

**THE LOGIC OF COLLECTIVE SECURITY AND THE
ELIGIBILITY OF NATO LED COALITION FORCES TO
INTERVENE IN INTERNAL AFFAIRS OF STATES: THE
PARADOX OF REGIME CHANGE IN LIBYA**

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ABSTRACT

The main thrust of this study is to explore the practice of collective security; focusing on how such enforcement action violates state's sovereignty. It nonetheless, examines the place of collective security in internal affairs of states, the appropriate enforcement authority; the limitations or constraints, and the roles played by the NATO led coalition forces in Libya in 2011. "Conspiracy Theory" was adopted in discussing the modern practice of collective security, particularly in the case of Libya. The study relied on secondary data and applied content analysis to evaluate the data and make inferences. It discovers that Libya does not belong to NATO or attacked its signatory member or committed aggression against any sovereign state. To that extent, it argues that NATO lacks eligibility to wade into Libyan crisis. It contends that the collective security taken in Libya was an act of conspiracy hatched by top NATO member states that collaborated with allies to significantly aid and abet the rebel partners to achieve the goals of the conspiracy - Libyan regime change, which negates the intendment of UNSC Res. 1973. The study, recommends that collective security in internal affairs of states should not be availed to rebel or insurgent groups who use propaganda to woo support against the state's authority. It should not aim to achieve pecuniary self interests of participating nations at the expense of the state's interests.

KEY WORDS: Collective Security, Eligibility, Coalition Forces, Internal Affairs and Libya

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1.1.0. INTRODUCTION

Collective security is one of the most promising approaches for peace and a valuable device for power management on an international scale. Pleuger (2013) opines that, “the notion underlying it is that if you, or your state, have an enemy your security is greater if you have an ally or allies who will support you against your enemy. Even the promise of support may be sufficient to discourage aggressive acts by your enemy (Pleuger, 2013). It has been a norm in international relations and remains a feature of the alliances formed during the 1st and 2nd World Wars. The formation of the League of Nations and the United Nations Organization are in furtherance of efforts in ensuring collective security and remains a beacon for promotion of this global aspiration. Seybolt (2007) reiterates that this gets reinforcement from the fact that, sovereignty is not absolute and intervention is permitted for the purpose of preventing mass atrocities, murders and ethnic cleansing and its likes whether inter-state or intra-state.

Essentially, attention always focuses on collective defence which is not completely synonymous with collective security. The former occurs in the case of attack on any of the signatory members of the particular organization espoused by Article 51 of the UN Charter, such as NATO and Warsaw, including a newly established Collective Security Treaty Organization (CSTO) - (Nikolai, 2010). The latter falls within the jurisdiction of the UNSC mandate, part of which is exercised by Regional Organizations recognized by Article 53 of the UN Charter, e.g., AU, LAS, etc. Taking the latter as the focus of this study, it becomes evident that the enforcement of collective security is replete with controversy in the most recent times. This is not unconnected with how it is implemented, the cause for which it is implemented and the body that implements it. The roles of NATO led coalition forces in Libya presents gloomy picture, thus challenging the principle of collective security and renewing the frequently asked questions about; what act constitutes threat to global peace and security; who determines when the act is committed, who authorizes collective security action when it is committed; who enforces the action on the aggressor (s), when are the enforcement rules deemed to be violated and what remedies exist in such circumstance? When a body not statutorily authorized to take responsibility for enforcement of collective security by Charter VII powers of the UN Charter usurps the power outside its legal confine, it becomes a problem. This is further compounded when the goal for such actions vitiate

the core purpose of collective security and exhibits conspiracy; and when it is with the tacit connivance of the appropriate enforcement authority, like the UNSC or Regional Organizations.

1.1.1. LITERATURE REVIEW: THE CONCEPT OF COLLECTIVE SECURITY

Kant (1795), Skirbekk, et al (2001), Reichard (2006), and Olivier (2007), examined the historical perspectives of collective security. Kant (1795) identifies Cardinal Richelieu to be the first to propose a scheme for collective security in 1629, which was partially reflected in the 1648 Peace of Westphalia. He states that in the eighteenth century, many proposals were made for collective security arrangements, especially in Europe, which outlined the idea of a league of nations that would control conflict and promote peace between states. Reichard (2006) stresses that International co-operation to promote collective security originated in the Concert of Europe that developed after the Napoleonic Wars in the nineteenth century in an attempt to maintain the *status quo* between European states and so avoid war. He observes that the only effective deterrence to state's aggression and the penchant for war-making is collective action against the aggressor or states addicted to war. According to Olivier (2007), this period also saw the development of international law with the first Geneva Conventions establishing laws about humanitarian relief during war and the International Hague Conventions of 1899 and 1907 governing rules of war and the peaceful settlement of international disputes. Their key arguments is that a union of 'Free States' would promote peaceful society worldwide; therefore, there can be a perpetual peace shaped by the international community rather than by a world government.

Claude Jr., (2006), in particular argues that "at the start of the twentieth century two power blocs emerged through alliances between the European Great Powers. It was these alliances that came into effect at the start of the First World War in 1914, drawing all the major European powers into the war. By the time the fighting ended in November 1918, the war had had a profound impact with eight and a half million members of armed services dead, an estimated 21 million wounded, and approximately 10 million civilian deaths". It significantly affected the social, political and economic systems of Europe and inflicted psychological and physical damage on the continent. Archer (2001) writes on the developments the war brought to bear on human civilization, noting that shortly after the war ended, anti-war sentiment rose across the world. He remarks that the First World War was described as "the war to end all wars" and its possible

causes were vigorously investigated. The causes identified included arms races, alliances, secret diplomacy, and the freedom of sovereign states to enter into war for their own benefit. The perceived remedies to these were seen as the creation of an international organization whose aim was to prevent future war through disarmament, open diplomacy, international co-operation, restrictions on the right to wage wars, and penalties that made war unattractive to nations.

In this vein, Organski (1958), citing Ghosh (2009) lists five basic assumptions underlying the enforcement of collective security. This includes, that:

1. In an armed conflict, member nation-states will be able to agree on which nation, is the aggressor.
2. All member nation-states are equally committed to contain and constrain the aggression, irrespective of its source or origin.
3. All member nation-states have identical freedom of action and ability to join in proceedings against the aggressor.
4. The cumulative power of the cooperating members of the alliance for collective security will be adequate and sufficient to overpower the might of the aggressor.
5. In the light of the threat posed by the collective might of the nations of a collective security coalition, the aggressor nation will modify its policies, or if unwilling to do so, will be defeated.

These assumptions underscore the central operational conditions guiding the implementation of collective security and act as regulations for the participating nations. According to Adam and Zaum (2008) there are three prerequisites that must be met for collective security to successfully prevent war at a build-up stage, or stop an ongoing war through application of force on the aggressor(s):

1. The collective security system must be able to assemble military force in strength greatly in excess to that assembled by the aggressor(s) thereby deterring the aggressor(s) from attempting to change the world order defended by the collective security system.

2. Those nations, whose combined strength would be used for deterrence as mentioned in the first prerequisite, should have identical beliefs about the security of the world order that the collective is defending.
3. Nations must be willing to subordinate their conflicting interests to the common good defined in terms of the common defense of all member-states.

The Encyclopedia Britannica in an Article on collective security, notes that collective security arrangements have always been conceived as being global in scope; “this is in fact a defining characteristic, distinguishing them from regional alliances such as the North Atlantic Treaty Organization (NATO). Both the League of Nations and the United Nations were founded on the principle of collective security” (Encyclopedia Britannica, <http://www.britannica.com/>). Based on the foregoing, Sarooshi (2010) examines one of the most important challenges facing the United Nations (UN) today: the effective and lawful use of force by or under its authority to maintain or restore peace. It provides a legal analysis of the institutional mechanisms and processes which the UN employs to use force to maintain or restore peace. He notes that the UNSC is the main organ of the UN entrusted with the responsibility for the maintenance or restoration of peace. In that vein, he stipulates that the overbearing demands on the UNSC have given rise to it delegating some of its rights for military enforcement action to other UN organs (e.g. the UN Secretary-General in Somalia, and the War Crimes Tribunals for Rwanda and the former Yugoslav), UN Member States (e.g. the coalition against Iraq), and regional and collective self-defence organizations (e.g. NATO in Bosnia). He also examines the legal framework which governs the process of delegation by the Council of its Charter VII powers, along with the practice relating to the exercise of these powers by each of the delegates concerned, and the policy issues relating to such delegations.

In the case of Libya, Mucci (2011) contends that the UNSC did not directly choose NATO, but leaves the options to any “authorized member states acting nationally or through regional organization or arrangements (to take action). In other words, “the intervention NATO conducted in Libya in 2011, according to him, is different from the previous Preemptive or Preventive Humanitarian Intervention, and it is called Preclusive Humanitarian Intervention”

(Mucci, 2011). This presents conflicting notion of the appropriate enforcement authority for collective security and confuses collective defence with collective security. With the UNSC delegation of enforcement powers on NATO in the case of Bosnia; and NATO's undefined legal status in the leadership of coalition forces during the 2011 uprising in Libya, the UNSC contradict its Chapter VII powers. Although the coalition action in Libya was granted by the UNSC Resolution 1973 which agrees to impose a "no-fly zone" and allows member states to protect civilians by all necessary means, NATO was not appointed for the enforcement action. What is evident, which is not discussed by the reviewed literatures and will form the fulcrum of this study, is the fact that contemporary practice of collective security has become a conspiracy network to attack detested state (s). This was the case in Libya where the U.S, the UK and France used NATO to pursue their secret agenda, which manifested in regime change. This corroborates part of the hypotheses of this study that NATO and her Western enablers usurp collective security as a medium for entrenching their hegemony and economic control over weaker and vulnerable nation states.

1.1.2. THEORETICAL FRAMEWORK

This study draws substantial meaning from the realm of conspiracy hence adoption of conspiracy theory for its explanations. A conspiracy theory is an explanatory hypothesis that accuses two or more persons, a group, or an organization of having caused or covered up, through secret planning and deliberate action, an event or situation which is typically taken to be illegal or harmful (Barkun, 2003). According to Goertzel (1994), Turkay (2013) and Karen; Robbie (2008), it has been suggested by some thinkers that conspiracy theories have chiefly psychological or socio-political origins. Katherine ((2010)), writes that "every real conspiracy has had at least four characteristic features: groups, not isolated individuals; illegal or sinister aims, not ones that would benefit society as a whole; orchestrated acts, not a series of spontaneous and haphazard ones; and secret planning, not public discussion". Barkun (2003) was discussing the usage of this term in contemporary American culture, and holds that a conspiracy theory is a belief which explains an event as the result of a secret plot by exceptionally powerful and cunning conspirators to achieve a malevolent end. He states that, some scholars suggest that people formulate conspiracy theories to explain, for example, power relations in social groups and the perceived existence of evil forces.

A conspiracy belief is the belief that an organization made up of individuals or groups was or is acting covertly to achieve sinister motives. Barkun (2003) notes that the appeal of conspiracism is threefold:

- First, conspiracy theories claim to explain what institutional analysis cannot. They appear to make sense out of a world that is otherwise confusing.
- Second, they do so in an appealingly simple way, by dividing the world sharply between the forces of light, and the forces of darkness. They trace all evil back to a single source, the conspirators and their agents.
- Third, conspiracy theories are often presented as special, secret knowledge unknown or unappreciated by others (Barkun, 2003).

Fenster (1999) posits that, conspiracy theories may arise when evidence available in the public record does not correspond with the common or official version of events. In this regard, conspiracy theories may sometimes serve to highlight 'blind spots' in the common or official interpretations of events. In the opinions of Knight (2003), Jewett; Lawrence (2004), Kathryn (2011), Whitfield (2004) and Walker (2013), the existence of real conspiracies as has been proven helps feed the belief in conspiracy theories. Daniel Pipes (1996) applied the case to the Middle East, arguing that “almost every speculation about the hidden hand ultimately refers back to two grand conspirators: Zionists and Imperialists. And imperialism, of course, means primarily the U.S government”. This lends credence to Gaddafi’s initial claim that NATO with the principal enablers, the U.S, the UK and France conspired to overthrow his government. He stated that, “the revolt against his rule was the result of a colonialist plot by foreign states, particularly blaming France, the U.S. and the UK, to control oil and enslave the Libyan people” (Gedalyahu, 2011). This was facilitated by internal collaborators consisting of the opposition groups both in exile and within, including the Committee for Libyan National Action in Europe, Armed Militia Groups in Libya, National Conference for the Libyan Opposition, National Front for the Salvation of Libya, Libyan League for Human Rights and the National Transitional Council, etc; including deliberate assistance to the rebel forces.

Jesse Walker (2013) developed a historical typology of five basic kinds of conspiracy theories that describe the structure and composition of conspiracy networks that characterize Libyan crisis:

- The first identifies an "Enemy Outside," with devilish figures mobilizing outside the community and scheming against the community.
- The "Enemy Within" find the conspirators lurking inside the nation, indistinguishable from ordinary citizens.
- The "Enemy Above" involves powerful people manipulating the system for their own gain.
- The "Enemy Below" features the lower classes ready to break through their constraints and overturn the social order, and
- Finally, there are the "Benevolent Conspiracies," where angelic forces work behind the scenes to improve the world and help people.

It is believed and tenaciously held in the Arab that the NATO which acts the scripts of U.S, the UK and France manifested conspiracy in the Libyan crisis. Senator Lindsey Graham, Representing South Carolina and a member of the Senate Armed Services Committee reinforces the conspiracy to achieve regime change in Libya. In a debate on imminent war in Libya, he argued that, this is the “best chance to get rid of Gaddafi in my life”. “If we do not get rid of him, we will pay a heavy price down the road” (“Coalition Targets Gadhafi Compound”. CNN.com, 21 March 2011). Consequently, the U.S president, Barack Obama urged Gaddafi to step down from power, having lost the support of Libyans (BBC News. “Libya: President Obama Gives Gaddafi Ultimatum”, 19 March 2011). We also see this desperation played out in the way the U.S, the UK and France hastily enforced the no-fly zone in response to opposition’s alarm that was disguised to facilitate Gaddafi’s elimination. According to Daniel Pipes (1992), when great powers dispatch force, Middle Easterners assume that the target regime itself is under attack. Should the regime remains in office; that in itself constitutes a great victory. This was Gamal Abdel Nasser’s response to the Suez operation of 1956; Tehran’s to American efforts to spring the U.S. hostages at the Tehran embassy in April 1980; Mu’ammr al-Qadhdhafi’s to the American raid on Tripoli in 1986; and Saddam Husayn’s to the war against him in 1991. In each case, Middle Eastern leaders saw their very survival as a great achievement. In general, once

fighting begins, the enemy leader had better go (Daniel Pipes, 1992). It is a common trend in the Middle East and typifies NATO's led coalition military operations in Libya, thus reinforcing the foregoing conspiracy hypothesis, to achieve Western national interests at the expense of Libya corporate interest.

1.1.3. ELIGIBILITY OF NATO LED COALITION INTERVENTION IN INTERNAL AFFAIRS

The UN Charter, Chapter VII provides for military enforcements mechanism and vests the powers on the UNSC and relevant regional organizations which Article 53 recognizes. The UNSC determines threat to global security and authorizes enforcement actions to avert looming danger, stop ongoing crisis and restore peace and security. In the exercise of this mandate, it can appeal to regional organizations and UN member states for support. This confers eligibility on their participation in collective security, as evident in the actions of coalition forces in the Libyan crisis. On the other hand, NATO's eligibility to intervene in the internal affairs of states has been in serious contention. This derives from its legal contour, the membership structure and ideological stance which have been in rivalry with other power blocs e.g., the Warsaw Pact. The role of NATO in the UNSC enforcement action particularly in Libya exacerbates the debate. The North Atlantic Treaty Organization (NATO) is a "Defence Pact Organization" formed in 1949, and currently has 28 countries as member (The North Atlantic Treaty 1949). It was part of a broader effort to serve three purposes: (i) deterring Soviet expansionism, (ii) forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent, and (iii) encouraging European political integration" (NATO History.com). The Article 5 of NATO espoused its core objective, which is that "a military attack against any of the signatories would be considered an attack against them all" and that following such an attack, each Ally would take "such action as it deems necessary, including the use of armed force" in response (Ibid).

This evidently defines NATO's status as a subject of UN Article 51, and shows its ineligibility to exercise any form of jurisdiction or intervention on the platform of collective security in the internal affairs of a state that does not belong to it or attacked its signatory member. In that vein, it becomes illogical for NATO to usurp any form of UN legally defined enforcement power,

including the ones authorized by the UNSC, like the Libyan case. The former UN Secretary General Kofi Anan clearly shows that, intervention in internal conflicts is “through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, [...]” (UN Report, 2005). Despite the clarity of the UN Charter on Article 51 (which recognizes NATO), the UNSC often misrepresents NATO in her operations, resulting in the constant use of NATO for enforcement actions as though it has become the military arm of the UNSC. O’Connell (2000) reinforces this observation, arguing that, “it seems that the Council considered the NATO as a regional agency or an organization under Chapter VIII. However, on some occasions and when the Council specifically referred to the NATO, the only Chapter it quoted was Chapter VII. When talking explicitly about the NATO, the Security Council usually mentioned that the NATO answered the call of the Council for troops and never said it gave authorization to the NATO to take actions”. It replicates legal ambiguity based on the UNSC’s delegation of NATO for enforcement actions in Bosnia, including recurring NATO interventions in the internal affairs of non-member states. NATO has no jurisdiction over Libya despite its expanded defense obligations in the Mediterranean, where in 1994; the Alliance founded the Mediterranean Dialogue with six non-member Mediterranean countries: Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia, with Algeria also joining in 2000. The Dialogue seeks to contribute to security and stability in the Mediterranean through better mutual understanding. In 2004, the Alliance launched the Istanbul Cooperation Initiative as a way of offering practical bilateral security cooperation to countries of the broader Middle East region (NATO History.com). Libya was not inclusive in the alliance and this questions NATO’s involvement in the crisis. It shows, therefore, that its intervention in Libya was part of the conspiracy to collaborate with the rebel forces and achieve regime change in Libya.

1.1.4. THE ROLES OF NATO LED COALITION FORCES IN LIBYA’S REGIME CHANGE

Arab Spring started in Tunisia and Egypt in early 2011 and spilled over to Libya in February 2011. The protests first manifested in Benghazi on February 15th, 2011 and soon spread all over the country. It was fuelled by opposition groups both in exile and at home, to demand Gaddafi’s exit from power. The government reaction resulted in severe violations of human rights, (Human

Rights Watch, 2011). The opposition appealed to the international community for a no-fly zone to limit or prevent the bloodbath that Gaddafi threatened (Shah, 2011). The reluctance of Gaddafi to protect its people, attracted arms embargo on Libya, along with a travel ban and an asset freeze (S/RES/1970, February 26, 2011). This was followed by UNSC Res. 1973 on a no-fly zone adopted on March 17th, 2011, for the implementation of “all necessary measures” in order to halt the violations of human rights in Libya (S/RES/1973, March 17, 2011). Consequently, individual UN member states responded to the enforcement of the resolution. France, the UK, and the U.S who altogether are top NATO members, initiated bombing in Libya under Operation Odyssey Dawn on 19th and 20th of March 2011 (Abass, 2011) and significantly disabled the air capability of Libya. A coalition of 10 states from Europe and the Middle East initially participated in the intervention, later expanding to 17 (Abass, 2011). These initial attacks were successful and demonstrated the powers of collective security in abating crisis to protect human rights and avert either real or imagined threats to international peace and security.

However, NATO formally took over the control of the no-fly zone on the 24 March 2011, while command of targeting ground units remained with coalition forces. It code named the new formation “Operation Unified Protector (OUP)” and Lieutenant General Charles Bouchard of Canada was appointed NATO's Commander for Libya (Al Jazeera, “NATO to Police Libya No-fly Zone”. 24 March 2011). NATO was to ensure enforcement of no-fly zone to facilitate the immediate establishment of a ceasefire and a complete end to violence and all attacks against civilians (Taylor, 2011). The entire 28 United Nations member making up NATO, including several non-NATO members participated in the approval and overall direction of the operation, thus making it not solely a NATO operation but a NATO-led operation (Olson, 2012). NATO also got active operational support from Arab States like Turkey, Qatar and United Arab Emirate” (Taylor, 2011). Rather than abate, Forte (2012) states that the crisis aggravated and speedily degenerated into full war under the prompting of NATO; which resumed the aiding and abetting of the rebel forces that formed the ground troops. Christopher (2011) corroborates the assertion, noting that “on 9 April 2011, the rebels sent two helicopters into combat near the eastern oil facilities in Brega, which were shot down by Libyan government”. With no-fly zone, the use of Libyan air space for attack after Gaddafi's air capability was grounded violates Res. 1973 and NATO's indifference to rebels' offensive portrays bias in the management of the crisis;

exemplifies selective justice and lends credence to a conspiracy to allow the rebels latitude to operate and employ all necessary measures to defeat Gaddafi. This is despite that the conflict was muddled up and presents dynamic scenarios where both parties committed crimes against humanity. Essentially, nothing is short of suspect when attacks are concentrated on the government forces while the coalition was expanding the magnitude and intensity of supports for the rebel groups. Such unhidden collaborations reinforce the belief in the primacy of conspiracy against Gaddafi's regime which NATO and the coalition demonstrated in lacked genuine commitments to cessation of hostility or ceasefire; peaceful settlement of the crisis and reconciliation of the warring parties.

Some examples suffice. On 19 April 2011, the UK sent military advisors to Libya to help the rebels improve their organization and communications, but not to train or arm them. The British government also supplied the rebels with telecommunications equipment and body armor ("Updates on Libya", 9 May 2011, <http://archive.libyafeb17.com/>). On 20 April 2011, the US announced a \$25 million (€20 million) aid package to the Libyan rebels, which consisted of fuel trucks and fuel containers, ambulances, medical equipment, protective vests, binoculars, food, and non-secure radios. The first aid shipment arrived in Benghazi on 10 May 2011. In addition, Italy and France sent military advisors to aid Libyan rebels; Qatar supplied MILAN anti-tank missiles, pickup trucks, and uniforms to the rebels. The Libyan government claimed that Qatar also sent 20 military trainers to Benghazi to train over 700 rebel fighters. In addition, Qatar assisted a rebel satellite television operation in broadcasting from Doha (CNN, "Libya War" <http://www.cnn.com./2011>). On 9 June 2011, Turkey donated \$100 million to the National Transitional Council for humanitarian assistance. On 19 June 2011, rebel oil Chief Ali Tarhouni complained that rebels were running out of money and blamed Western countries for not living up to their promises of financial aids (Martin; Peter, 2011). This serves as illuminating evidence to the conspiracy by the West and some dissidents in Libya to violently overthrow Gaddafi. Nonetheless, on 29 June 2011, France acknowledged that it had airdropped arms supplies to rebels in the Nafusa Mountains in early June. The French military claimed it supplied only light arms and ammunition to help Libyan civilians defend themselves from attacks by government forces. Further reports showed that rocket launchers and anti-tank missiles were among the weapons dropped. On the other hand, the British government offered the rebels 5,000 sets of

body armor, 6,650 uniforms, 5,000 high-visibility vests, and communications equipment for the National Transitional Council's police force (“Timeline of the 2011 Libyan Civil War” – Wikipedia, the free encyclopedia).

Daily Coalition strikes continued to target Libyan government ground forces, air defenses, artillery, rocket launchers, command-and-control centers, radars, military bases, bunkers, ammunition storage sites, logistical targets, and missile storage sites. These strikes took place all over the country, many of them in Tripoli. The strikes caused numerous material losses and casualties among government forces (“Timeline of the 2011 Libyan Civil War” – Ibid). On 14 July 2011, the rebels retook al-Qawalish and also launched an attack on Brega; the Libyan government claimed that NATO supported the attack by striking government targets from the sea and air. NATO corroborated this and confirmed that it had hit five targets in the vicinity of Brega, as well as targets in the vicinities of Gharyan, Sirte, Tripoli, Waddan and Zliten. On 31 July 2011, rebel units aided by intensive NATO bombing broke through the front line in several places west of Misrata, advanced 14 kilometres (8.7 mi) and captured abandoned tanks, artillery and truck-mounted grad rocket launchers near the town of Zliten. In the Nafusa Mountains rebels captured one town, Hawamid, and surrounded a second, Tiji, 240 kilometres (150 mi) south west of Tripoli (Chris; Nicholas: 2011). On 3 August 2011, NATO bombed Zliten and Tajura, near Tripoli, and the rebels captured a Gaddafi ship laden with 250,000 barrels (40,000 m³) of oil (McElroy, 2011). On 16 August 2011, rebel forces supported by NATO air strikes started a 48-hour operation securing key towns such as Gharyan around the capital. They then began cutting off fuel and supply lines, effectively leaving Tripoli under a state of siege. Meanwhile Qatar supplied the rebels in Misrata with more weapons, and a renewed assault began on Brega (Laessing; Yvonne: 2011).

In the same vein, the opposition government in Benghazi flew \$10 million to the rebels in the Nafusa Mountains region (Herve, 2011). Such amounts could come from the Western financiers, as there was no proof that it was disbursements from the frozen accounts of Libya, Gaddafi or his cronies. With the morale boost, the rebels seized Zawiya's oil refinery on 19 August 2011 after three days of fighting. Battles continued over control of the city center. NATO bombing made it difficult for the government to reinforce its troops in the city, while continuing to hit targets in

Tripoli. In East of Tripoli, rebels from Misrata seized Zliten, suffering 31 dead and 120 wounded. Hassan Ibrahim, the brother of Libyan government spokesman Moussa Ibrahim, was killed and others also hit by gunfire from a NATO helicopter (Crawford, 2011). On 20 August 2011, rebel elements in Tripoli supported by NATO launched a general uprising code named “Operation Mermaid Dawn” in the city. Many of the weapons used by rebels were assembled and sent to Tripoli by tugboat. Opposition forces in the city launched a general uprising, surrounding almost every neighborhood, with heavy fighting occurring in Fashloom, Tajura, and Souk al-Jomaa. NATO warplanes supported the operation by conducting bombing runs over government targets in the city. As a result, rebels controlled all or parts of the Tajura, Souk al-Jomaa, Araba, Qadah, Ben Ashour, and Zawiyat al-Dahmani, and continued fighting in some areas the following day, including in Mitiga International Airport. (BBC News, 21 August 2011, <http://www.bbc.co.uk/news/world-africa-14606618>). Each of the attacks bolstered the tenacity of rebel forces to break into government’s strongholds. The arming of the rebels generally contravened Res. 1970 on arms embargo, Res. 1973 on no-fly zone and Res. 2131 against arming and supporting armed insurgents or aiding subversion of another sovereign state.

The fall of Tripoli forced Gaddafi to flee to safety in a convoy of 75 vehicles, Williams (2011) states that a “Royal Air Force (reconnaissance aircraft) spotted the convoy moving at high speed and NATO aircraft then fired on 11 of the vehicles, destroying one. Meanwhile, a U.S Predator drone operated from a base near Las Vegas fired the first missiles at the convoy, hitting its target about 3 kilometers (2mi) west of Sirte”. He added that “moment later, French Air Force’s Rafale fighter jets continued the bombing”. Thomas (2011) writes that the NATO bombing immobilized much of the convoy and killed dozens of loyalist fighters. In the same vein, the Free Libya unit on the ground also struck the convoy (Blitz and Carnegy, 2011). Although Muammar Gaddafi and his son Muatassim Gaddafi were captured alive in Sirte, both were killed while in the custody of fighters from Misrata on 20th October 2011. According to reports by Human Rights Watch, at least 95 people who apparently died in the fighting and NATO strikes prior to Gaddafi’s capture were found (Bouckaert, 2011). The consequent excitements by core NATO member states – the U.S, the UK and France, typify the underlying conspiracy in the intervention which yielded their ultimate goal – regime change. This was with utter disregards for the Chapter

VII enforcement powers in the UN Charter, the rules guiding responsibility to protect that support collective security and all the applicable UNSC Resolutions on intervention.

1.1.5. CRITIQUE OF NATO LED COALITION FORCES IN LIBYAN CRISIS

NATO's intervention did not aim mainly to protect civilians, but rather to overthrow Qaddafi's regime, even at the expense of increasing the harm to Libyans (Alan, 2013). It is contradictory that NATO performed more than 20,000 missions against the Libyan people if there was a no-fly zone. After the Libyan Air Force was completely annihilated, the continued 'humanitarian' bombing shows that the west, through NATO, intends to impose their interests in North Africa, turning Libya into a colonial protectorate" (Moros, 2011). This was corroborated by Bennis (2011) who contends that for over seven months, NATO aircraft conducted more than 26,500 sorties, including 9,700 strike missions. NATO said it bombed 5,900 military targets inside the country. "The notion that the NATO bombings somehow was to do nothing but protect civilians is simply not the case". She observes that the Libyan revolution began as part of the Arab Spring, but the NATO intervention turned it into a "Western assault on another North African, Middle Eastern, Arab country. Assaf (2011) further shows that "far from a limited intervention to protect civilians, hundreds of French and British soldiers helped to coordinate and plan the war. Thousands of rebel fighters were flown out of the country to receive training in NATO bases. In effect, NATO acted as the rebel air force, with warplanes clearing the path for the rebel advance, while pulverizing regime armour, barracks and communication stores". According to Alan (2013), a more rigorous assessment of NATO's operation, however, reveals that it increased the duration of Libya's civil war by about six times and its death toll by at least seven times, while also exacerbating human rights abuses, humanitarian suffering, Islamic radicalism, and weapons proliferation in Libya and its neighbors (Alan, 2013). This was reiterated by Taylor (2011), that "Operation Unified Protector" was initially for 90 days after which there was a 90 days extension from June to September 2011 and on 21 September 2011, there was a further 90 days extension. The NATO led coalition's offensive in Libya abruptly ended when Gaddafi was killed and this according to Cloud (2011), "follows the meeting by the NATO's North Atlantic Council to agree to end the Libyan operations on the 31st of October 2011".

The hasty decisions by NATO led coalition to pull out from Libya crystallized the conspiracy masking the mission. Apart from having nothing to do with protecting civilians, this arrangement is absolutely illegal in terms of international law (Escobar, 2011). The African Union strongly opposed it and had called for a ceasefire, and even suggested the introduction of African Union forces to try and reduce the conflict. The BRICS countries - (Brazil, Russia, India, China and South Africa) also opposed the NATO intervention and had called for moves towards diplomacy, negotiation, and a ceasefire” (Chomsky, 2012). The Arab League Secretary-General Amre Moussa, decried the attack, saying, “what we want is the protection of civilians and not the shelling of more civilians; and military operations may not be needed in order to protect the civilians” (CNN. “Coalition Targets Gadhafi Compound”, 21 March 2011). The reluctance to consider these options conforms to the resolve of the West to use their combined military might and eliminate Gaddafi. Richard Falk (2012) argues that what are striking here are the various efforts by the US-led West to sustain its privileged world position by relying on its military superiority. In effect, this represents an attempt to renew the colonial hierarchy of North/South relations in the post-colonial world order. The doctrinal masks of law and a UN mandate obscure the realities of aggressive war making”. Robert Gates, the U.S Secretary of Defense, confirmed Richard Falk’s view, stating that there was unanimous agreement in the top echelons of the Obama administration to push forward with military action in Libya (CNN, Ibid). The failure of NATO and the backers to show neutrality and harness opportunities provided by the obliteration of Libya’s air defence capability and initiate disarmament and peaceful dialogue attests to unwavering commitments to a surreptitious agenda in the conduct of NATO led coalition and reinforce the conspiracy theory nexus with the conception, manifestation, and overall management of the 2011 crisis or war in Libya.

The study, therefore, validates the underlying hypotheses, which formed the research central focus:

1. That NATO participation in the enforcement of collective security under the auspices of the UNSC Resolution 1973, authorizing no-fly zone and urging all the UN member states to help protect the civilian populations, was outside of the UN mandate and illegal; and thus compromises the principle of impartiality in the enforcement of the no-fly zone which it commanded.

2. That from the inception of the crisis, the U.S, the UK and France aimed at achieving regime change in Libya, regardless of all the extant laws against it. This hidden ambition was ignorantly facilitated by genuine commitments of many participating countries in the coalition operation whose sole motivation was to prevent escalation of humanitarian crisis in Libya.
3. That the conspiracy was to significantly control the emergent regime in Libya and monopolize Libyan oil wealth. They envisioned the realization of the plot by supporting the cause of the NTC against Gaddafi. The influence of the support was obvious; a spokesman of the NTC said that it will be very hard for a Chinese, Russian or Indian oil company to acquire new exploration contracts in Libya because of their long time support of Gaddafi (Business.sohu.com, Retrieved 02 May 2015).
4. That the intervention aggravated humanitarian crisis in Libya through overt support to the rebel forces, to enhance bombardment of every government targets. This was committed through supply of military advisors, equipment and money to bolster their attacks; and at the same time serving as their air force to shield their ground operations and ease conquest of cities and government forces.
5. That the assassination of Gaddafi was undeniably pre-meditated by the Western powers to facilitate unhindered regime change in Libya. It thus became a watershed in the violation of the Resolutions that authorized the intervention and serves as end trophy for the conspiracy, deemed accomplished.

1.1.6. CONCLUSION

The foregoing study on enforcement of collective security, using the case of Libya presents two contending perspectives. Firstly, the use of illegal body to pursue a just cause undermines the intendment of the UN Charter. NATO is a defence pact and the UNSC Resolution 1973 did not include it as a beneficiary of the enforcement action proposed therein, thereby making its intervention in Libya illegal. Secondly, the NATO led coalition activities in Libya were acts of

conspiracy. This conspiracy was organized from within and outside, against the regime and manifested in a purposeful supports for the rebel forces to oust Gaddafi. For collective security to be an appropriate and reasonable action there must be acts of aggression committed by one state or group of states against another; it must be fallout from relations between and among sovereign state(s), either of the disputing nations must commits act that threaten global peace and security; the focal target of collective security action should be the aggressor(s), and it must precludes internal affairs of states. Where the UNSC considers that it should apply on the internal affairs of states, the enforcement must abides by well defined rules – neutrality of the intervening states, pursuit of ceasefire, and peaceful settlement of disputes without collaborating with a party to pursue regime change. This will serve the usual intricacies of internal crisis, which take diffused forms - ethnic, religious, party affiliation or leadership struggles among the competing governing elites. The relegation of the fundamental principles of collective security in the NATO led coalition in Libya should be lessons for future enforcement actions. NATO should cease to be accorded enforcement powers so that illegality will not characterize the UNSC Chapter VII enforcement powers.

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