliance with the Saudi monarchy. This Sunni majority state with roots grounded on Wahabbism — an Islam current that preaches purification of religion from modern practices and return to Koran practices serves as breeding ground for the radical beliefs of jihadist groups (MIGAUX, 2007, p. 270-272) —, nurtured severe ideological differences with Iran. Support to the fight against the Iranian threat has been defining Western world stand towards the actions of the Saudi government (PRASHAD, 2012, p. 61).

Just like the Shiite minority in Saudi Arabia along the years that followed the Iranian revolution, did not receive European or American support to its claims for the advancement of democratic agendas in the kingdom (PRASHAD, 2012, p. 62), the violent response to the demands for civil rights from the majority Shiite population in Bahrain deserved limited attention from the West (BRANCOLI, 2013, p. 72). The insurrections that sought to overthrow the Sunni regime of the Al- Khalifa family triggered the massacre at the capital Manama's Pear Square, on In February 17, 2011⁷. Protesters were overrun with support from troops of the Peninsula

Shield Force⁸, the United Arab Emirates and Saudi Arabia requested by the government to the Gulf Cooperation Council. The Saudi monarchy kept its hegemonic position in the region once repression broke down the opposition that was just taking shape.

It is based on the historical particularities grasped in the course of a deeper study of the phenomenon called the "Arab Spring" in each region that it can be said that the scenario resulting from the insurrections has more undertones than can be perceived at first glance. The importance of perceiving the "pure structures" that constitute it as an historical category - its elements of permanence that allow seeing it a one single movement — and distinguishing them from the "impure variants", that make each uprising distinct and characteristic (ANDERSON, P., 1995, p. 8-9) lies precisely in the possibility of drawing a profile of the phenomenon.

The interest here is to understand the prevailing scenario that enabled the military intervention in Libya. But, it is precisely in the difference, interpretation of the revolution as a result of the historical specificities of the people and of the State experiencing it (ANDERSON, P., 1995) and in analysis of its historicity as a process of construction, change and movement, that determine human actions themselves (MARX, 1972, p. 103-104) that supports the argument advanced here: the resolutions of the UNSC on the conflicts in Libya in 2011 and the international military intervention that was carried out do not reflect just the evolution of the norm of the use of force with humanitarian purposes, but the relations established between that country and the West.

Not considering the theme in a normative way — there is no "correct model" or "adequate answer" to the Arab Spring — makes mandatory the search for an analytical perspective capable of conciliating the determinations of the UNSC and of the Arab World in the realm of the actions of individuals, the choices made within their possibilities of action (THOMPSON, 1981, p. 398-406). Looking at the long run is the first step critical to the observation of standards and trends, to infer causal relations and to investigate the significance of the agents (ARMITAGE; GULDI, 2014, p. 14-15, 21). But, beyond that it is necessary to look at the concrete events of recent history (HOBSBAWM, 1998, p. 91-92) through a short and medium term analysis. This is required because the structural character of the relations between Libya and the West is manifested in the scenario of the "Arab Spring" and in events such as the approval of Resolution 1973 and the operation United Protector (BRAUDEL, 2011, p. 95, 90-91).

⁶ Interview by Eugene Rogan to Jan Kuhlmann. ROGAN, E. *The subordination of the Arab world may be ending*. Interviewer: Jan Kuhlmann. *Quantara*.de, [S.l.], 2012. Available at <<http://en.quantara.de/content/eugene-rogan-on-arab-history-and-the-arab-spring-the-subordination-of-the-arab-world-may-be>>. Accessed on: Oct. 12 2014.

⁷ On the subject, *BAHRAIN: the stories that aren't being covered*. Al-Jazeera, [S.l.], May 6 2012.; *BAHRAIN protests: police break up pearl square crowd*. BBC News, [S.l.], 17 Feb. 2012.

⁸ *The Force of the Peninsula Shield, or Peninsula Shield, is the military component of the Gulf Cooperation Council (GCC), formed by Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and Arab Emirates. The GCC is a regional common market, with joint defense planning, established, according to its Member States, in view of their special relations, their Islamic political process, their common fate and objectives*. Available at :<<http://www.gcc-sg.org/eng/>>. accessed on November 21 2014.

3 LIBYA IN THE LONG RUN

Assuming the need for tools to interpret the past in order to understand present time events (BLOCH, 2002, p. 66), Libya will now be analyzed during its Ottoman period, the Italian colonization, the territory split between the French and British rule after the Second World War, its political and economic independence, ethnic configuration, Gaddafi rise and consolidation in power. This historical approach seeks to enable an improved understanding of the roots of the conflict, and Benghazi's discontent and support from Tripoli to the regime and the difference between the results of the Tunisian uprisings and the Egyptian ones that inspired the arrival of the "Arab Spring" to the State, besides enabling to grasp the structuring traits of its relations with the European powers.

The European naval powers saw their colonial plans for the South of the Mediterranean frustrated when the regions of Cyrenaica and Tripolitania were added to the Ottoman empire in 1517 and 1551, respectively, as the Empire advanced across the North of Africa, in the 16th century. Control over the region by the capital Constantinople was, however, somewhat loose and exercised from afar. To be accepted it sufficed for local leaderships to acknowledge their subordination, tax levy and to send soldiers when requested to do so (VANDERWALLE, 2012, p. 16).

As a result of this situation of "loose" control, in 1711, Ahmed Bey Qaramanli established his dynasty in the "Barbary Coast", which ruled until 1835. It was during this period that the three provinces of Libya were unified for the first time, incorporated to the Ottoman Empire⁹. At that time Constantinople was starting to question the relative autonomy of its African holdings, as they began to see the tensions generated by Qaramanli's independent foreign policy for Europe and by insurgencies arising out of the alarming tax collection increase (VANDERWALLE, 2012, p. 17).

It was in the 19th century, however, that the attention of the European powers turned more clearly to the North of Africa, and with it the rule of the dynasty came to an end. The growing importance of the region was evidenced by the French occupation of Algeria since 1830 and Tunisia since 1881. The non official but de facto British rule over Egypt, in 1882, had been preceded, in 1869, by the opening of the Suez Canal connecting the Mediterranean to the Red Sea. It was in this context of growing Western interest in the region that, in 1835, the Ottoman Empire occupied the provinces of Tripolitania and Fezzan (ANDERSON, L. 1986, p. 68).

This period was marked by attrition between the Ottoman government and the European powers around the demarcation of the borders of their African domains. The firm Ottoman determination to keep the stability of its domains in the region was gradually fading as the frequent disputes became more serious and required the use of military power. It was just a matter of time for a new power to rise (ANDERSON, L. 1986, p. 68).

By mid 19th century, nomad tribes of Arab ethnicity, mostly concentrated in the region of Cyrenaica, got organized around a single cultural identity, establishing the Sanusiya Doctrine. The group established a government structure, which based on tax levying provided services to the local population, taking up the State role. Led by Muhammad Al-Mahadi, the movement advanced across the territory and, despite having found few adepts in the Tripolitania region, the provinces of Cyrenaica and Fezzan, located, respectively, on the East coast and the interior region of the territory were taken by the Sanussi Muslims without much resistance from Constantinople, whose main concerns at the time were its own internal agendas (VANDERWALLE, 2012, p. 18-19).

At the dawn of the 20th century and as the Ottoman Empire weakened, a new period of foreign rule was established. In the first half of the century, between 1911 and 1943, the three provinces that form the Libyan territory were governed by Italy. The occupation became formal early in 1912 under the treaty of Ouchy, signed by the declining empire and the European metropolis, after the so called Tripolitanian War (1911- 1912). The foreign occupation, however, was not peacefully received by the Sanussi, who resisted the full exercise of colonial authority over Libya (PACK, 2012, p. 8).

The implications of the Italian colonization to the development of Libya as a State are relevant to an improved understanding of the conflict that flared up in 2011. The weakening of the Sanussi dynasty resulted in the loss of the consistency the movement had achieved in the previous century. Living conditions in Libya were not one of the key concerns of the parent country. The old local leaders were exiled and the European traits of the few that gradually returned to Tripolitania and Cyrenaica were so strong that they had lost all connections with the local culture (ANDERSON, L., 1986, p. 70). Lacking its own administration and effective representatives capable of seeking to fulfill local interests, the construction of the Libyan nation lacked the necessary means to come true. Seeing the future chances of the establishment of a central government and participation in the government going farther and farther out of their reach, tribal powers were consolidated and the fight for equality and inclusion remains as the hallmark of that people (VANDERWALLE, 2012, p. 32-34).

The end of Italian occupation in 1943 that

⁹ With the end of the WWII, the three regions of Libya came apart again. Cyrenaica and Tripolitania were subject to the British Military Administration and the Fezzan region became a French domain. The Qaramanli period, however, was the first time the three provinces were unified (VANDE- RWALLE, 2012, p. 34, 21).

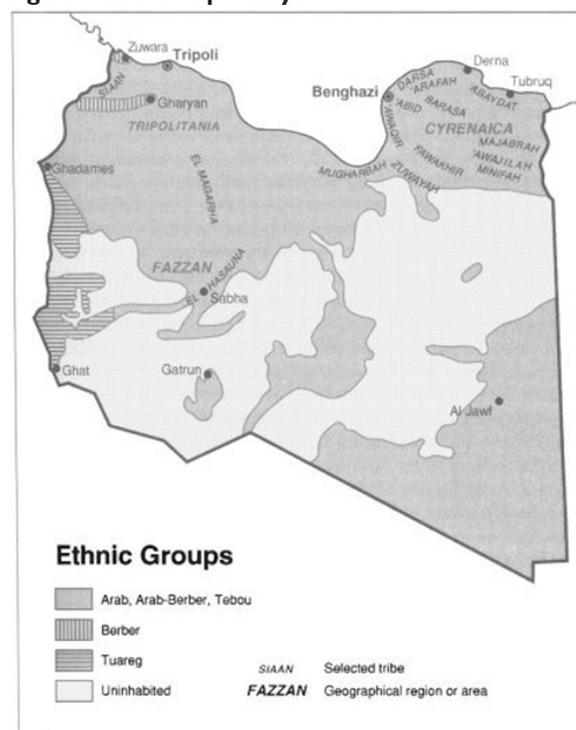
resulted from the Italian campaign in WWII, failed to lead the region to autonomy. Ousting of the Axis troops from the North of Africa put an end to the Italian colonial experience. After the victory of the allied troops by the end of WWII, the region, part of the occupied territories, recognized as enemies and handed over to the tutelage of the UN, was divided once again and remained under strong military rule. Cyrenaica and Tripolitania were placed under British Military Management, while a French mandate was acknowledged in Fezzan.

During the Cold War period, the region was the target of disputes driven by geopolitical interests. As a result of a decision made by the British Military Administration of concentrating its domain in Cyrenaica, which, different from Tripolitania, held a critical position for its regional interests, the USSR proposed to bring its ships to port at the relegated province (VANDERWALLE, 2012, p. 38-39). The USA, the leading opponent of the advancement of the socialist agenda in the world, decided to cooperate with its former parent state to prevent the departure of the Soviet fleet to Mediterranean sea waters. In alliance USA President Harry Truman and Ernest Bevin, the Secretary of Foreign Affairs of the United Kingdom recognized the significance of the Libyan air space for defense during the Cold War by the turning of the forties (PACK, 2011).

In 1951, the history of the region was again branded by its relations with the West. Without concern with the political or ideological unity of region inhabitants, the UN tutelage was ended to uphold the British and USA interests in the scenario of the Cold War. To impart an appearance of legitimacy to the difference of treatment given to the parties interested in establishing military bases in the country, which would be unfeasible in case the territory was still managed by the UN, for the first time Libya saw its independence. (VANDERWALLE, 2012, p. 40).

The federative model adopted by the Sanussi monarchy that governed the United Kingdom of Libya from 1951 to 1969, left its major powers to the provinces. The legitimacy of its reign, even if recognized by the Arab majority of the population, was challenged by the Berbers — indigenous peoples from the North of Africa — and the Toubous — an ethnic minority concentrated in the South of the country — and the tensions that brewed long before its independence are felt to this day. The report issued by the committee of the Society for Threatened Peoples (COUNCIL..., 2007) on the ethnical minorities in the Libyan Arab Jamahiriya points to discrimination issues related to both ethnic groups, including the forced eviction of Berbers from their homes and refusal of citizenship to the Toubous in 2007, already under Gaddafi's rule. However, since the Italian rule, relations between Arabs and other ethnicities were stressed (VANDERWALLE, 2012, p. 30).

Figure 1: Ethnic Map of Libya



Source: Vanderwalle (2012, p. 25).

Even if politically independent, to support its economy, the State continued to depend on payment by the USA and the United Kingdom for privileged access to its air base. Besides the challenges faced for resources management, the recently established government also had to deal with serious demographic issues, lack of infrastructure, practically nonexistent trade relations, 40% child mortality and 94% illiteracy rates (VANDERWALLE, 2012, p. 41-44).

It was just in 1959, with the discovery of oil in its territory economic independence was achieved. The new source of revenue led to substantial political, social and economic changes. Oil exports increased along the sixties and per capita income was multiplied by a factor of sixty to reach 1,500 dollars per year. The newly found wealth, however, did not result in region political stability. It could be expected that the new capital flows would attract different agents, and many of them reached administrative offices in the government. The successive cases of corruption in which they were involved, in parallel to the special treatment granted to the province of Cyrenaica, undermined the loyalty to the monarchy. In September of 1969, amidst a scenario of growing discontent with the investment of the new resources, which even if abundant, did not improve the lives of the majority of the population, the Free Officers Movement was organized to overthrow the monarchy by a military coup (ANDERSON, L, 1986, P. 68).

The fall of the Sanussi monarchy was rather related to the ineptitude of the political leaders than to popular support to the officers. However, “coup” was not the meaning movement leader intended to impart to the downfall of the regime. Colonel Muammar Gaddafi liked the term *thawra*, revolution itself, to describe those events, a term he used since the first day he became the leader. As of 1973, on the wake of the oil crisis, tribal elites and the former allies of the monarchy were pushed away from political management, and the administrative authority of the States was distributed among local youths as power was gradually concentrated on Gaddafi (VANDERWALLE, 2012, p. 93).

However, the new leader had different plans for its *Jamahiriya* - which is how he started to refer to the Libyan republic. In order to appease the discontent generated by the previous administration, he ordered the withdrawal of British and American troops from his territories. Committed to a policy diametrically opposed to that of the Sanussi monarchy, Gaddafi preached a nationalist agenda that included income distribution among the regions, establishment of an Arab identity and closer relations with Islam (ANDERSON, L. 1986, p. 68-72).

Described in the so called “Green Book” Gaddafi’s government proposal named “Third Universal Theory” was created, in the words of the new leader, as an alternative to Marxism and capitalism. Implemented by “Revolutionary Committees”, the proposal concentrated control of the economy and social policies in the hands of the State. In 1972, the new government abolished the political parties and established “committees of the people”, local councils that convened in the capital Tripoli, with the General People’s *Committee* (GPC) —, generally headed by the Colonel himself, to discuss proposals from the local populations in order to abolish central power (VANDERWALLE, 2012, p. 133).

4 LIBYA IN THE WORLD

Gaddafi’s nationalist policy did not last long, and, as the power of the leader was consolidated, gave way to a transnational ideology. The new direction he gave to State administration distanced him from the allied basis that initially had legitimated his administration. The men of faith, especially the ulamas, the interpreters of the Islamic law, did not approve the break away from religious orthodoxy and the nationalists criticized the economic policy focused on external interests (ANDERSON, L. 1986, p. 68-72). This distancing may have been the biggest mistake made by Gaddafi who had ceased to represent an element of rupture to the segments of Libyan society unhappy with the monarchy regime.

Besides internal animosities, the Libyan head of state engaged in such a hostile foreign policy to the point

of having been called “the mad dog of the Middle East” by USA President Ronald Reagan. The use of the most diverse means of undermining the North American interests in the region went from the use of petrodollars to hinder the progress of agendas to the suspicion of involvement in terrorist attacks to commercial flights. It did not take long for the great powers to respond. Relations between Libya and the USA deteriorated progressively, initially through unilateral sanctions and North American embargoes to imports of crude oil from Libya, reaching its apex in April of 1986, with the American air raid to Tripoli and Benghazi responding to the support given to extremist groups, its foreign policy against the containment of the Israel-Palestine conflict -and the production of weapons of mass destruction (PACK, 2011).

The following decade was marked by increased isolation of Libya from the rest of the world. Answering to his support and involvement in terrorist practices, most of all the attacks to Pan American World Airways, PAN AM, flight 103 over Lockerbie and UTA flight 772 over Chad and Nigeria, the UNSC adopted Resolution 748 and 883, preventing aviation services, even if civil, and any aviation related activity provided to Libyan citizens, as for example, international landing and takeoff of aircrafts whose origin or destinations was Libya, reduced the diplomatic representations in that State, withdrew military support, imposed a weapons embargo and forbid the sale of any equipment destined to oil carrying and refining. Adherence to the measures by the Arab countries is another important milestone for the Gaddafi administration, which from then on abandoned its Pan-Arabism ideal and started to look for regional support in Africa (PACK, 2011).

The sanctions were only suspended upon compliance with the requirement to cooperate with the international investigation of the terrorist attack to the PAN AM flight in Lockerbie. The reestablishment and the expansion of trade relations of the country contributed to enable Libya to overcome the economic problems generated by the penalties (PACK, 2011). The USA, on the other hand, kept its unilateral embargo until Gaddafi undertook to get rid of the weapons of mass destruction in 2001. The erratic behavior of the Libyan leader continued to take the world by surprise. Determined to reintroduce the country into the international scenario, in 2003 Colonel Gaddafi supported the establishment of the AFRICOM, the North American command in Africa, whose purpose was to keep a base from which to fight terrorism in the region, access to the Mediterranean coast and cooperation for energy and primary resources in the competition with other powers for exploration in the region, thus officially becoming an ally in the “War on Terror” (VANDERWALLE, 2012, p. 199-202).

The political instability of the head of the Libyan State, however, still did not allow its foreign relations to return to normal, and Libya was too important to remain isolated from the rest of the world. Its limited

population occupied a large territory. The difficulty found to centralize the government of the provinces and propensity to the outbreak of conflicts in the region hindered the exploration of wells of high quality oil close to Egypt and Europe where the region was located. Access to that energy source was not the only issue raised by its distancing. The increased risk of appearance of terrorist cells and illegal immigration to European countries were also reasons for concern (PACK, 2011). The West then realized the need to reestablish trade relations with Libya (VANDERWALLE, 2012, p. 199-202).

5 THE RESPONSIBILITY TO PROTECT AND THE CONFLICT IN LIBYA

The scenario in Libya in 2010 was not similar to what existed in Egypt and Tunisia. In that year the success of its macroeconomic policy and the progress of its reform projects were praised by the IMF. Its centralized economy prevented the credit crisis in 2007 impact it as much as it had the other countries in the North of Africa and the food product price increase in the region did not affect its indicators. The population, however, did not benefit from state austerity and soon revolution was knocking at Libya's door (PRASHAD, 2012, p. 93).

In February of 2011, driven by the age old search for equality and democratic participation, the Libyans joined the "Arab Street". Tunisia and Egypt pioneered the riots that started in December of 2010. But, 2 years later, the situation in Libya was one of the main concerns of the international community. Aware of the problems affecting the territory of his neighbors, and the cases of corruption reported in the documents of the American embassy in Tunis, disclosed by the wikileaks portal, Gaddafi offered support to the Head of the Tunisian state and challenged the credibility of the source and the accuracy of leaked data. Even after Ben Ali had left his post and the escalation of riots threatened the stability of Tripoli, the Libyan colonel was still fighting to discredit the source of the information — the Internet - claiming that "any useless person" could have planted that information (PRASHAD, 2012, p. 90-92).

His first reaction on becoming aware of the protests in his country, scheduled for February 17, 2011, was to order the preventive arrest of the organizers. With this action, Gaddafi had performed the feat of unifying groups that were rivals since the colonization of the territory, who overcame their differences aiming at a common objective: a change of government. This is how the revolutionary leadership of the insurgency in Libya was formed (WILSON, 2012, p. 5).

Due to the marked violence of the event, the name "Day of Wrath" was given to the riots that, despite government attempts to demobilize the population, took place on February 17, 2011. Government security

forces were sent to contain the growing strength of the opposition in the east coast of the country (WILSON, 2012, p. 6). State answer to the protests reminded the population of the province of Cyrenaica of the events in 2006, when the Libyan police in order to protect the Italian embassy in Benghazi, resorted to the use of force and shot ten participants of a protest against the islamophobic statements by minister Roberto Calderoli, who in Italy was a member of the "North League" anti-immigration party. The death of protesters and the defense of the building of the old parent state to the detriment of the local population gave rise to a movement for civil rights (PRASHAD, 2012, p. 95).

On February 22, at an urgent meeting of the UNSC on the humanitarian crisis that appeared in the Arab *Jamahiriyah*¹⁰, stating to be acting in the name of the population and not of the government, the Libyan representative at the UN asked for an international intervention, initially by blocking the air space, claiming imminent risk of a genocide (MEIKLE; BLACK, 2011). The international response was swift, and on February 26, of that year, nine days after the conflict had started, the UNSC adopted resolution 1970 of 2011 to deter the escalation of violence in Libya, authorizing a weapon embargo, unavailability of assets and restriction to travel by the Gaddafi family, besides sending the case for judgment by the International Criminal Court (ICC)¹¹.

The rebels showed no signs of weakness along the conflict. After Libyan aircraft and ships carrying Libyan troops were apprehended, affirming that the Libyan people would win a possible conflict with Gaddafi's troops, Abdul Hafiz Goha, an attorney and human rights activist, rejected the possibility of international intervention. Thus, the UNSC adopted resolution 1973 of 2011, on March 17, one month after the "Day of Wrath", as a result of the pressure existing since the beginning of that month from the recently established National Transitional Council - NTC¹², with support from the Gulf States and the Atlantic powers (PRASHAD, 2012, p. 97).

¹⁰ SC/10180-*AFR/2120* (UNITED NATIONS, 2011c).

¹¹ S/RES/1970 (UNITED NATIONS, 2011a).

¹² Established on February 27, 2011 by attorneys, young activists and professors, headed by former minister of justice Mustafa Abdul Jalil. Composed of representatives selected in each region, including from those under Gaddafi command, had the purpose of establishing a group with national legitimacy (PACK, 2012, p. 4). The members of the NTC at the time it was established were Othman Suleiman El-Megryahi, from the area of Batna, Ashour Hamed Bourashed, from the city of Darna, Dr. Abdelallah Moussa El-myehoub, from the area of Qouba, Zubair Ahmed El-Sharif, Representing the Political Prisoners, Ahmed Abduraba Al-Abaar, from Benghazi, Dr. Fathi Mohamed Baja, from Benghazi, Abdelhafed Abdelkader Ghoga from Benghazi, Fathi Tirbil and Dr. Salwa Fawzi El-Deghali, Representative of Youth and Women. Information collected from the NTC official webpage, available at < <https://www.temehu.com/ntc.htm>>, accessed on November 22, 2014.

Establishing a specific Civilian Protection mandate in its fourth operative paragraph (OP4), the resolution authorized "the use of all necessary means", except occupation by ground troops of any part of the Libyan territory¹³, besides the establishment of a no-fly zone for any aircraft not destined to humanitarian aid, besides raids for protection of vulnerable populations. Drafted by USA, United Kingdom, France and Lebanon, five Member States abstained from voting the Resolution, China and Russia, permanent members, and India, Germany and Brazil, as temporary members (WILSON, 2012, p. 7).

The suspicions about the humanitarian motivations of the intervention, raised by the contradictory request of international military aid even after it was said to be unnecessary by one of the leading figures of rebel leadership, were corroborated by the strategic targets of the first phase of the air strikes. Gaddafi military bases and communication infrastructure were hit since March 19, 2011, with the deployment of the Odyssey Dawn air operation, to be commanded by the USA until the end of that month. The raids were extended to power grids, television and radio stations, the homes of leaders and oil facilities (PRASHAD, 2012, p. 212).

The air strikes continued for months under NATO leadership during the United Protector operation, and, in June of that year, an air raid over Tripoli, resulted in civilian casualties. The significant destructive power of the attack raised questions about its classification as a strategic raid and also about the true purposes of the of the operation (PRASHAD, 2012, p. 212). In the international community several voices were raised to say that the intervention was responsible for aggravating the conflict and contributing to increase the number of civilian casualties (BRASIL, 2011, p. 4).

The suspicions became even stronger in face of the adoption of UNSC resolution 2016, on October 2, 2011, closing the NATO mandate by 23:59 hours of October 31, 2011, Libya local time. The decision was made just seven days after Gaddafi's death, reinforcing the suspicions that the real interest had been the change of regime.

CONCLUSIONS

The objective of this analysis was to investigate possible interpretations of the military intervention in Libya, authorized by the UNSC in 2011 justified by humanitarian purposes.

It was said that the discourse about the legitimacy of the intervention in the internal jurisdiction of a State gained new impetus with the end of the Cold War. The civilian conflicts that took place along the nineties led to the appearance of a new paradigm of answers to humanitarian crises characterized by a new intervention

norm enforced by the United Nations, that gave new meaning to the concept of sovereignty, whose exercise by a country required commitment with protection of the national population. The norm, however, does not appear as a collective security measure, which would imply a commitment to action.

In the first section it was said that the discourse of the UNSC between the birth of the Responsibility to Protect as a global norm and the uprisings in the Middle East in 2010 did not encompass the practice of military interventions with humanitarian purposes. Next, the "Arab Spring" was discussed and inserted into the context of expressions by the United Nations about the practice of intervention, introducing the case study of the intervention in Libya.

The third section approaches Libya in the long run, shedding light on the layers of history left by its Ottoman past, the Italian domain and its independence, up to the rise of Gaddafi to power. The fourth section discusses the insertion of Libya into the international scenario and its impact on the decision making process about intervention in the conflict in Libya in 2011. The fifth section brings the Libyan case into the context of the "Arab Spring" and the debate about the Responsibility to Protect in order to underline the specificities of the process that took place in that State and that led to the first enforcement of the norm by the UNSC under Resolution 1973 of 2011, authorizing the establishment of no-fly zone and strategic strikes to contain the civil conflict in Libya.

What can be concluded from this paper is that more than the implementation of the operation, the resolution passed by the UNSC on the conflicts in Libya in 2011 besides humanitarian grounds, had other pressing motives. The intent to maintain imperialist character of the relations of the West with the region can be perceived in the proposal for a military intervention with humanitarian purposes in a country with a manifestly hostile government in its foreign policy, precarious national institutions, sparsely populated and extending along 1800 kilometers of Libyan coast.

Libya produces 2% of the oil in the world, and added to its high quality, proximity with Europe allows it to export 85% of this volume to the continent. Besides the trade-related advantages, its geographic location leads to concern in face of the sensitive position of the interests of the USA, France, England and Italy. Besides direct access to and power to influence Egypt, the short distance between the Libyan and the European coasts allows access to those territories by entry immigrants. The risk of a split or of a civil war in a region of such strategic significance was a critical factor for the decision about the Odyssey Dawn and United Protector operations (PACK, 2011). Within the context of the "Arab Spring" and amidst the evolving debates about the responsibility to protect, the interventionist stand was not approached as part of a specific process that reflects the years of history of

¹³ S/RES/1973 (UNITED NATIONS, 2011b).

relations between the Western Powers and that country in the North of Africa. It is conceivable that the scenario of instability in the Arab world played a critical role in the decision to deploy military operation in Libya, and that its justification would be unthinkable in a different phase of the normative evolution of the humanitarian interventions. Notwithstanding, by analyzing the other insurrections that took place in the Middle East in the same period, it can be inferred that it was not the only alternative to contain the escalation of the violence of the Gaddafi government against its citizens.

A little more than one century ago, the dispute for Western strategic interests led to a war of unprecedented reach, definitively changing the relations between the States. Today, in 2015, the tireless search for maintenance of the status quo of the power relations and West domain over the Middle East gave birth to new challenges — such as the Islamic State that threatens the West and challenges the borders between Iraq and Syria — which are also paradigm turning points to the traditional European powers and the USA. We must reconsider carefully the model of relationship we wish to have with our counterparts: dominion and conflict or cooperation and dialogue.

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