

THE CONTRIBUTION OF FOREIGN INTERVENTION TO POST-ARAB
SPRING CONFLICTS IN -YEMEN AND LIBYA-

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ABSTRACT

THE CONTRIBUTION OF FOREIGN INTERVENTION TO POST-ARAB SPRING CONFLICTS IN -YEMEN AND LIBYA-

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A decade ago, the Middle East and North Africa (MENA) region experienced a series of anti-government uprisings, referred to as “The Arab Spring”. The traditional corrupted regimes, the absence of political freedom and decline standard of living incited people to take their demands to the streets. People were asking for the fall of the authoritarian regimes, and the rise of democratic path for the transfer of power with a mutual slogan “*الشعب يريد إسقاط النظام/Alshaeb yurid iisqat alnizam*” (in English: the people wants to overthrow the regime). Currently, the picture in Yemen and Libya seems more complex, as the matter turned into a complete nightmare and disappointment. This will be addressed clearly by specifying Yemen and Libya as case studies. Both states experienced high level of foreign intervention aiming to protect civilians, however, the military intervention in Yemen and Libya has revealed that it is a war of interests before it is a war of protecting human values. It also raises lack of credibility in the application, which is exercised with a kind of selectivity and double standards of the intervening

states. The intervention under the humanitarian justification and the moral responsibility of the international community had severe unintended consequences on humanity. Accordingly, this study finds its way to examine the state before and after the Arab Spring uprisings in Yemen and Libya. It aims to analyze how humanitarian-motivated foreign intervention contributed to the post-Arab spring uprisings and planted the path of democratic transition with thorns, instead of roses.

Keywords: Arab Spring, authoritarianism, foreign intervention, Yemen war, Libyan civil wars

ÖZ

YEMEN VE LİBYA'DAKİ ARAP BAHARI SONRASI ÇATIŞMALARA DIŞ MÜDAHALELERİN KATKILARI

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On yıl önce, Orta Doğu ve Kuzey Afrika (MENA) bölgesi, “Arap Baharı” olarak adlandırılan bir dizi hükümet karşıtı ayaklanma yaşadı. Geleneksel yozlaşmış rejimler, siyasi özgürlüğün olmaması ve yaşam standartlarının düşmesi insanları taleplerini sokaklara taşımaya teşvik etti. Halk, “*Alshaeb yurid iisqat alnizam/ الشعب يريد إسقاط النظام*” (İngilizce: halk rejimi devirmek istiyor) sloganıyla otoriter rejimlerin yıkılmasını, iktidarın devri için demokratik yolun yükselmesini istiyordu. Şu anda Yemen ve Libya'daki tablo daha karmaşık görünüyor. Olay tam bir kabus ve hayal kırıklığına dönüştü. Bu konu tez boyunca Yemen ve Libya vaka çalışmaları olarak belirtilerek açık bir şekilde ele alınacaktır. Her iki devlet de sivilleri korumaya yönelik yüksek düzeyde dış müdahaleye maruz kalmış, ancak Yemen ve Libya'daki askeri müdahale, bunun insani değerleri koruma savaşından önce bir çıkar savaşı olduğunu ortaya koymuştur. Bir nevi seçicilik ve müdahil devletlerin çifte standartlarıyla yürütülen uygulamada da inandırıcılık eksikliğini

artırıyor. Uluslararası toplumun insani gerekçesi ve ahlaki sorumluluđu altındaki müdahalenin insanlık üzerinde istenmeyen ciddi sonuçları oldu. Buna göre, bu çalışma Yemen ve Libya'daki Arap Baharı ayaklanmalarının öncesi ve sonrasındaki durumu incelemenin yolunu bulmaktadır. İnsani güdümlü dış müdahalenin Arap baharı sonrası ayaklanmalara nasıl katkıda bulunduđunu ve demokratik geçiş yolunu gül yerine dikenlerle nasıl diktiđini analiz etmeyi amaçlıyor.

Anahtar Kelimeler: Arap Baharı, otoriterlik, dış müdahale, Yemen savaşı, Libya iç savaşları

*TO MY ROLE MODELS,
MY BELOVED PARENTS,
IMAD & SHADIA*

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This thesis is dedicated to whom I am proud to be their daughter. My father whose presence still lingers within us, who taught us since childhood that only education will take the person to the top. I wish that he was here to see this achievement of mine. Also, to the origin of my success, the woman who is still giving me life lessons, the woman who sacrificed a lot for us, my mother. I will never become who I am today without your support and prayers. And of course, I will never forget my brothers and sisters for supporting me throughout my life and for telling me always that I can do it.

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LIST OF ABBREVIATIONS

ABBREVIATIONS

AI	Amnesty International
AQAP	Al-Qaeda in the Arabian Peninsula
CISI	Center for Strategic and International Studies
EU	European Union
FAO	Food and Agriculture Organization
GCC	Gulf Cooperation Council
GNA	Government of National Accord
GNC	General National Congress
HoR	House of Representative
HRW	Human Rights Watch
ICC	International Criminal Court
ICJ	International Court of Justice
IDP	Internally Displaced Person
IHL	International Humanitarian Law
IMF	International Monetary Fund
IOM	International Organization for Migration
LCG	Libyan Coast Guard
LNA	Libyan National Army
MENA	Middle East and North Africa
NATO	North Atlantic Treaty Organization
NDC	National Dialogue Conference
NTC	National Transitional Council

P5	Permanent Five of UNSC ‘US, UK, France, Russia and China’
PM	Prime Minister
R2P	Responsibility to Protect
STC	Southern Transitional Council
UAE	United Arab Emirates
UN	United Nations
UNDP	UN Development Programme
UNGA	United Nations General Assembly
UNHCR	UN Refugee Agency
UNICEF	UN Children’s Emergency Fund
UNSC	UN Security Council
UK	United Kingdom
US	United States of America
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization
WWII	The Second World War
YAR	Yemen Arab Republic

CHAPTER 1

INTRODUCTION

Ten years ago, the Arab region experienced a major event that had effects on the course of politics in the Middle East and North Africa (MENA) region. The event was embodied in the Arab Spring uprisings, starting from Tunisia, Egypt, and branching into Yemen, Libya, and Syria. The series of the uprisings was a product of the economic stagnation, the decline in the standard of living, and the lack of political freedoms and the excessive repression of authoritarian regimes against their people (Lynch, 2012; Salih, 2013). Despite all the analysis that dealt with the reasons and motives, the Arab Spring movement ensured the desire of the Arab people to build a new democracy that guarantees their rights, and their freedoms without restrictions (Kaya, 2012).

According to Kaya (2012) the Arab masses, rising social and political demands, become optimistic about a real upcoming change. A change that would lead them to move to the spring of democracy with a peaceful transfer of power through the mechanisms of constitutional and electoral legitimacy known in Western democracies (Kaya, 2012; Sadiki, 2015). However, the situation began to turn upside down with a new reality that cannot be overcome. The Arab uprising in Yemen and Libya developed into military conflicts between the regime and the protesters at the first level, then experienced a foreign intervention at the second (Laarousi, 2020). Hence, the purpose of this thesis is to investigate how and why the foreign intervention contributed to the aftermath of the uprisings in Yemen and Libya. Although both types of intervention aimed at protecting civilians, it differs in terms of the type of the intervention. As in Yemen, it was a nation-states based intervention, while in Libya, it was an international organized intervention. This

underlines the reason why the term foreign intervention will be used accordingly instead of putting both cases under humanitarian intervention.

Kausch (2019) states that Yemen and Libya have been witnessing increasing and overlapping conflicts throughout a decade. These conflicts have a negative impact on the demographic and social fabric in the region and its people that go beyond the domestic borders. Due to the presence of regional and international actors along with the disagreement over the political settlement that obstruct the process of democratic transition (Kausch, 2019). According to Sharp (2021) after the fall of the Ali Abdullah Saleh regime in Yemen, the foreign intervention, especially with the intervention of the Arab coalition led by Saudi Arabia, contributed in opening the door for old conflicts and disputes between Al-Houthi group, the legitimate government, and later on the southern movement. By not proposing a comprehensive national dialogue, Yemen was revoked into a civil war and became an arena for regional and international conflicts (Sharp, 2021). Whereas, in Libya, Pommier (2011) indicates that after the fall of Muammar Qaddafi's regime, The North Atlantic Treaty Organization (NATO) intervened by invoking the principle of responsibility to protect (R2P). According to Zoubir (2020) the intervention resulted in the deterioration of the security and stability across Libya due to the flow of weapons in the hands of the rebels and armed groups. Zoubir (2020) adds that one of the prominent consequences of NATO intervention is that the Libyan government was left without a suitable alternative leader which ignited the spark of the second civil war.

1.1. Significance of this study

Choosing this study, and these cases particularly, stems from three reasons. First, after a decade, the political and socio-economic stability of Yemen and Libya has never been achieved, and this affects the domestic level and the region as a whole. According to Amine (2020) the distabilized interal situation made the process of securing the Yemeni and the Libyan borders one of the biggest challenges facing the neighboring countries. Due to the cross-border spillover effect that includes; the

illegal emigration, the sale and smuggling of weapons across the border, in addition to the illegal trade in fuel and goods (Amine, 2020). Second, the situation in both cases has witnessed serious challenges as a result of foreign intervention in the aftermath of the uprisings, which is originally started as an internal issue that has developed into a regional and international security crisis. The multiplicities of actors who led the uprisings are not limited to the internal actors; external actors were also involved to the extreme level by using the military force. This resulted in several serious effects and repercussions on the Yemeni and Libyan security. As well as, the conflicting interests of the intervening states contributed in increasing the duration of the civil war for many years. As Liu (2013), Phiri and Matambo (2017) emphasize that they were decisive factors in slipping the revolutions into wars and internal armed conflicts, and displacing it away from the goals for which they were established. This leaves the diversity of actors along with their intersected goals, and the main reason for extending the duration of the war as a complex subject that needs to be dismantled (Liu, 2013; Phiri and Matambo, 2017).

In addition to that, the third reason is presented in the seriousness of the civil wars in Yemen and Libya, and how it is representing an obstacle for the democratization process. That is to say, the state institutions have been fragmented and weakened, which has led to political and social instability in both cases (Laarousi, 2020). Also, the differences between the conflicting parties leave the peaceful solutions to the crisis in Yemen and Libya almost impossible.

1.2. Statement of the problem

Foreign intervention under the humanitarian pretext in Yemen and Libya contributed to changing the nature of the peaceful uprisings and plunged the region into a cycle of chaos and continuous wars (Mohiuddin, 2016). In the interpretation of the Yemeni and Libyan uprisings, many actors intervene under the pretext of humanitarian intervention and R2P. Although these principles gave the external actors legal rights to intervene, it put the credibility of the humanitarian intervention under question. In Yemen, regional and international actors intervened

upon the government request to protect the citizens against the Houthi group and restore the legitimate government (Sharp, 2021; Robinson, 2021). On the other hand, Libya, experienced the first intervention based on United Nations Security Council (UNSC) Resolution No. 1973 under the principle of R2P (Pommier, 2011; Morana, 2020).

1.3. Study hypotheses

Based on the previously raised problem, this thesis aims to test the following hypotheses:

- Foreign interventions in the internal affairs of Yemen and Libya under the pretext of protecting civilians from the authoritarian regimes aim primarily to achieve the ambitions of the intervening states. In other words, it is linked to geopolitical interest and competition between states more than it is linked to humanitarian motives.
- The cost of the humanitarian intervention for the people weight more than the benefits, as the political and socio-economic situation deteriorated even further in Yemen and Libya.
- The case of Yemen and Libya shows the ambivalence in the application of humanitarian intervention.

1.4. Methodological and theoretical approaches

This research employs a qualitative method. The study relies on the historical Approach to identify the historical gradation of the concept of foreign intervention, and how the concept of humanitarian intervention was structured. Also, explain the importance of the historical framework of events in highlighting the historical roots of the Yemeni and Libyan crises.

It relies on the descriptive approach to describe the cases and present an analysis of it in an objective way, and analyze the practical applications of humanitarian foreign intervention. As the facts and events will not be listed only, but will be analyzed whenever necessary to give the results that prove hypotheses. Adding to

this, the research relies on the comparative approach as comparing the Yemeni and Libyan conflicts in terms of the geostrategic locations, its history, as well as the application of humanitarian intervention, which is the subject matter, and its consequences represented in international organizations' reports.

Moreover, the study is theoretically based on the school of realism and more precisely offensive realism through John Mearsheimer. According to Mearsheimer (2007) the cause of chaos in the international world is the constant demand of countries to continuously increase the conditions of their security and stability up to the level of hegemony.

Therefore, Mearsheimer (2007) illustrates that offensive realism is based on five basic assumptions: the first one is that the state is the main actor in an anarchical international system, and there is no higher authority than the state that can limit the state behaviour. The second one refers to the capabilities, where the theory confirms that each country varies in its measurable military capabilities. Whereas the third assumption highlights the intentions, which are unlike capabilities, it cannot be measured because they differ according to the leaders and decision makers. The fourth assumption is that the survival of the state as the most important goal, and this does not prevent the state from having other goals and ambitions that will not be achieved if it threatens the survival of the state itself. Therefore, the fifth assumption considers that states are actors characterized by rationality that makes them capable of survival.

All of these assumptions combined force states to follow certain behaviour in an international system characterized by anarchy, recognizes interest as the only governing principle for a state. This makes all states strive to achieve survival that will only be achieved by possession and maximization of power. The logic in this matter is that if the country becomes strong in front of its rivals, then its survival will not be in danger.

1.5. Research objectives

This thesis attempts to identify the reasons that led to the humanitarian intervention in Yemen and Libya. It will also evaluate the process of the intervention and its attendant effects on the sovereignty in Yemen and Libya by following up on its justifications, to link the intervention to offensive realism theory. It will, also, analyze the dimensions of the subject, by focusing on the level of the intervention and the role played by external parties in overthrowing the regime, and reaching the stage of the civil war in Yemen and Libya.

1.6. Primary and secondary research questions

To determine the patterns of prolonged conflicts in Yemen and Libya, its dimensions and efforts to settle it, this research is a contribution to give an answer to the primary question; how the foreign intervention contributed to the post-Arab uprisings in Yemen and Libya? First, it is necessary to understand the complexity of the case, and examine why Yemen and Libya, specifically, experienced foreign intervention under the pretext of protecting civilians. To answer this question a clear definition of the foreign intervention with its types, forms, and motives will be provided. Also, secondary sources such as books, academic articles, International Organizations' reports and Non-governmental Organization like; International Amnesty (IA), besides Arab and Western press release will be used to reach an objective conclusion. This will ease the process of collecting sufficient information regarding the number of foreign actors, real motives, the nature of the regime in both states, and the relationship of the regional and international units with the overthrown regimes, were they considered as allies or foes.

The secondary questions include; why Yemen and Libya specifically experienced this level of foreign intervention, while this was not the case in Tunisia and Egypt? To answer this question, a highlight over the geographical importance and the history of state building will be addressed to find out the origins of conflict, and the peculiar location of Yemen and Libya that made it attractive spots for intervening. This part also will be helpful to identify if there are any unrevealed motives for the

intervention. The second question is how the situation in Yemen and Libya changed from peaceful demonstrations to armed conflicts? The answer of this question will be covered by examining the period after the Arab uprisings. The analysis includes; the different sides of the conflict besides the number of the foreign actors, along with the support they are providing. As Yemen and Libya experienced high level of foreign intervention composed of international and regional actors, supporting different sides with different goals. The last question is provided to clarify why the situation in both cases turned into continuous chaos and destruction, with no progress in the political context? In other words, have the reasons behind the outbreak of the Arab Spring uprisings became worse than before in the last ten years? The answer of this question will indicate an examination of the outcomes throughout the last decade, which cover the political, socio-economic, and humanitarian challenges.

1.7. The structure of the thesis

In order to answer the primary and the secondary questions, and to verify the validity of the hypotheses used, this thesis is divided into six chapters; two of which are the introduction and the conclusion. The other four chapters divided as follows; the second chapter deals with the conceptual framework of foreign intervention, with its various legal and political definitions, the principle of non-interference and the legality of interference with its types, forms and motives. Also, a briefing on realism and liberalism theories will be addressed.

The third chapter introduces the subject matter of this research. It begins with the analysis of the pre-Arab uprisings' phase, which includes the geographical importance of Yemen and Libya. In addition to the history of the state building and the similarities exist in both cases, besides an analysis of the political system, and the challenges that forced the people to go against the regime.

As for the fourth chapter, it includes the post-Arab uprisings phase. It is devoted to study the intervention, its role in overthrowing the regime, and analyze its motives, and the role played by external and internal parties in the political aspect. Also, it

will include an approximate study to address the hidden motives behind the international and regional intervention, which prompted them to frame it under the name of humanitarian intervention.

Prior to the conclusion, the fifth chapter will highlight the ten year's consequences that followed the Arab uprisings, and how it affected civilians, by tracing the historical events and stages throughout the thesis.

CHAPTER 2

THE CONCEPT OF FOREIGN INTERVENTION

Regarding what is happening in Yemen and Libya; one realizes that many countries have intervened although the basic principle in international law and international relations is “non-interference” (Milojević, 2000). This put the credibility of this principle under question, as since it was adopted, it had been violated many times, whether legally or illegally, intentionally or unintentionally. Therefore in this section, the principle of non-interference, the meaning and the legitimacy of foreign intervention, its types and methods, in addition to the reasons that motivate and allow some countries to violate the principle of non-interference will be clarified.

2.1. The principle of non-intervention

After the end of the Second World War (WWII), the United Nations (UN) becomes the representative of international legitimacy, by the principles that sought to maintain international peace and security (UN Charter, n.d.). This matter made the majority of states to adopt the resolutions approved by the UN, which enshrined the spread of these principles and expanded the scope of its generalization. Accordingly, in compliance with the principles of UN Charter, the principle of non-intervention in the internal affairs of states was established as the general principle of the customary and the international law (Naigen, 2016). According to Article 2(4), and Article 2(7) of the UN Charter, there is no reason for the UN to intervene in the affairs that arise at the core of the internal authority of a state, and nothing gives members the right to raise such issues (UN Charter, n.d). If such an act occurred, they will be violating the provisions of the Charter, as the principle of non-intervention is considered one of the basic principles that the international

body relies on, and it has become a prerequisite for achieving international peace and security.

This was also affirmed by the UN General Assembly (UNGA) on several occasions, but it came first in the Assembly's Resolution 2131 (XX) of 1965, which states;

No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.

(UNGA, 1965, Art 1).

Jamnejad and Wood (2009) indicate that the principle of non-intervention is related to a set of basic rights of the state such as equality between states, especially in their sovereignty, independence and their ability to choose their own political, economic and social system. It lies fundamentally in sovereignty where neither a state nor any international body has the right to interfere in the affairs of a sovereign state (Jamnejad and Wood, 2009). In this regard, the International Court of Justice (ICJ) affirmed the principle of non-intervention in the case of military and paramilitary activities in Nicaragua in 1986 by condemning the actions of the US, given that the issue is purely internal to Nicaragua, and the US has no right to intervene. Considering that US violated the rule of prohibition of force in international relations, the principle of respect for the sovereignty of other countries and constitutes a violation of the principle of non-interference (Rattan, 2019).

However, Regan (1998) illustrates that although this principle has been the cornerstone of international relations since the inception of the UN, international practices have revealed that states are not bound by it in their foreign policy, as the justification and the foundations of the intervention differed. From the period of the Cold War onwards, intervention is taking its legitimacy in most cases from the pretexts and adaptations of the same international organization's principles

especially; the humanitarian intervention, due to the increase of the intrastate conflicts (Regan, 1998). This legal right allows the international community the right to intervene in the maintenance of international peace and security.

Highlighting the essence of the principle of non-intervention leads inevitably to examine what is called intervention in the internal affairs of states. By looking at the changing global system, its interconnectivity in all aspects, and the unexpected scenarios occur day by day, it is imperative to address the cases when foreign intervention exist in detail. Wherefore, the definition of foreign intervention in general and the exceptional cases of the intervention with its types, forms, motives, and the parties that carry it out in particular will be examined.

2.2. The definition of foreign intervention

The concept of foreign intervention is one of the concepts that characterized by complexity and lack of agreement. This concept was frequently used, especially after WWII, to describe the international interactions. Cambridge Dictionary defines the intervention as “the action of becoming intentionally involved in a difficult situation, in order to improve it or prevent it from getting worse.” (Cambridge, n.d.). However, there is no agreement among political science scholars, jurists and writers in international relations about defining what is meant by the foreign intervention.

International lawyers and analysts highlight the definition according to the legitimacy factor in their goals. Some limits this legitimacy to the humanitarian goals, while others to achieve the goal of self-defense. For instance, the professor of public law George N Barrie (1999) defines foreign intervention as an act carried out by a state or group of states by interfering in the internal affairs of another state, and it differs according to its goals. Barrie (1999) explains that the goal considered justifiable in international law if it is not violating the state’s sovereignty. In other words, it is justifiable if it is securing the state’s citizens, self-defense case, or when the intervention is upon a request to provide a humanitarian assistance not political

or strategic one (Barrie, 1999). Within this framework, one can divide the definition between hard and soft approaches.

The hard approach sees intervention as unlawful behavior directed at violating the sovereignty of states due to its contradiction with Article 2(4) of the UN Charter. Oppenheim (1955), Lauterpacht (1970), Al-Ghunaimi (1970), Al-Saket (1985), as the supporters of this approach, see intervention as the use of force in a way that does not recognize the sovereignty and independence of the state interfering in its affairs. This use of force is in a dictatorial manner, whereby the actual goal of this behavior tainted by the defect of illegality to achieve personal matters, whether immediate or in the future, where the outcome of which has negative and harmful effects on that state. Oppenheim (1955) adds that there is a right of a state or a group of states to intervene to stop the widespread violations practiced by a state against its citizens. This type of intervention contradicts the rules of public international law, according to Oppenheim (1955), but the rules of ethics allow it, as the protection of human rights is the main goal to intervene.

On the contrary, jurist Stowell (1921), in “Intervention in International Law”, tries to take the soft direction and give another definition that includes legitimate interventions that take place within the framework of humanitarian intervention. Stowell (1921) sees that intervention, in its broadest sense, as an external action targets the internal affairs of states by resorting to force measures, whether in action or by threatening methods. It might contribute to the escalation or de-escalation of the internal conflicts (Stowell, 1921).

Moreover, Grotius (1625), in “The law of war and peace”, states that in order to protect and establish humanitarian principles, armed humanitarian intervention is permissible. Whereas, Vattel (1758) objects the foreign intervention in his book “the law of nations or principles of the law of Nature”. Vattel (1758) states that the nature of states is free and independent, however, foreigners are allowed to intervene during civil wars, to help people who are being persecuted by their kings, because kings are already violating the law of nature.

In addition to this, Kouchner (1987) states that intervention cannot take place in the name of a state, but it must be a collective one in order to defend human rights as the UN intervention in Kosovo in 1999. Kouchner (1987) insists that it must be done without resorting to the use of force except when necessary, and any operation that exist unilaterally and without the consent of the UNSC is considered illegal (Kouchner, 1987). Other scholars like Max Beloff (1968) and Hedly Bull (1984) set their definition of intervention from the degree of coercion and oppression used in the intervention. Beloff (1968) and Bull (1984) agree that intervention is a logical consequence of the anarchic nature of the international system. Bull (1984) explains it as any coercive or dictatorial interference considered to be an act of intervention if the intervening state is more powerful than the target state. Whilst Beloff (1968) defines intervention as any state seeks to influence the domestic structure and foreign policies of another state by using varying degrees of oppression.

In accordance to the definitions addressed above, the level of intervention can be divided in the context of Nye's categorization of "hard power" and "soft power". According to Nye (2004) hard power is the use of coercive force to influence political entities, and soft power is the ability to participate and convince to achieve peaceful ends (Nye, 2004). So, looking at these categories, one can relate a series of foreign interventions with soft power, mediation and humanitarian aid, on one hand and hard power, military operations, on the other. Therefore, it can be said that the level of intervention may take several forms, such as psychological warfare, economic blockade, political, diplomatic or hostile pressures, and direct military intervention (Jan, 2005).

2.3. Foreign intervention through the lens of Realism and Liberalism

As a classical realist, Morgenthau (1967) argues that the acquisition of power is the appropriate, rational and inevitable objective of foreign policy. This means that statesman takes decisions that maximize the state's benefits and minimize its risks. Morgenthau (1967) states that "intervene we must where our national interest

requires it and where our power gives us a chance to succeed. The choice of these occasions will be determined...by a careful calculation of the interests involved and the power available.” (Morgenthau, 1967, p. 436).

Moreover, structural realists believe that in an anarchic international system, the only way to maintain peace and ensure security and survival is through the maximization of relative power. Accordingly, structural realism has divided into two branches; defensive and offensive realism. Kenneth Waltz, as a defensive realist, argues that states do not maximize their power when they are able to, but when they need to (Waltz, 2000). That is, when they feel a threat to their security and survival, they will seek to obtain power by reducing the opponent’s power in order to lessen the threat against them and preserve the state’s power. Whereas within offensive realism, Mearsheimer (2007) sees that states are allowed to gain as much power as possible, and search for opportunities to gain power, and to exploit situations in which the benefits weigh more than the cost. Mearsheimer (2007) adds that the states are willing to maximize their military and economic power, to keep opponents under control and achieve hegemony.

Yoshida (2013) also adds that realism in general depends on a basic premise that power is the main objective of political activity, in which they are free to pursue it without moral or legal restrictions. It also considers that the most important players in the international system are not individuals, but the states that bear a primary concern for the protection of their sovereignty. Accordingly, Yoshida (2013) and Phiri and Matambo (2017) indicates that states intervene for their national interest rather than humanitarian ideals, and they do not risk their military strength to stop the humanitarian violations.

On the other hand, according to Locke (1794) Liberalism looks at the concept of human rights from a point of view that the individuals have natural rights of humanity, freedom, and dignity granted by the natural law and possessed independently from any political system. However, within a sovereign state, preserving and protecting these rights would be the principal purpose for creating a

government (Lock, 1794). In addition to this, Keohane (1984) considers the individual to be the supreme value and the ultimate goal, and the state is nothing but a means of securing the rights of individuals and balancing them. Liberals maximize peace by ensuring cooperation, as it put the international organizations as the higher authority that limits the state power, and enforces the liberal, economic and political norms at national and international levels (Keohane and Nye, 2012).

However, under certain circumstances, Teson (2001) adds that Liberals support humanitarian intervention because it is considered prior to the sovereignty of the state and takes precedence over any considerations that may be raised about it. Humanitarian intervention is a necessity against chaos in the world, in light of the rapid spread of violence and internal chaos across borders (Yoshida, 2013). Therefore, it justifies the use of force against these states considering sovereignty is established in accordance with respect for the rights of the citizen.

It is clear from these approaches that the scholars agree on the fact that foreign intervention is an act that entails imposing the authority of a state over the choices of another state. It might be with or without a legal basis but in both cases it may reach to the level of threatening the independence and sovereignty of the target state. Highlighting these legal and political definitions along realism and liberalism theories marks the essence for the humanitarian goals that come as a legal justification for the intervention in the internal affairs of other states, and to ease the way to understand the legality of the foreign intervention in Yemen and Libya.

2.4. Types of foreign intervention

There are two dominant types of foreign intervention; it can be indirect and direct, i.e. covert and overt intervention. Klosek (2019) indicates that indirect intervention takes place in supporting armed or terrorist activities within another state, or delivering influential political speeches to incite domestic or international public opinion against the regime. Referring to the US foreign policy, Baldwin (1969) argues that this type is to establish a specific economic, political or social policy

that may be benefitting the administration of the interfering state with everything related to its supreme policy. Chomsky (1991) agrees by indicating that although these methods are non-violent, it can achieve the desired goals without incurring the costs of entering the war. Usually the intervening state inclined to this type of intervention to evade the legal accountability and the cost of direct confrontations (Klosek, 2019). One of the prominent examples is the withdrawal of US from the nuclear deal with Iran, along with the previous sanctions imposed on Iran.

Landler (2018) indicates that after the former US President Donald Trump withdrew from the nuclear deal in 2015, it pledged more pressure on Tehran with economic sanctions on oil, banking and transportation sectors. The re-imposition of these sanctions is part of a broader effort by US to compel Iran to reduce its nuclear and missile programs, and weaken its support for proxy forces in Yemen, Syria, and Lebanon (Landler, 2018). These sanctions, as a result, have plunged Iran into an economic crisis besides the consequences of the global pandemic (BBC, 2021).

Whereas direct intervention intended as overt intervention, is considered one of the most prominent and severe form of intervention. According to Roberts (1993) the history of international relations has confirmed that most forms of intervention were carried out by states with higher power and authority than the target state. Richemond (2003) illustrates that this is due to the inequality prevailing in international relations, as the international law imposes on weak states only a duty to refrain from the use or threat of force. Such as the Soviet intervention in Hungary in 1956, the American intervention in Lebanon in 1958, the Soviet intervention in Afghanistan in 1979, and the American intervention in Iraq in 1991 and 2003 (Richemond, 2003).

Direct and indirect interventions are carried out in many forms, the most important of which are military, political, and economic interventions. Military intervention is represented by using force with the aim of providing protection to the citizens of a state, against arbitrary treatment that exceeds its limits, self-defense, or war on terrorism, which is more common and controversial (Roberts, 1993). Moreover,

Gordon (1994) clarifies that military action may be taken by a state or coalition of states under a resolution issued by the UN to stop gross human rights violations in a country. It also includes sending units of national army to the country in which it is intended to intervene, such as the American intervention in Iraq (Gordon, 1994). Groh (2010) adds the definition that is called "proxy war", in which the intervening state train irregular military units provide them with weapons, and sending them to one of the parties within the internal conflict in other countries. One of the most prominent examples of proxy wars in Latin America, where the United States, with its support for some Cuban rebels, tried to overthrow the regime of President Fidel Castro (Jacobs, 2009).

Dunmire (2009) argues that after the events of 9/11, military interventions became the most common one as most of it was justified by what is known as 'war on terror'. In which, they were linked with new concepts such as the concept of just war, pre-emptive war and preventive war. According to Russel (1975) the concept of just war is based on several principles, including the just cause: such as self-defense against unjustified hostile acts, and this is also the basis of the theory of collective security. For example, intervening for human rights and for humanitarian and moral purposes is considered as a just cause.

However, Byers (2002) indicates that after the attacks of September 11, 2001 on the US, the former President George W. Bush came out immediately after the attacks by saying in his first speech that America is at war, and he held Al-Qaeda responsible and vowed to pursue terrorists everywhere. On September 12, 2001, NATO followed by invoking Article 5 of the principle of collective defence, in which it indicates that an attack on one ally will be considered as an attack on all NATO allies (NATO, n.d.).

From here, the intervention moved to a new formulation, after the intervention was for humanitarian motives and to protect human rights, as well as to spread democracy, the intervention came in a new molding (Dunmire, 2009). According to Byers (2002) this new type of intervention was made to protect American national

security, or in another sense, to legitimize the American intervention in any country that represents a threat to the US national security or to the safety of its lands. The intervention appeared under this image in both Afghanistan and Iraq, and this is under the cover of the war on terrorism, so America justified its action as a preemptive war against Afghanistan under the pretext of fighting al-Qaeda. Due to the presence of the Taliban, which America classified as a terrorist group (Jenkins, 2002). While the war on Iraq was justified by preventing it from acquiring a nuclear weapon, which would later pose a threat to US and its allies (Luban, 2004).

Wirtz and Russel (2003) and Levy (2008) clarify that the concepts of preemptive war as well as preventive war are new concepts, and they are related to each other in terms of origin, objectives and strategy, but differ in terms of the method of implementation. These concepts mean attack instead of defence, means that, preemptive war is launched when there is a conviction that an attack is definitely expected. As for preventive war, it depends on the assumption that the enemy will start the war in the near future. It came in the agenda of the US foreign policy, where the new war strategies have been identified as two objectives; the war on terrorism and combating it around the world in all its forms, and prevents the acquisition of weapons of mass destruction (Wirtz and Russel 2003; Levy 2008). Dunmire (2009) adds that pre-emptive and preventive wars allow countries to use it as a military strategy to station themselves in all areas experiencing tension and establish a global network to combat terrorism. In fact, Linden (2007) criticizes the US doctrine by expressing that it violates Article 51 of the UN Charter. Indeed, it contravenes all the laws, charters and covenants approved by the international community over a period of time. If every country that possesses a huge nuclear arsenal, and has the right of veto, took this approach, the world may enter a devastating war.

Moreover, the second type of intervention is political intervention. It is usually lies within indirect intervention, as it occurs when a state uses pressure, money, or technology to influence the political structure of another nation. Tomz and Weeks (2020) address that this could be in the form of supporting one political party over

another, campaigning for or against one, or tampering with political elections in another country. According to Dov Levin (2019) interfering in democratic elections is a consistent policy of the US during the Cold War in order to prevent the communists from gaining power. The percentage of those who succeeded in gaining power with American support in these attempts reached 59%, as the operations included 45 countries out of 81 countries between 1946 and 2000. This interfering in national elections was not limited to the US, Russia, also, on its part attempted to interfere in nearly 36 electoral campaigns from the end of WWII until the beginning of the Cold War (Levin, 2019). However, recently, the US president Joe Biden accused Russia in interfering in 2016 election against Hilary Clinton, and adding that they are already interfering in 2022 elections. Biden bases his accusation on the information that has been collected by the intelligence team, which was confronted by Putin's denial (Herman, 2021).

Political intervention also relies on shedding media and propaganda activity to influence the ideas and trends of international and domestic public opinion (Tomz and Weeks, 2020). For instance, the intervening states may try through media to inspire the society and the citizens to search for a political alternative by overthrowing the existing system. This type was used in 2003 when US President George Bush appealed to the Iraqi people to overthrow their president Saddam Hussein through a translated radio broadcast (American Rhetoric, 2011). Also, the establishment of the '*Radio y Televisión Martí*' station in 1983, by the US. The station was part of the US role in fighting communism, as the news was translated into Spanish to incite propaganda against Fidel Castro regime in Cuba (Jacob, 2009).

The third type is economic sanctions, as the use of economic measures and political conditionality from international institutions such as the World Bank (WB) and the International Monetary Fund (IMF). Lektzian and Regan (2016) indicate that the most important characteristic of this type is to influence the policy of states whose affairs are to be interfered with, in a way that jeopardizes economic independence of the target state. The most prominent examples of this type are the strategy of

imposing an economic blockade, cutting economic relations, boycotting products and commodities, and freezing funds or aid to countries to win them over their side, or to prevent them from exercising their sovereignty (Lektzian and Regan, 2016). Regan and Aydin (2006) add that under certain circumstances some interventions may prefer the use of economic and political sanctions, and military force over foreign aid and conflict resolution at the negotiation table. For example, as a response to the Iraqi invasion of Kuwait in 1990, the UN chose the economic sanctions over the military force. The UNSC Resolution no. 661 was adopted to apply a mandatory boycott of the goods originating in Iraq or Kuwait, as well as prevent the economic and financial aid (Chitalkar and Malone, 2014).

Moreover, another example in explaining the economic sanctions is the Gulf crisis that represented in the economic blockade against Qatar, which lasted for three years and restored in January 2021 (Ali, 2021). In 2017, the Gulf crisis started when Saudi Arabia, Bahrain, United Arab Emirates (UAE), and Egypt cut their diplomatic, commercial, and transportation ties with Qatar. The latter was accused of supporting 'extremist' Islamic groups and rapprochement with Iran (Soubrier, 2019). Naheem (2017) add that the four countries presented a list of 13 demands as a condition for restoring relations with Doha. Two of these demands were the downgrading of relations with Iran, and the closure of the Al Jazeera channel. For its part, Qatar refused to comply with these demands, and considered it as a violation to its sovereignty (Naheem 2017; Soubrier 2019). Consequently, Ali (2021) states that Qatar incurred significant economic losses, during the past years, represented by the drop in real estate prices and losses that affected its national airline, as well as lost important sources of food and raw materials, which it was obtaining from the countries that boycotted it.

Due to the significance of the economic aspect, it could also be a motive for intervention. Richmond (2013) argues that economic motive such as; access to natural resources is considered one of the main motives for intervention. In the past, agricultural resources were a reason for colonizing other countries.

Nowadays, with the discovery of petroleum and precious metals, the major powers compete over countries that have this wealth. This increased the possibility of intervention in these countries in order to control and exploit this wealth to meet the needs and interests of the intervening states (Richmond, 2013). For example, the US invasion of Iraq in 2003 is considered purely for economic and geostrategic reasons. Wahib (2014) points out that regardless of Saddam Hussein's possession of weapons of mass destruction; Iraq's possession of a large sector of reserves makes it a target of tremendous geo-economic and geo-strategic value. As Iraq is mediating oil giant minerals area in the region, and considered at the center of the geo-strategic transportation pipeline system in the region, between Saudi Arabia and Iran (Wahib, 2014).

2.5. The expansion of the concept of the intervention

After the end of the WWII, the international community managed to conclude many international charters and treaties for the purpose of protecting human rights from all forms of threat and aggression. As a result, the international community approved a set of agreements known as the International Human Rights Law, which consists of the Universal Declaration of Human Rights 1948, the UN Convention on the Prevention of Genocide 1948, the International Covenants on Economic, Social and Cultural Rights of 1966, in addition to a set of conventions (UN, n.d.). The articles of the Charter that link the importance of respecting and protecting human rights and fundamental freedoms to international peace and security have continued through Articles 56, 62, 68, 76, as they considered that any violation of human rights and fundamental freedoms constitutes a destabilization and a threat to international peace and security (UN, n.d.). In such a way that the non-compliance of states with these obligations leads to opening the way for the implementation of international humanitarian intervention. Accordingly, the rule of respect for human rights has become a binding and peremptory norm of international law, and international humanitarian intervention has become a duty of the international community, within the limits of the entitlements that can be

resorted to secure and ensure respect for those rights in case they are exposed to serious and grave violations.

Gordon (1994) mentions that most of the time a collective intervention applied by the UN in accordance with the provisions of Chapter VII of the UN Charter. It permits intervention if the concerned state undertakes some actions that threaten international peace and security. It is the permanent members' (P5) decision to collectively agree on the exceptional cases, when and where to intervene, and choose how it will be either direct or indirect intervention. The humanitarian intervention has become an answer for such a process; it becomes a justification for carrying out actions against other countries that are unable to secure the human rights of their citizens (Bellamy and Wheeler, 2008). In other words, it can be applied in situations with the collapse of the civil system and the lack of functioning government. Benjamin (1992) emphasize that humanitarian intervention finds its way through many attempts that emerged through international dealings that have been documented and devoted to this case, and have been proven either through international jurisprudence or through practices in this field. According to Kurth (2006) this opened the way for a number of foreign interventions in the nineties that came with humanitarian justifications, and took a collective character under the umbrella of the UN. Examples of this intervention in this period include the intervention in northern Iraq in 1991, Somalia in 1992, Haiti in 1993, and East Timor in 1999 (Kurth, 2006).

However, military intervention for humanitarian purposes seemed to be contradicting with the state's sovereignty. As, if the citizens are exposed to repression, the principle of sovereignty can inevitably be excluded (Bellamy and Wheeler, 2008). As a result, the humanitarian intervention lost its spark of legitimacy, as most of the countries commonly agree that states do not have the right to intervene in the internal affairs of another state, and violates its sovereignty, according to the principle of non-interference (Jamnejad and Wood, 2009). States also see that the notion of humanitarian action is not separated from

political agendas which threaten the international security (Anam, 2015). Therefore, due to the disagreement arose behind the failed attempts to prevent the mass atrocities in the Balkans and Rwanda in 1990s, and the NATO intervention in Kosovo, the UN member states agreed on using the principle of international R2P (UN, n.d.). Gierycz (2010) indicates that this principle is placing the responsibility to protect at the national level in the hands of the national state, and at the international level under the authority of the UNSC. Emphasizing that the process of intervention for humanitarian purposes must be done seriously and efficiently based on direct and responsible authority (Gierycz, 2010).

In this sense, in 2005, the UNSC found an appropriate mechanism to take the necessary measures, and implement R2P principle as the development of the concept of "humanitarian intervention". This principle was formulated as a result of the increasing number of intra-state conflicts that put the state sovereignty into question (UN, n.d.). It came as a response in the case of the state's inability to protect its citizens, as the state is the first responsible for protecting them from the violations or serious crimes that may occur on their rights. Also, in the case that the state commits massive and widespread violations against civilians including; war crimes, crimes of ethnic cleansing, crimes against humanity (UN, n.d.).

Pattison (2008) indicate that R2P is much broader than humanitarian or military intervention, as it is composed of three basic elements; responsibility to prevent, responsibility to react, and responsibility to rebuild. The first element emphasizes the international responsibility to decrease the tension between two conflicting parties, by addressing the root of the conflict and prevent it from being escalated (Bellamy, 2008). This can be done by the deployment of peacekeeping force, or sending envoys. One of the current missions is the United Nations Peacekeeping Force in Cyprus UNFICYP since 1964 which has set up to ensure the lasting peace on the island. By preventing fighting between the Turk and Greek Cypriots, maintain the buffer zone and supervise the ceasefire (UN, 1964).

The second element is the responsibility to react, which came with a firm response as it is based on the permissibility of intervention by the international community in the case of the state's failure to provide protection for its citizens (Pattison, 2008). From this principles, the use of force and the military intervention are justified according to six criteria; just cause, right intention, last resort, proportional means, reasonable prospect and right authority, which indicates the UNSC as the most appropriate legal authority (Evans 2002, Bellamy 2008, Pattison 2008). According to Evans (2002) the just cause and the right intention are the main goals behind invoking such a principle. As the intervention is mainly aims to prevent the violation of human rights by stopping the coercive actions on a large-scale, deliberate act of terror that include killing, and forced expulsion. Also, the environmental disasters and mass starvation is not exceptional, as if the state and the population are unable to cope with, its consequences will be on a large-scale (Evans, 2002).

The third criterion includes the last resort which is mainly underlined. Whereby the military intervention is applied after the ineffectiveness and exhausting other means of providing successful non-military options in preventing the occurrence of the humanitarian crisis (Bellamy, 2008). Massingham (2009) argues that this again raises suspicion, as it returns the wheel to the humanitarian intervention, which previously raised debate over the balance between the right to intervene and the sovereignty of the state. In addition to this, the proportional means and reasonable prospects, as the last two criteria, are linked during the process, as the first limits the intensity and the duration of the military intervention, while the latter ensures its success (Evans 2002, Pattison 2008). That is so say, within a specified period of time; the intervention can achieve as much chances of success as possible, where the negative outcomes of the intervention are less than non-intervention.

Despite the debates rose against the second principle, Pattison (2008) continues by adding the third principle, under the heading of; responsibility to rebuild. This makes the international community responsible for rebuilding the state in the post-conflict phase, and helping the state in building an appropriate political and social

environment. It also ensures the heading of humanitarian aid and capacity building (Anam, 2015). Such as the United Nations Mission in the Republic of South Sudan (UNMISS), where it reinforces the peace and security within the region, and consolidates the situation for development following the secession in 2011 (UN, 2011).

However, it is noteworthy that R2P resulted in major focus of controversy within governments, international organizations, and even across a variety of academic fields, including international law, international relations, and political science (Bellamy, 2012). According to Kuperman (2011) a controversy exists as the practices of humanitarian military intervention under R2P do not take place under the umbrella of Chapter VII of the Charter, and it is not governed by contemporary international law or the principles of the UN, as much as it is governed by the interests of the intervening countries. In other words, the applications of the principle of the responsibility to protect revealed multiple aspects of contradictions. As despite the violation of human rights in many countries, the implementation of the responsibility to protect did not occur. For example, the avoidance to intervene in the continuous atrocities and massacres carried out by Israel against the Palestinian people. According to Almkhtar (2016) the role of the US emerged in supporting Israel despite its violation of human rights. The US does so on the grounds that Israel achieves its interests in the MENA region. By using the US right to veto in the UNSC to protect Israel in any decision condemning or imposing a penalty on Israel (Almkhtar, 2016).

Another example is what the Arab region is witnessing from the events of the Arab Spring. According to Almkhtar (2016) and Laarousi (2020) the conflicts occurred after the Arab uprisings are likely to replace the Palestinian issue as the central factor for political crises in the Arab world, where fighting Israel is no longer a priority. Eminiue and Dickson (2013) address that the inconsistency in R2P is seen through the military intervention that is carried out immediately to eliminate a certain regime, as in Libya, whereas, the Syrian situation took a much longer time for the international community to act. During “the Friends of the Syrian People”

Meeting in Turkey, on April 2012, the Rwandan Foreign Minister states that the Syrian situation almost resembles what happened in Rwanda, as the international community did not intervene to stop the genocide due to its failure in Somalia (Adams, 2012). In fact, Evans (2014) adds that the failure to act to save Syria is because two among the P5 -Russia and China- are preventing any decision in the Security Council that would allow intervention. Russia and China also vetoed twice a draft resolution on extending humanitarian aid across Syrian borders via Turkey (Nichols, 2020). Subsequently, in the presence of a basic rule that legitimizes intervention as a responsibility to protect, these two cases clarifies that interference only occurs according to the hegemonic power not the people within the concerned state.

2.6. The dilemma of humanitarian intervention: failed paradigms

Despite the fact that humanitarian intervention within the framework of international collective action is considered as a qualitative leap in the field of preserving human rights that an individual may lack in his country, this type of intervention has become notorious for the third world countries (Ayoob, 2002). Due to the duplicity in dealing with this concern by the major powers, as they interfere according to what is in line with their interests, or if their national security is endangered. They left the standard of humanitarian intervention and the standard of international peace and security unfixed by making it flexible in order to facilitate their interference in the internal affairs of other countries under the pretext of humanitarian intervention, the protection of human rights, or the maintenance of international peace and security (Ayoob 2002; Laarousi 2020).

According to the foregoing concern, it is worthy to highlight some cases of failed humanitarian intervention during the 20th century such as; the intervention in Iraq in 1991, Somalia 1992, besides the aforementioned cases that were made in the name of humanity. All of which did nothing for humanity, rather it violated the essential principles of international law, and brought ruin and destruction to these

countries more than it was before the intervention, and caused unintended consequences for its civilians that lasted until this day.

For example, Malanczuk (1991) and Qureshi (2018) illustrate that the humanitarian intervention in Iraq in 1991 goes back to the events that followed the Shiite rebellion in southern Iraq and the Kurds in the north, which became hostile to the regime of President Saddam Hussein. These sectarian and ethnic components took advantage of the weakness of the government forces and launched an armed uprising against the Iraqi forces in Basra in the south and in the Kurdistan region in the north (Malanczuk 1991; Qureshi 2018). Qureshi (2018) adds that this large-scale military operation resulted in a mass displacement of the population, as the number of Kurdish refugees towards Turkey was almost 450,000, and the number of Shiites was doubled towards Iran, which led the two neighboring countries to announce their inability to receive more refugees from Iraq.

To confront this humanitarian challenge, France and Belgium submitted to the UNSC a draft resolution to provide humanitarian aid to the Kurds in Iraq. After many amendments, it was approved and the Resolution No. 688 was issued on April 5, 1991 (Malanczuk 1991; Qureshi 2018). Although this resolution did not include any authorization to resort to armed force, the Western coalition considered it as a basis for the intervention in Iraq to protect people from the regime's oppression. The coalition continued their policy of fragmenting Iraq's sovereignty, by establishing no-fly zones in the north and the south, without any logical basis for it (Qureshi, 2018).

In fact, the intervention in Iraq was not a humanitarian intervention in any way. Rather, it was a strategy by all political, economic and security measures. It was for the oil, a radical reconsideration of relations, a redrawing of international maps, and to eliminate its military ambitions that threaten its neighboring countries, especially Israel (Qureshi, 2018). That is to say, the political considerations prevailed over humanitarian considerations.

Furthermore, according to Clarke and Herbst (1996) the Somali experience does not differ much from the Iraqi one. It begins with the fall of the regime of President Mohamed Siad Barre on January 21, 1991, who failed to achieve economic and political equality between clans throughout his rule. As a result, the Somali state collapsed and the country entered a political and security vacuum with a complete absence of authority and order (Clarke and Herbst, 1996). This situation resulted in a deepened humanitarian crisis, by the already deteriorating economic situation as a result of severe drought in the north, and the cessation of agricultural activity in the south, which led to the widening of the cycle of poverty, hunger and severe food shortage. Also, fighting between armed tribes has contributed to preventing the delivery of humanitarian aid, which was provided by international organizations.

So, with the aim of putting an end to the human tragedy, on January 20, 1992, the Special Envoy of the UN in Somalia appealed to the UNSC to intervene and provide assistance to the Somali people (Clarke and Herbst, 1996). Six months later, the UNSC unanimously issued Resolution No. 767 in response to the calls made by the parties in Somalia to the international community to contribute to the humanitarian relief efforts. The resolution urged that all Somali movements and groups facilitate the efforts of the UN, and ensure the safety and freedom of movement of the staff of these bodies (UN Resolution no. 767, 1992). However, the UN security forces were unable to carry out their tasks, and the situation deteriorated further. This led the UN to announce that UNOSOM had failed and that this formula was no longer appropriate to confront the humanitarian crisis. The failure of these efforts by the UN attributed to the lack of a ceasefire between the conflicting factions and the lack of cooperation between the parties (Gordon 1994; Gibbs 2000).

After the UN and the US recognized the difficulty of the task of “Operation Restoring Hope”, the UN decided to establish a new operation, which it named UNOSOM II on March 26, 1993 (UN Resolution no. 814, 1993). However, the UN also failed in its second operation and became a party to the conflict by imposing national reconciliation by UN and US by taking sides at the expense of another and

using force against it, intensified the negative consequences of humanitarian intervention with the violation of basic human rights by international forces (Gordon 1994; Gibbs 2000). This reflected negatively on the satisfaction of Somali citizens with the intervention of the UN and the participating countries, in addition to the presence of many interests, such as oil due to Somalian geological zone, that the intervening countries seek to achieve (Gibbs 2000; Clarke and Herbst, 1996). It also became in the eyes of some Somalis an occupying force that must be confronted. Especially after the US returned to strengthen its military presence following the issuance of the UNSC Resolution No. 837 of June 6, 1993 that entrusted the UN forces with the arrest of General Muhammad Farah Aideed, who is accused of killing a number of Pakistani soldiers (Gibbs, 2000). The implementation of this resolution, in the eyes of Somalis was a deviation from the humanitarian mission that the UN came to accomplish.

This indicates that “Operation Restoring Hope” was not able to restore hope to the Somalis and end their tragedy with fighting and strife, homelessness, poverty, hunger, insecurity and order. Gordon (1994) and Gibbs (2000) attribute the failure of the UN peace operations in Somalia and its inability to save civilian lives and restore order and security, to the flaws involved in the planning process, as well as to poor implementation and excessive reliance on military force. The Somali crisis and its chronic humanitarian tragedies remain the biggest failure of the UN and the international community in their inability to find solutions to this conflict, which seems to have turned Somalia into a failed state. So, mentioning these cases clarifies that most of the interventions carry colonial ambitions, but they hide behind the guise of humanity, as the intervening countries may seek to intervene for protecting their interests (Laarousi, 2020). Sometimes interventions do not receive international acceptance, not because they lose their legal basis, but because they contradict many principles inherent in international law such as; the principle of non-interference, the principle of sovereignty, and the principle of non-use of force in international relations (Bellamy, 2004).

Thus, after reviewing the concept of foreign intervention in all its types and dimensions, it became clear that intervening for protecting civilians in the internal armed conflicts has been established and legalized at the international level. So, it is necessary to search for devices and means to ensure the implementation of the rules of this protection, by clarifying its reality and its limits. The following chapters will be specifically analyzing the case of the foreign intervention in Yemen and Libya, as the issue of the legal protection is examined beyond the theoretical framework and on a practical level.

CHAPTER 3

TOWARDS THE ARAB SPRING

3.1. Why Yemen and Libya?

For this thesis, the case of Yemen and Libya are selected as both cases are suitable for the objective comparison. Yemen and Libya share many similarities such as: geographical importance, state-building history, and tribal system. Also, both countries have been suffering political, social and economic challenges before and after the uprising, and both experienced interventions that diverted the path to democracy; however, there are differences between the forms of intervention in general. In this chapter, an explanation of the Yemeni and Libyan crises in terms of its geostrategic location, state-building history, and the nature of the regime will be provided. As, by following the chronological events and changes in the two crises, it will pave the way to clarify the motives for the foreign intervention, process, consequences, and to note where the law was applied and breached, and examine the duality of the application of international humanitarian law.

3.2. Geographical importance / State-building history

According to Almkhtar (2016) the Arab region acquires strategic positions; in addition to its possession of massive mineral wealth, which made it exposed to many external threats and political pressures exerted by big powers. After WWII, the West realized the importance of the geographical location of the Arab world along with its enormous economic potential and oil wealth that could supply the US and its allies without having to use its stock of oil (Abdulsalam, 2019). Abdulsalam (2019) specifies Yemen and Libya, as its geographical importance portrayed through its supervision on bodies of water and significant straits. It occupies a prominent position in the global trade movements, as it is considered as a bridge that links the three continents; Africa, Asia and Europe.

According to Alariki (2017) Yemen is not a wealthy state, but its geographical location has a strategic and vital importance in the south of Saudi Arabia and west of the Sultanate of Oman. It also controls Bab al-Mandab Strait, which is one of the most important passages that has been in the world since ancient times, and it has been a transit center for global trade movements, and thus it occupies a very important position on the international scene (Blunden, 2012). Lackner (2014) adds that the geographical importance of Yemen, specifically Southern Yemen, goes back to the history of colonialism, where Yemen was divided between Ottoman Turkish north, and a British ruled south. Burja (1970) indicates that in 1789, a French campaign to seize Egypt began, and the British felt that this campaign was not aimed to expand the areas of the French Empire, but also will threaten the maritime routes of Britain and India. In order to confront this threat, the British government sent a naval force that occupied Perim Island, located in Bab al-Mandab Strait. This came with the intention of blocking the way for the French to extend their control over the southern region of the Red Sea, and securing the British sea lanes, which are passing parallel to the Aden coast - south of the Bab al-Mandab strait (Burja 1970; Holt 2004).

Burja (1970) and Holt (2004) point out that in 1802, a treaty was signed declaring the port of Aden a "free port" for the entry of the British goods, along with providing special protection for the allies of the "Queen of Britain", and to guarantee their interests, and this was considered as a step towards occupation. At the beginning of 1959, Britain formed the Union of the Emirates of South Arabia. Then, with the transformation of "Northern" Yemen into a republican system in 1962, the name of the south was changed to the Union of South Arabia, which was struggling for independence and dreamed of building a strong state (Lackner, 2014).

Lackner (2014) also states that the Northern region, Republic of Yemen, had no one with whom to achieve unity, so they formed the South Yemen Liberation Front movement in 1964. This paved the way for the independence of the Republic of South Yemen, which later turned into the People's Democratic Republic of Yemen.

Gelvin (2015) addresses that in 1989, negotiations were held, and resulted in the announcement of the unification of the Yemen Arab Republic (YAR, North Yemen), with the People's Democratic Republic of Yemen (South Yemen), to establish with this unity a new state named (The Republic of Yemen) in 1990, under president Ali Abdullah Saleh.

Likewise, according to Food and Agricultural Organization (FAO) Libya has a significant location, as it is located on the southern coast of the Mediterranean Sea with a long coastal line that extends to almost 2000 km, and 200m continental shelf. Also, its coastline provides it with an important fish wealth that has not been properly exploited, especially at the level of the Gulf of Sirte, as it occupies a large area of the coastline. The Libyan territory occupies an area of almost 1,759,540 km² in the north of the African continent (FAO, 2005). It has eastern borders with Egypt and Sudan, southern borders with Chad, Niger and Algeria, and western borders with Tunisia and Algeria (Al-Obaidi 2010, Riyad 2014). This geographical location gives Libya a great importance and impact in its historical, economic and social relations with neighboring countries, which made it a link between the eastern and western Africa, as well as with the Sahel region (Riyad, 2014).

In addition to this, Matar (2020) explains that since the discovery of oil in the Gulf and some African countries, they have become a subject of international struggle for control of wealth, especially in front of the growing Western countries' interest for energy sources. Alketbi (2020) adds that Libya possess huge mineral wealth besides its nature of desert that constitutes some amounts of oil and gas in the southern Mediterranean. Libyan wealth of natural resources includes; uranium, iron ore, gold, and other minerals, and this would make the Libyan territory, since ancient times, a target for international ambitions (Aketbi, 2020).

Zaccaria (2019) states that Libya's wealth and location, as an international corridor towards sub-Saharan Africa, the Arab region, or Europe, made it an attractive spot for Italian colonialism in 1911. According to Qazi (2015) Italy occupied Libya for political, social, economic and strategic reasons. These reasons are mainly include;

the desire of the colonial countries to divide the collapsed Ottoman Empire, and an appropriate solution to the problem of the population explosion afflicting Italy, where the occupation of the Libyan territories will lead to the emigration of large numbers of Italians to it (Qazi, 2015). Altekamp (2004) also adds that Italy had a desire to establish its place in the world market, by searching for new markets for its industries, securing and exploiting Libyan wealth and raw materials for its economy. Among the strategic reasons was Tripoli, the capital of Libya and its largest city, as it is located near Italy, and occupies a strategic position on the Mediterranean Sea makes it a strategic solution to the maritime restrictions imposed by France and Britain (Riyad, 2014).

At the beginning of the twentieth century, the Libyan people, with the leader Omar Al-Mukhtar, rose up against the Italian colonialism, and gain the independence of Libya in 1951 under the name of “United Kingdom of Libya” (Qazi, 2015). Winer (2019) points out that the UN, which was responsible for this independence, saw that the federal system is the most appropriate form of the new Libyan state, under the authority of a king who owns and rules. Upon this decision, King Idris I assumed the formation of governments, taking into account the distribution of ministerial positions on a tribal basis, and limiting them to traditional leaders (Altekamp 2004, Zaccaria 2019). By 1960s, the door was opened to educated and young elements, and institutions began to take steps toward the modern Libyan state. The process of modernization led to the weakening of traditional values, including tribal loyalties, and increased the modernist values and loyalty to the homeland and the institution (Winer, 2019). Consequently, as Glevin (2015) indicates that in 1969, a military officer, Muammar Qaddafi, led a group of "Free Officers" to overthrow the Monarchy that he described as backward, reactionary and traditional.

It is worthy to note that geographical location was and still constitutes a factor of interference in the internal affairs of Yemen and Libya (Abdalsalam, 2019). Ibn Haldun once said “geography is fate/ *Coğrafya kaderdir*” , this phrase explains

why some countries, in general, have been under the spotlight and have been subjected to many attacks and pressures by countries that have ambitions and interests within their target state (Riyad, 2014). Thus, applying the same phrase on Yemen and Libya, it is clear that the geographical location was the first reason for the occupation by European countries in particular, and today the same scenario is repeated (Abdalsalam, 2019).

3.3. Similarity of the cases “weak states”

Nazih Ayubi’s theory on the weakness of the Arab states (1995) provides an additional dimension in understanding the basis of the conflict. In the theory which Ayubi (1995) first puts across in his published book *Over-stating the Arab State: Politics and Society in the Middle East*. Ayubi (1995) brings together both the economic and the political aspects in evaluating whether a state is weak or not. At the heart of Ayubi’s theory is the state and its provision of service as well as its achievement of objectives. Ayubi (1995) argues that a state could either be a ‘hard state’ or a ‘strong state’, given the contradictory nature involved in securing both political and economic liberation: the former needing a protective state and the latter a shrunken presence of state in economic activities. The first, Ayubi (1995) argues, uses elements of force, coercion to secure cooperation and the other achieves its objectives, and continues to classify the former as the ‘weak states’ in that it cannot achieve anything without violence and its institutions are rather decorative and at best ceremonial. The Arab states fall under this category.

In a nutshell, Ayubi’s theory on the weakness of the state in the case of Arab states boils down to one single question: How effective is the State in ‘social Control?’ The general assumption according to Karl Wittfogel (1957) ‘*Oriental Despotism*’, as Arab states have historically had a strong state and a weak civil society, a fact that has enabled effective exercise of control. Ayubi (1995) argues that the state of the civil society does not matter as other limitations exist preventing the state’s capacity for social control. ‘The first pertains to vested interests against political or economic liberalization. The second consists of cultural dispositions favorable to

authoritarianism. And the third involves inhibitions against reforms liable to fuel uncontrollable and self-augmenting demands for redistribution' (Kuran,1998, p.113). In the context of Yemen and Libya the above provides the perfect breakdown of where the state went wrong, the three limitation existed in the country with vested interests against enacting policies that would have offset the need for a revolution, the default to authoritarianism as a means of rule considering that both countries had strongmen as their leaders, and finally the fear that giving in would make the demands spiral out of control.

Additionally, Acemoglu (2005) states that, in general, over the past decades, new refutations and challenges to economics-based definitions of "state weakness" emerged. Recently, interest in the failure of the state has increased on a number of additional sub-issues related to the state's capabilities and weaknesses, as well as expanding the scope of the discussion in different directions. A state considered weak as soon as it lacks the functioning government and becomes under the control of a self-interested leader, which resulted in their sovereignty being repeatedly subjected by external penetrations, both economically and politically (Acemoglu, 2005).

Furthermore, Schmitz (2014), Wehrey (2014) and Sayigh (2015) address that Yemen and Libya apply to the description of weak states, due to the institutions' failure to assume their natural roles and responsibilities through their lack of the most important components and characteristics of the state. The loss of control over its lands, the weakness of the legitimate authority in the country, and the inability to provide a reasonable amount of public services, are present in these cases. In addition to that, Gelvin (2015) provides an overview of the four factors that contributed to the state's weakness of Yemen and Libya, by mentioning what both states experienced by the time of the uprisings. These factors are; geography, history, decisions and actions by the former leaders, and oil (Gelvin, 2015).

Geography is important as much as the distribution of economic and military power, it largely contributes to the state weakness (Riyad, 2014). Yemen and Libya

suffer from weaknesses, as the population is distributed among many regions made both states a very difficult place to govern (Abdalsalam, 2019). According to Mousa (2019) in Yemen, the vast mountainous and desert terrain increased the tribal entities and separatist groups, and this weakened the central government. The diversity and plurality that Yemen produced different regimes, as the contradictions in the Yemeni social structure was seen in the presence of different races, sects, tribes (Welton, 1997). While in Libya, the population concentrates in two regions; the first of which is the desert, which constitutes the majority of the country's area, and the other is the Mediterranean coast, featuring desert stretches. These stretches separated the population concentrated along the coast, and caused a demographic vacuum (Gelvin, 2015). Thus, the spatial arrangement of the Yemeni and the Libyan mountain and desert will continue to play a decisive role in the political development of these countries, as it resulted in a political and tribal fragmentation, as well as the absence of social solidarity.

The second factor that plays a key role in both states is history. Hill (2005) states that colonialism is one of the reasons that contributes to the failure of developing countries, as it contributes to the dismantling of these countries by drawing borders that do not respect the privacy of countries, ethnically and religiously. Aberg (2018) agrees by noting that, these states existed for the acquisition of wealth within these countries, and to ensure the absence of all the democratic mechanisms. With the intention that these countries would remain dependent on it and will never achieve the well-being of its people (Hill 2005; Aberg 2018). According to Schmitz (2014) the emergence of the Yemeni crisis was manifested historically or chronologically in the occurrence of Aden and other Yemeni regions under the rule of the British colonialism, during which the British introduced the concept of modern state. In order to secure their interest, British transformed the sheikhs in Yemen into head of states, and tribesmen into citizens (Schmitz, 2014). As a result, Yemen became divided not only tribally, but also geographically, politically, and economically into two antagonistic parts. The first is southern region run by Britain and its center is Aden, and the second is northern region run by the Ottoman

Empire and its center Sana'a (Mousa, 2019). This division under different forces was the reason for the increase in economic differences, especially since the North does not have as much oil and resources as the South, which led to the desire of the unification of Yemen by Ali Abdullah Saleh in 1990, followed by the monopoly of power and wealth in the north (Gelvin, 2015).

On the other hand, Libya is a state that did not arise until the twentieth century. The fact that Libya went through, Ottoman then Italian rule, independence, monarchy then finally rest on a republic under absolute power, set boundaries and obstruct the formation of the Libyan modern state that based on a broad consensus government (Wehrey, 2014). These different systems, also, are a reason for demographic pressures, which is expressed in the high population density in the state, or forced displacement of a number of people into a different area within the state, and the presence of a hostile legacy among the people. As the Libyan people are still raising debates within the society about who died, and who collaborated with which system and who was against, who resisted, and who was forced into exile (Ahmida, 2020).

In addition to this, the third factor contributing to the weakness of Yemen and Libya is the decisions and actions made by the former leaders. Ayubi (1995) notes that the default for most Arab states is the prisons and punishment with participation of the military and a notable ineffective bureaucracy. Besides suppressing the citizens and dismantling formal institutions, the regimes in Yemen and Libya were also exercising nepotism, building corruption into the system, and exercising the monopoly over the military and security agencies by the presidents' sons and relatives (Alteer 2014; Eissa 2014; Gelvin 2015). For example, prior to the uprisings, the Yemeni army was controlled by the former president Ali Abdallah Saleh's relatives, the most important ones are; his son, Ahmed Ali Abdullah Saleh, as the command of the Yemeni Republican Guard and the Yemeni Special Forces. Along with three of his nephews; Yahya Muhammad Abdullah Saleh as the commander of the Central Security Organization, Ammar Muhammad Abdullah Saleh, as the Deputy head of the National Security Organization, and

Tariq Muhammad Abdullah Saleh who was the commander of the Special Guard (Eissa, 2014). In the same manner, the situation in Libya was not far from Yemen, where three of Qaddafi's sons held prestigious positions. The first was appointed as the leader of the regime and supreme commander of the armed forces, the second was a colonel in the Libyan army, and the third was a police officer who headed a special unit as he received military training in Russia (BBC 2011; Alteer 2014).

Ayubi (1995) states that the fourth factor includes the oil as the most important factor among the aforementioned ones. Prior to the uprisings, Gelvin (2015) explains that as much as the oil contributed to the weakness of both states; it preserved its survival. In Yemen and Libya, oil contributes to the deterioration of the national economy in varying degrees, and the increasing of corruption rates along with the dependency aid (Carapico 1988 ;Eissa 2014).

The third world countries are among the richest regions in the world due to their availability of many types of natural resources such as oil (Abdalsalam, 2019). However, according to Carapico (1988) and Eissa (2014) this did not prevent them from falling into failure, as this abundance was accompanied by poor management and optimal exploitation of this wealth. In addition to the dependence on colonial countries that did not abandon exploiting their colonies and draining their wealth, under the pretext that they do not have the technology and experience necessary to exploit their resources (Carapico 1988). As well as, the absence of effective economic policies, and the role played by the ruling class and its appropriation of state resources to create wealth at the expense of providing services and benefits to the people (Alteer, 2014). Most of the developing countries have become failed as a result of ascending to power for the purpose of controlling and collecting wealth and building influence to achieve personal purposes, which resulted in all kinds of corruption such as bribery and nepotism, in addition to the absence of effective performance, quality of management and integrity at work (Alteer 2014; Eissa 2014; Gelvin 2015).

Ayubi (1995) adds that in the Arab world the most lucrative jobs are usually held by the ruling family and their close associates, then the citizens, who receive privileges and promotions, and finally, the foreign workers, where Egyptians and Yemenis constitute a large segment. However, although these foreign workers are paid less compared to the citizens, the Yemeni national economy, as it is not a producing oil country, was depending on the labor export (Carapico, 1988). As, the massive number of the Yemeni labor, who is working in the rich Gulf States, were indirectly enrich the government with customs duties, since they were sending money and goods to their families in Yemen (Eissa, 2014). After the discovery of oil, like Saudi Arabia, Yemen's oil exports provide nearly 75% of the Yemeni state's revenues, distributed to the ruling family and the loyal clients (Gelvin, 2015). According to Carapico (2011) and Eissa (2014) the unequal distribution of wealth is represented by the tribesman Hamid al-Ahmar. Hamid has made a significant fortune as head of Al-Ahmar Group, the SabaFon telecom company, Saba Islamic Bank, and a large number of oil concessions. Al-Ahmar, also, participated in the Yemeni parliament to finalize the agreements for the Republic of Yemen with international oil companies (Carapico 2011).

Like Yemen, Libya was deriving 95% of its revenues from oil, which also distributed to close loyal associates by Saif al-Islam Qaddafi, Qaddafi's second son who was his heir apparent until the uprising (Gelvin, 2015). Libya is considered one of the richest countries in the world with oil resources, with reserves of 47 barrels (Al Nuaimi, 2019). Costantini (2016) clarifies that most of the oil fields are concentrated in the eastern and southern regions of Libya, which made Libya a link to a conflict between the various components of Libyan society, due to the absence of a fair distribution by Qaddafi's regime. In accordance with the aforementioned factor, it is noteworthy that this highlighted the fact how similar these cases are, along with putting the essence to analyze the regime and challenges in both states and understand the origin of the uprisings in Yemen and Libya.

3.3.1. Politics in Yemen and Libya before the uprisings

Before the uprisings, Yemen and Libya had many things in common, mainly the political system. Ali Abdallah Saleh of Yemen and Muammar Qaddafi of Libya were two of the longest ruling heads in the Arab world, and both of them intended to leave their thrones within the family after they were gone (Fadel, 2013).

According to Al-Sarhan and Brehony (2015) the former president of Yemen, Ali Abdullah Saleh was a military officer who was the president of YAR since 1978, and then started to rule “The Republic of Yemen” after the unification in 1990. Alissa (2012) explains that after Yemeni unity was achieved, the people and the political elites in the southern region hoped that the situation would bring a tangible improvement. Indeed, parties and civil society organizations were established, and partisan and civil newspapers spread (Alissa, 2012). Until 1993, when Yemen witnessed the first parliamentary elections under the united Yemen, in which the General People's Congress as the ruling party in the former north of Yemen, and the Islah Party as an ally of the Congress Party, were able to obtain most of the parliamentary seats, and the Yemeni Socialist Party, the former ruling party in the south, came third (Eissa, 2014).

Phillips (2008) and Eissa (2014) point that the electoral system in Yemen is based on individual districts, and the disproportion of the population of Yemen in the north and south, as the population of the north represents three times the population of the south. However, in 1994, Yemenis from the south started a revolution against the government, declaring their desire for independence as they felt marginalized by the system (Schmitz, 1995). The situation deteriorated into an armed conflict between the two main parties in North Yemen; the People's Congress and the Islah Party, and the Socialist Party as a representative of southern Yemen in the Unity Agreement, who they were horribly deterred by the northern regime (Schmitz, 1995).

Phillips (2008) indicates that after the 1994 war, Saleh began canceling his war partners in 1994, by expelling the Islah Party, which led to the collapse of the

political balance and the dominance of one party. The 1997 elections witnessed Saleh's winning the parliament seats by more than two-thirds, which followed by systematic exclusion for the powerful group who may enter the conference (Phillips, 2008). Gelvin (2015) mentions that, Saleh kept on winning the presidential election with high percentages, like winning with 91% in 1999, due to the absence of the political parties, and the fact that Saleh is choosing a weak candidate from his own party to run these elections against. Accordingly, in 2003 elections, the renewal of Saleh's presidency boosted the regime's self-confidence and increased its power. Again in 2005, Saleh won the election and decided that he will give a chance for the new generation by not running for the upcoming presidential election (Phillips, 2008).

Palik (2019) mentions that similar to the southern case, from the north Ansar Allah movement, Yemen's Zaidi Shia minority known as al-Houthi group, were also excluded by the Sunni government in the economic and political spheres. As a result, a rebellion started in 2004 in Saada, as a result of killing the Houthis' leader Bader Eldeen al-Houthi, as he was criticizing the government (Serr, 2017; Palik 2019). In 2009, the Houthi forces crossed the Yemeni-Saudi border and entered the province of Jazan in Saudi Arabia (Orkaby, 2020). Accordingly, the Saudi forces sent a military squad of the border guards to expel them. The Houthi militants clashed with the Saudi forces, and as a response, the Saudi Air Force sent warplanes to stop the advance of the armed militia. After that, Abdul-Malik Al-Houthi announced the cessation of the war which lasted for two months, and the withdrawal of his power from Saudi lands (Orkaby, 2020). While in Yemen, the war continued over the years through ups and downs, until a ceasefire in 2010 (Alissa, 2012).

Following this conflict, the Yemeni parliament headed by Saleh's party, decided to make a slight change to the constitution in which they abolish the presidential term limits, making Saleh a permanent president in effect (Serr, 2017). Jones (2011) and Serr (2017) add that his plans was not limited to this, but he was grooming a succession plan by showing his son "Ali Ahmed Saleh" –the Commander of the

Republican Guard and Special Forces- as a potential presidential heir. To be able to achieve this, Saleh managed to keep the former military officers, tribal leaders, and successful politicians aside from candidacy (Gelvin, 2015).

Jones (2011) and Serr (2017) move on by clarifying that Saleh went beyond his son; he was accused of nepotism because he restricted the prominent positions among relatives. This placed Yemen in an advanced rank in all indicators of corruption, and bribery. According to Global Security Organization GSO (n.d.) and Skynews (2015) military positions, government ministries, and boards of public enterprise were all controlled by the leader's relatives. Such as; national petroleum company, by his half-brothers Hamid and Ali Al-Ahmer, the national airline, by his son-in-law Abdul-Khalek Al-Qadi, and his nephew Yahia Mohamed Saleh as the head of the trade and tourism companies. Beside family ties, people who were close to him were able to enrich themselves through investment, real estate speculation, trade, and easy access to black market and government foreign exchange reserves (GSO n.d.; Skynews 2015). For other members, outside the circle of family and friends, Saleh was treating loyalty as a commodity in which he was providing money for tribal leaders to ensure their loyalty that enables him to strengthen his grip on power (Jones, 2011).

In the context of Yemeni foreign policy, Saudi Arabia as a rich neighboring country and the US are the most important allies of Ali Abdullah Saleh (Hill, 2017). For the US, the cooperation between the two sides has continued since the end of the Cold War, when the US supported the North to besiege the communist in the South until the beginning of the international campaign to fight terrorism. Saleh clearly condemned the attacks of 9/11, and expressed his willingness to cooperate with the US administration in tracking down the accused in those attacks (Peron and Dias, 2018). Consequently, Saleh gave the US a permission to launch air attacks by drones against al-Qaeda elements in Yemen, and allow the CIA to operate in Yemen in exchange for American economic support (Wilcke, 2011).

As Saleh, Winer (2019) explains that the former president of Libya, Colonel Muammar Qaddafi was a military officer, who ruled Libya for 42 years, motivated by the modernization values. Gelvin (2015) underlines that, in 1977 Qaddafi presented the foundation for reforming the Libyan economic and social sectors in his book “the Green Book”. The most important term within the book was what he termed Libya as “*Jamahiriyah/جمهورية*”, which means “rule by the masses”. According to the Green Book, the Libyan government was divided among formal and informal layers; a formal layer of the people’s institution, and an informal layer that governs the state, controlled by Qaddafi & Co (Gelvin, 2015). This indicates the fact that Libya was not an actual *Jamahiriyah* as claimed by Qaddafi. As, over the 40 years, Qaddafi established a system based on the absolute power summed up in his slogan “God, Muammar, Libya” (Fadel and Mohammed, 2016). He also ordered the dismantling of the institutions that would create inequalities among the people such as; the representative institutions and economic structure (Alteer, 2014).

Thus, the power apparatus in Libya, including the political, administrative, and military, are all ultimately subject to the orders of the country’s leader, Muammar al-Qaddafi (Hill, 2005). Hill (2005) adds that this enabled Qaddafi to give orders directly to all levels of the state apparatus in Libya, while ensuring their immediate implementation. Thus, the product of Qaddafi’s rule was an authoritarian state with powers delegated to independent, sometimes overlapping, entities usually led by members of the close associates (Alteer, 2014). This led to the absence of formal characteristics of the governmental hierarchy. In addition to that, Qaddafi established security agencies, led by members of his family and specifically his sons as indicated earlier, in which he ensured their loyal commitment to the Green Book, so that they can confront any anti-Qaddafi activities (BBC 2011; Alteer 2014). This agencies were authorized to assassinate the opponents of the regime wherever and whenever is needed (Gelvin, 2015).

Furthermore, Fadel and Mohamed (2016) and Suh (2019) indicate that Qaddafi took the Arab nationalist line, influenced by the Egyptian leader Gamal Abdal-

Nasser's "pan-Arab" vision. He tried to declare unity several times with Tunisia, Morocco, Algeria, Egypt and Sudan. When all his attempts failed, he turned his goal from the Arab countries to the continent of Africa and transformed his project from an Arab nationalist to an African project (Fadel & Mohamed 2016; Suh 2019). Qaddafi saw that the success of his relationship with African countries is the way to the leadership on the African continent (Fadel and Mohamed, 2016). Glevin (2015) and Winer (2019) point to the several titles Qaddafi called himself, including "Leader of the Revolution", "King of Kings of Africa", "The International Leader", and "Dean of Arab Rulers".

On the other hand, Qaddafi's foreign policy against the West was characterized by continuous tension. According to Abadi (2000) and Fadel and Mohamed (2016) Qaddafi was against the Israeli occupation in regard to the Palestinian case and he was promoting to the strengthening of the '*intifada*/revolution'. On the same approach, his policy towards Western powers has been characterized by tension, especially with the US, since he came to power. Opposing the American interest, Qaddafi was insisting on the Arab unity which changed to African unity, its opposition to colonialism, control of the oil markets, along with his rejection of the presence of foreign military bases in his country (Abadi 2000; Fadel & Mohamed 2016). However, in the post-9/11 incident, Qaddafi announced his condemnation of terrorism and offered his condolences to the American people for the human losses and called for an international conference defining the concept of terrorism (Fadel & Mohamed, 2016). On one hand, this along with the Libyan announcement of its abandonment of possessing a nuclear weapons program, were the motives that improved the Libyan-American relations. While on the other hand, the Libyan foreign policy that confirms its continuous support for national liberation movements in various parts of the world weakened this relation on the level of foreign policy, especially its accusation of supporting terrorism (Joffe and Paoletti, 2011). Accordingly, it is noteworthy that these briefed biographies are marking the first cause behind the uprisings in Yemen and Libya that contributed in the deterioration of the political, and socio-economic situation.

3.3.2. Political and socio-economic challenges

The uprisings in both states were a result of a mixture of political, economic, social and security factors that had been accumulated over decades. Beside the prolonged period of the Authoritarian leaders; corruption, deterioration of socio-economic conditions and violation of human rights are considered as the challenges that ascribe to the eruption of the Arab uprisings in Yemen and Libya.

First, corruption exacerbated in both states with the ruling regimes. Despite the republican nature of the regimes, these few were based mainly on kinship relations. The emergence of the oligarchy portrayed mainly of the individual ruler, his family and his relatives, as mentioned earlier. Second, deterioration of socio-economic conditions that includes; spread of poverty, low standards of living and the increase gap between the rich and the poor (Ogbonnaya 2013; Pavreen 2019). Dalacoura (2012) underlines the fact that economic policy of the previous regime had repercussions on social conditions, by increasing the impoverishment of a class and enriching a class that is already rich. Consequently, this resulted in the high rate of unemployment among members of the poor class, and the spread of crimes to obtain what the state did not provide them with (Dalacoura, 2012). These economic policies could produce a much better situation if there was a political-economic system that was more efficient, transparent and less corrupt. Sadiki (2014) indicates that the low level of education and the weakness of the educational system was an important reason that increased the gap between the rich and the poor.

Dalacoura (2012) also expresses how people suffered from poor living conditions. The social services such as; health, education, transportation and housing were not provided by state to each individual in order to establish equality and ensure the minimum requirements for a decent life. Some people were living below the poverty line and this is due to the unfair distribution of the national product (Sadiki, 2014). Even in the event of a slight improvement in the economy due to the oil the country has, the citizens do not feel this improvement because they do not get their fair share of the national product (Gelvin 2015; Costantini 2016).

In Libya, for instance, the emergence of oil contributes to more than 90% of government revenues, but this did not promote the building of a coherent state with its territories by spending its revenues with a degree of developmental justice (Ogbonnaya, 2013). The benefits of oil allowed the elites linked to Qaddafi to operate without oversight, which helped the uneven distribution of wealth. It also created a sense of injustice in the eastern and southern regions where poverty and a lack of basic services prevailed, as Qaddafi concentrated development in his favorite spot, Sirte, at the centre, (Gelvin 2015; Winer 2019).

On the other hand, Yemen's economic situation, according to Alissa (2012) and Alteer (2014), has been characterized by successive crises, as the Yemeni state budget is under severe pressure. The financial hardship exacerbated and doubled with the increase in the population and the weakness of natural resources. Alissa (2012) adds that due to the inability of the economic system to absorb the new immigrants from rural to urban areas, immigrants were the most willing to engage in the popular movement and join the opposition movements.

Also, the spread of unemployment rates in society, which led to the growing feelings of disgust among many citizens in both states for the existence of wealth in the hands of the few in society. The high rates of unemployment among young people were among the factors that could not be overlooked. The unemployment rate increased among university graduates with higher qualifications, and among young people with intermediate qualifications (Pavreen, 2019). Alissa (2012) adds that statistics confirmed that the unemployment rate is constantly increasing, and led young people to search for an alternative such as illegal immigration. Therefore, the high rate of unemployment was a major reason for the departure of many people, not only young people, but all spectrums of the people to express their poor living condition due to the lack of job opportunities that could provide them with a better life conditions (Alteer 2014; Eissa 2014). Dalacoura (2012) mentions that the socio-economic factors are important drivers of the uprisings. In both cases, even if their nature differed from one case to another, the increasing injustice and poverty prevalent in many areas. Also, the increasing financial

inflation in terms of the high prices of food and basic commodities represent part of the driving forces of the uprisings.

In regard to the violation of human rights, Nuruzzaman (2013) illustrates that the authoritarian regimes in the Arab world agree, even if they differ in degree, that they do not tolerate opposition of any kind, even the peaceful expression of opinion. The two former regimes in Yemen and Libya are characterized by the fact that they pursued a high degree of oppression against individuals and groups. The regimes resort to suppressing activists, writers, newspapers, parties and civil organizations (Alteer 2014; and Eissa 2014). Especially in Libya, as with Qaddafi's arrival to power, all of the formal organizations vanished with the stroke of a pen, and his state controlled all associations and organizations, including those supposed to monitor the state's performance in the field of human rights (Hill 2005; Alteer 2014).

These factors, in addition to the restriction of political participation to specific elites, led to the disruption of social structures and social solidarity, and the weakness of collective conscience. Substantially, it is clear to note that the political system in Yemen and Libya knew many formative stages, and passed through many historical events. It went through the colonial period to independence in addition to the political events and features of this period, both in terms of institutions and in terms of practices. In light of these conditions, the popular movement exploded, which is a natural result of most of these manifestations that Yemeni and Libyan society have experienced.

CHAPTER 4

POST-AUTHORITARIAN REGIMES (The case of foreign intervention)

With reference to the fact that Yemen and Libya has many components, whether from a geostrategic location, as well as their natural resources and economic components. Also, by studying the challenges faced by the people in Yemen and Libya, it is now easier to go through the Arab Spring stage, and address the number of foreign actors along with their motives, and the legality behind the foreign intervention and how it falls within offensive realism.

According to Fadel (2013) the uprisings in Yemen and Libya came out following the series of the Arab Spring uprisings in Tunisia and Egypt that encouraged young people to raise the slogan of overthrowing the regime (Fadel, 2013). People, in both cases, were calling for the same demands. Besides the fall of the authoritarian leaders, they were calling for democracy, fair distribution of wealth, prevention of power inheritance, and preservation of human dignity (Gelvin, 2015). Except the fact that each state had a different spark that ignited the uprising.

4.1. The Yemeni uprising: An overview

In Yemen, although the era of Ali Abdullah Saleh experienced many challenges, the spark of the uprising was the modification of the constitution regarding the presidential term that aims to ensure the success of Saleh's succession plan (Sadiki 2014; Alteer 2014). Carapico (2011) indicates that in January 15, 2011, the protest in Yemen erupted from Sana'a University, as it was heading to the Tunisian embassy in support of the Tunisian uprising, as well as calling for the fall of Ali Abdullah Saleh regime. After two weeks of the Yemeni peaceful protest, the overthrow of the Zine El Abidine Ben Ali regime in Tunisia has encouraged Yemenis to continue demanding the fall of Saleh (Carapico, 2011). Even threats

issued by the Yemeni government did not prevent the protesters from taking their demands to the streets. As the Yemeni president stated that Yemen is not Tunisia, assuring that the government will confront with force any movement or protest targeting the Yemeni regime (Pavreen, 2019). However, without any hesitation the demonstrations expanded remarkably. On February 11, 2011, the demonstration was able to attract all segments of people; political, tribal, youth front and military. Even some of the military army joined the masses, and announced that it would protect the uprising (Eissa 2014; Mousa 2019).

As a response, Saleh declared that he is not seeking another term after the end of his term in 2013, and emphasized that power is not handed over to his son either (Terrill, 2013). Terrill (2013) indicates that Saleh affirmed by saying ‘no to extension, no to succession, and no to turning back the clock’. Saleh also promised to undertake new constitutional amendments to pave the way for political and electoral reforms and reduce poverty, and called on the opposition to form a government of national unity (Mousa, 2019). All these initiatives launched by the Yemeni president did not work to stop the protests, and even the Yemeni people was not ready to accept the offers made by Saleh’s government, especially after hundreds of Yemenis died in most cities due to the use of weapons.

Orkaby (2017) indicates that the aftermath of the peaceful demonstrations in January, 2011, marked the beginning of the civil conflict in Yemen. It started with the Houthis’ rejection of the Yemeni National Dialogue Conference (NDC) (Yadav 2015; Orkaby 2017). Yadav (2015) and Orkaby (2017) explain that on November, 2011, the Gulf Cooperation Council (GCC) initiative supervised the implementation of the political process based on the resignation of the former president Saleh, the election of President Abd Rabbuh Mansour Hadi, and the preparation of the NDC. It also granted immunity from legal and judicial prosecution for Saleh and his associates, which kept Saleh party in power and facilitates his alliance with the Houthi group (Yadav 2015; Orkaby 2017).

Clausen (2018) indicates that following the NDC, the Houthis saw president Hadi as ineffective and corrupted as he was an ally to Saudi Arabia and US, as Saleh. They also rejected the conclusions that stipulate the formation of a federal system of six regions in Yemen, where it limited the Houthis control over the Azal region –northern Yemen- (Clausen, 2018). This means for the Houthis that they had been isolated from the richest governorates in the country, where there are ports and oil reserves (Orkaby, 2017). Consequently, this is motivated the movement to start the second phase of its progress.

The Houthi began military moves in alliance with Saleh, who continued to retain his influence within parts of the Yemeni army loyal to him, and he saw in the Houthis a bridge to return to power and succeed his son (Clausen, 2018). The Houthis, with the support of Saleh's forces, were able to take control of Sanaa and port of Aden in the Red Sea, seize all weapons, vehicles and military equipment. As well as arrest the internationally recognized president Hadi, and forced him to resign and flee the country (Clausen 2018; Sharp 2021). In this regard, president Hadi requested the GCC and the Arab League to take all the necessary measures and intervene militarily to protect the Yemeni people from the Houthis' aggression (UNSC Resolution No. 2216, 2015).

In response to president Hadi's request, according to Sharp and Brudnick (2015), Saudi Arabia formed a coalition of Gulf countries that includes; United Arab Emirates (UAE), Kuwait, Bahrain, and Qatar. Except for Oman, from the GCC, it chose to play the role of mediator between the Houthi group and the Yemeni government. Other countries such as; Egypt, Morocco, Jordan, Sudan and Pakistan are also volunteered to participate in this operation (Sharp and Brudnick 2015; Cordesman 2015). Importantly, the Arab coalition received political, logistical and intelligence support from key international actors including; US, UK, and France (Sharp and Brudnick 2015; Cordesman 2015). These countries decided to intervene to end the Houthi threat against the civilians and restore Hadi's government. This put the beginning of the Yemeni civil war under multiplicity of axes and parties; Saudi-led coalition on the government's side, and Iran-backed Houthi on the other.

Recently, according to Freer (2019) and Harb (2019), a UAE-backed southern movement seeking independence entered the war in 2019, leaving the credibility of the coalition under question.

4.2. The foreign intervention in Yemen

The Iranian role: since 2011, Iran's role began to change in the Arab region, and Tehran's support for the Houthis increased in that period. According to Feierstein (2018) although Iran was not a player in the negotiations that led to Saleh's resignation, its support for the Houthis increasingly grew after the military campaign that carried out by the Houthis and Saleh loyalists in 2014. After this, the Houthi leader traveled to Tehran and signed agreements to establish a regular air service between the two capitals. They also agreed to increase Yemeni-Iranian cooperation (Feierstein, 2018).

Iranian support for the Houthis continued politically, diplomatically, and financially. Evidence of Iranian military aid for the Houthis was found in 2013. Knights (2016) assures that the Iranian support is accurate as the Yemeni forces detained two Iranian ships (Jihan 1 and 2) loaded with heavy weapons in Yemeni territorial waters; the first is intercepted during a joint US-Yemeni operation on January 23, 2013, and the second is on March 7, 2013. These included; Iranian-made missiles, rocket-propelled grenades, night vision goggles, an electric detonator and a silencer, and anti-tank missiles were also found on a different boat (Knights, 2016). Also, the UN experts on Yemen (2019) reported that the committee tracked Houthi supplies and found that Iranian individuals and entities financed the purchases (UNSC, 2019).

Given the cost of Iran's actions, whether in terms of money, weapons, manpower, or diplomatic relations, it is useful to discuss the reasons and motives that made Iran interfere in Yemen. First, the military intervention of Yemen's neighboring country, Saudi Arabia, since 2015. Iran sees the conflict in Yemen as a way to restrict Saudi Arabia's regional power, so that it will not be able to extend its power

to other parts of the region (Orkaby 2017; Feierstein 2018). Second, according to Muller (2019) and AlShawl (2021) the Iranian interest in Yemen is due to its strategic location next to the Bab al-Mandab Strait, the Gulf of Aden and the Red Sea. Iran has long sought to be within the waters of international sea lanes (Muller 2019; AlShawl 2021). Third, Ali (2017) and Freer (2019) add that Iran being a Shia majority state that protects Shiite Islam and serves as a point of reference for many Shiite movements around the world through funding programs or political support. Although they have different beliefs as the Houthis' Zaydi sect remains distinct from Iranian Twelver sect, the common Shiite ideology puts the Houthi support as priority for Iran (Ali, 2017).

The Saudi-led Coalition role: the tools of Saudi Arabia that it used to respond to the growing Iranian influence in Yemen, and the aforementioned threats to its national security came in the form of extensive military operations inside Yemeni territory called “Decisive Storm” (Sharp and Brudnick, 2015). Robinson (2021) and Sharp (2021) indicate that the process of military intervention in Yemen began on March 26, 2015. The operation was targeting military bases and airports, controlling the airspace by imposing an air blockade and closing sea and land ports to prevent weapons from entering the Houthis. Through it, strikes were carried out against the Houthis positions (Robinson 2021; Sharp 2021). However, the disproportionate attacks since its outbreak has killed and injured thousands of civilians. HRW (2017) has documented that since 2015, nearly 90 unlawful airstrikes have hit hospitals, markets, and schools. Robinson (2021) highlights that besides the fact that the coalition forces through “Decisive Storm” were limited to air strikes; they were supported in the field by the elements of the Yemeni army. The latter was fighting the Houthis and their allies on the Yemeni ground, with the help of weapons, equipment, and money supplied by the countries of the Arab coalition (Robinson 2021; Sharp 2021).

Saudi-led coalition announced the launch of “Decisive Storm” operation, against the Houthi rebels in Yemen and its allies, for the purpose of protecting civilians, and restoring the constitutional and political legitimacy in the country in

accordance with the Security Council resolution and the Gulf initiative (Freer, 2019). However, the Decisive Storm was a tool used by Saudi Arabia to resolve more than one file, including putting an end to Iranian expansion in the region. This was affirmed by a retired US air force intelligence officer, Rick Francona, who was asked about the reason behind the Saudi's intervention. His answer indicates that "What they do not want is an Iranian-run state on their southern border, because they already feel they've got enough problems on their northern border,"(Francona 2015, as cited in Mullen 2015, para.7). As Francona (2015) and Freer (2019) indicate that the Iranian support for Houthi groups in Yemen came after the conditions that Iraq reached after the US intervention in 2003, as Iran brought into power the loyalists of the Iranian regime and those who follow the Shiite sect. As well as Iran's direct intervention to defend the regime of Bashar al-Assad after the Syrian uprising in 2011, by sending groups to fight with the Syrian regime. In addition to the role of Hezbollah in Lebanon which is loyal to Iran and its support for the protests of Shiites in Bahrain (Francona 2015; Freer 2019). Thus, the presence of Iran in Iraq, Syria, and Lebanon, indicates that it threatens the northern border of Saudi Arabia, and the increasing Iranian influence in Yemen is also a source of concern for the internal security of Saudi Arabia in its southern border (Freer, 2019).

Moreover, the Saudi interest in Yemen also comes as a result of the Houthi's threat to its national interests and its sovereignty. Especially, after the Houthis threatened to take the southern cities of Jizan, Asir and Najran from Saudi Arabia (Orkaby, 2015). In addition to the importance of Yemen to Saudi Arabia, this importance is due to the presence of more than three land ports linking Saudi Arabia and Yemen. In addition to Bab al-Mandab Strait in the global trade of oil, where Saudi Arabia exports more than 65% of its oil exports through (Cordesman, 2015). Thus, an Iranian control over the strait means the restriction over the Saudi oil export process.

However, with all of this, the coalition itself was divided; on one hand, Qatar withdrawal from the coalition due to the gulf crisis in June 2017 (Reuters Staff,

2017). As the Saudi Press Agency SPA (2017) reported on June 5, the termination of Qatar's participation in the coalition due to its practices that promote terrorism, which contradicts the goals of the coalition and that is the fight against terrorism (SPA, 2017). On the other hand, the UAE, which initially began as one of the Saudi's coalition partner helping the government's side, shifted to help the Southern Transitional Council (STC) which was formed with the goal of independence (Harb, 2019). The UAE-backed STC with 90,000 soldiers has become parallel to the legitimate military government institutions, resulting in disputes spread within legitimate entities (Freer 2019; Harb 2019). These intersecting goals weakened the coalition itself, and decrease its credibility.

The US role: the US played a large role that started after the announcement of the operation. The Obama administration declared its support for the coalition's military intervention and the formation of a joint intelligence cell in Riyadh (Sharp, 2021). Subsequently, the US began providing military and financial assistance to the coalition that launched air strikes in Yemen. Knights (2018) indicates that the forms of American support includes the support in the field of training Saudi forces by sending the military training mission to Riyadh, which consisted of 200 American personnel. In addition to the arms sale, as Trump stated in May 2017 that Congress had received notification of sales of up to \$138.9 billion; \$90 billion were from the Obama administration and \$48 billion within two years of Trump's term (Knights, 2018). Also, Trump's administration did not go against such a policy, even he vetoed a US congress decision that tried to limit the American finance to the war in Yemen, claiming that such a decision would weaken his authority (BBC News, 2019). Moreover, as Raghavan (2020) mentions that the US role is not limited to support its strategic allies, but the US administration claims that they are fighting directly the AQAP and ISIS, who took advantage of the civil war. These groups were dispatching suicide bombers against the government's officials and soldiers in the south (Raghavan, 2020). Correspondingly, the former White House spokesman states that the US will continue its counterterrorism strategy to prevent

AQAP, specifically, from taking Yemen as their safe haven (Chiacu and Edwards, 2015).

Solomon (2017) and Sharp (2021) illustrate that the aim of the US strategy came as an attempt to limit Iran's ability to expand its regional influence by arming the Houthis, as missile transfers have raised fears that Tehran may position itself to control two key energy straits in the region. The former American Secretary of Defense Dr. Mark Esper in September 20, 2019, pointed out that;

Iran has increased its military activity through direct attacks and support to its proxies in the region. In the Persian Gulf and Gulf of Oman, which are vital waterways for global commerce, Iran has threatened the safe passage of ships by attacking commercial vessels and illegally seizing a British oil tanker.

(Esper, 2019, para. 2).

Muller (2019) adds that “shipping through the Strait of Hormuz has become fraught since Iran began building its military presence in the Gulf and threatened to block exports through the strait in response to the American sanctions.”(Mueller, 2019, para.16). In addition to this, a researcher at the Center for Strategic and International Studies (CSIS) in Washington, Anthony H. Cordesman wrote an article titled “America, Saudi Arabia, and the Strategic Importance of Yemen”, on the same day of the operation. In his article, Cordesman (2015) clarifies that the US-Saudi strategic partnership, aims to contain the Iranian influence within the region, as Yemen has a strategic location that plays a key role in the international economy (Cordesman, 2015). In which Cordesman (2015); the former US Ambassador to Yemen Stephan Seche (2019) and AlShawl (2021) all agree that Yemen enjoys an important strategic location at the southern entrance to the Red Sea, specifically the Bab al-Mandab Strait, which represents a bottleneck for the global economy. Through the Red Sea, oil is transported from the Persian Gulf towards Europe and the Americas; as the global industrial power and the great consumption of energy and production flourish there as well. The importance of the Red Sea as a global corridor in which the Suez Canal is paralleled as the northern

entrance, and Bab al-Mandab as the southern entrance is highlighted by the importance of strategic control of its geographical keys. Bab al-Mandab strait is a chokepoint between Asia and Africa, and specifically, Yemen and Djibouti (Cordesman 2015; Seche 2019, as cited in Dartmouth; AlShawl 2021). In fact, the presence of global military bases in Djibouti, the African country across Yemen, signifies the great importance this strait presents. Djibouti hosts the military bases of US, France, Spain, Italy, Japan, and most recently Saudi Arabia and China (Igrouane, 2019).

The EU countries' role: HRW (2020) indicates that in addition to the US support, UK, and France are also intervened in Yemen through intelligence support and arm sales. Besides, UK as the pen holder of the resolutions on the Yemeni file at the UN; it has remained a steady supplier of arms and military equipment to Saudi Arabia. Between 2010 and 2017, the UK was the second largest supplier of arms to Saudi Arabia, where the value of contracts for armaments and military equipment exceeded £3.3 billion (Stone, 2016). Reports have indicated that British weapons that were used in the Yemeni war in military operations, such as cluster bombs, violate international humanitarian law (Mason and MacAskill, 2016). Accordingly, deals were suspended for a year due to the humanitarian concerns, but on July 2020; the UK announced that it would resume the arms sales to Saudi Arabia (BBC, 2020). The same applies to France; in addition to providing logistical support by sending reconnaissance planes in Yemen, AI indicated that France has granted Saudi Arabia more than €16 billion of arms licenses, and about 900 million euros of military equipment (Mahmoud, 2017). This means that the international community did not adhere to IHL or protecting civilians in their arms sales. They preferred to maximize their profit by exacerbating the tragic situation in Yemen (AI, n.d.).

By reviewing the level of the foreign intervention, and its intersected goals, it became clear that the situation in Yemen composed of four axis; the Houthi group financed by Iran, the government forces of president Hadi supported by the coalition, the STC supported by UAE, and the terrorist organizations; AQAP and

ISIS who were trying to increase their influence and territorial gains (Sharp, 2021). The Houthis are fighting in principle to get rid of the Saudi's domination, while the STC are fighting to get rid of the northern domination. Whereas in a broader look, all the international actors rests on geopolitical interest that prompts these countries to ensure that Yemen does not reach the brink of collapse, in order to preserve its economic security.

Thus, this means that it is not about protecting civilians or restoring the international recognized government as Hadi requested as indicated in the UNSC Resolution no. 2216. It is true that the military intervention of the Arab coalition was not based on permission or a decision issued by the UNSC with reference to Chapter VII of the UN Charter that indicates the right of self-defense. However, the UNSC Resolution No. 2216, stressed the legitimacy of President Hadi, condemned the actions carried out by the Houthis and Ali Abdullah Saleh, and stated Hadi's request in regard to the military intervention (UNSC Resoulution No.2216, 2015).

4.3. The Libyan uprising: An overview

Libya's accession to the series of Arab Spring uprisings came as a result of the arrest of the lawyer, according to HRW (2012). The lawyer was representing 1,270 families' victims of Abu Salim prison, where the largest massacre occurred in Qaddafi's history in 1996. Two days after the lawyer's arrest, a number of young people in eastern Libya broke out against the regime of Muammar Qaddafi on February 17, 2011(HRW, 2012). The Libyan colonel came out from the early days of the uprising threatening to crush the revolutionaries, and cleanse Libya of them, declaring absolute readiness to turn the country into a mass massacre to remain in power (Fadel, 2013). The Libyan Colonel chose absolute violence, relying on the militias of his sons that were formed as an alternative to the National Army. Besides, a tribal formation, and an army of mercenaries recruited by private companies spread in African capitals and funded by the colonel (Gelvin, 2015).

As the number of the revolutionaries increased, Qaddafi appeared in a fiery speech in which he threatened to inflict the most severe punishment on the protesters, he opened his speech with a phrase that became famous and circulated: “Who are you?” and reinforced it by describing them as “rats” (BBC, 2011). This led to an expansion of the degree of anger and indignation among the majority of the people. Qaddafi effectively implemented violent confrontation which escalates the peaceful demonstration to include all the cities, and villages of Libya (Ogbonnaya, 2013). Ogbonnaya (2013) adds that as a response, Qaddafi forces used a policy of siege on the cities that know massive protests and are controlled by the opposition forces. Thus, the Qaddafi government has practiced torture and other inhumane and degrading practices, in violation of Libya’s obligations under international humanitarian law (Ogbonnaya 2013; Eissa 2014).

4.3.1. The foreign intervention in the Libyan first civil war

Zoubir (2020) indicates that although the protest was fully peaceful, heavy weapons were used by the Qaddafi regime to disperse the unarmed civilians. As a response to the mass casualties committed by Qaddafi’s regime, the UNSC issued Resolution No. 1970 on February 26, 2011 to ensure the responsibility of the Libyan authorities to provide protection to its population. It specifically imposes on Libya; arms embargo, travel ban, asset freeze for Qaddafi, and referral of the Libyan situation to the ICC (UN Resolution no. 1970, 2011). In contrast, Qaddafi was not only ignoring that decision, but also planning to launch a major attack on the unarmed protesters in the city of Benghazi, which required a quick intervention to stop Qaddafi’s regime from killing civilians (Pommier, 2011).

The League of Arab States role (LAS): Rishmawi (2013) writes that the position of the LAS towards the events in Libya was the first sudden exit from its familiar approach. Especially, since it followed the neutral stance on the events in Tunisia and Egypt. Rishmawi (2013) adds that the Libyan event came as an important turning point as LAS took an official, explicit position on the events in Libya, siding with the protest against the regime. LAS issued Resolution no. 7298 on

March 2, 2011 requesting the UNSC to assume its responsibilities regarding the deteriorating situation and apply no-fly zone over Libya to protect civilians (UNSC, 2011). Consequently, the League's position paved the way for the issuance of UNSC Resolution No. 1973 (Rishmawi, 2013).

NATO role: according to Gertler (2011) resolution No. 1973 authorized NATO forces to implement and monitor the no-fly zone, and to invoke the principle of R2P. The UNSC Resolution No. 1973 (2011) reaffirmed the Council's determination to ensure the protection of civilians by denouncing non-compliance with the first resolution, calling for an immediate cease-fire, and a complete end to violent attacks. It imposed a no-fly zone over Libyan airspace, and emphasized the continuation of arms embargo over the subsequent period, considering that the situation in Libya constitutes a threat to international peace and security (UNSC Resolution No. 1973, 2011). Although the resolutions of the LAS and the Security Council were limited on the imposition of no-fly zone, the resolution include other proposals such as; "funneling arms to Libyan rebels and proposals to coordinate with Egyptian commandos allegedly already operating in Libya to provide logistical assistance and training to the rebels" (Bali and Abu-Rish, 2012, p.150).

According to a Specialist in Military Aviation, Jeremiah Gertler (2011) the first spark for international intervention by NATO in Libya began on March 19, 2011 under the name 'Operation Odyssey Dawn'. Among the most important countries that participated in the operation are; US, UK, and France. Gertler (2011) indicate that the US participated in imposing no-fly zone with more than 120 F-15 and F-16 aircraft. UK had deployed about 20 Tornado and Eurofighter to combat aircraft in bases near Libya, as well as a military base in Malta. Also, there were three AWACS radar planes in Cyprus, in addition to two frigates, "Westminster and Cumberland", and a submarine (Gertler 2011). Gertler (2011) adds that France sent to Libya nearly 100 fighter planes, in addition to AWACS radar planes. The French military bases in Corsica and Chad were put on alert and resupplied. Also, helicopter carriers, aircraft carriers and an attacking submarine were sent towards

the Libyan coast (Gertler, 2011). In fact, Qaddafi's attempts to negotiate ceasefire were repeatedly refused by NATO and rebel militias (Denyer and Fadel, 2011).

According to Fraihat (2016) the alliance explained this expansion in its operations, under its assessment of the strategic importance of Libya as a corridor towards the Sahel region, and the increasing possibilities of the emergence of terrorist groups. However, the military operations went beyond and start bombing official headquarters and sites, and it was remarkable that NATO announced the cessation of its operations with the killing of Qaddafi on October 20, 2011, despite the exacerbation of state problems and the proliferation of weapons (Fraihat 2016; AlJazeera 2016). Thus, this indicates that the operation first goal was a regime change rather than protecting civilians. Britain's former Defense Minister, Liam Fox, illustrates that "I can confirm that NATO is providing intelligence and reconnaissance assets to the NTC (National Transitional Council) to help them track down Colonel Qaddafi and other remnants of the regime." (Reuters Staff, 2011, para.1). Also, it clearly was indicated by the General Secretary of NATO, Anders Fogh Rasmussen, who was the head of NATO in 2011 and was responsible for organizing the international coalition. Rasmussen, in Al Jazeera (2016), tells "UpFront" that the military intervention was a model and a successful one, and as soon as the rebels assassinated Qaddafi he applauded what happened because Libya got rid of "scrupulous dictator".

Furthermore, the Western powers saw that overthrowing Qaddafi's regime would stabilize the oil market (Davidson, 2017), and prevent the refugee crisis into Europe (Bali and Abu-Rish, 2012). As the severe economic crisis and the security concern presents the most important reasons that prompted Western countries like US, UK, and France to intervene in Libya (Davidson, 2017). They believed that Qaddafi was a major reason for depriving them of massive economic advantages that the West can get in any third world oil country (RT 2011; Davidson 2017). They saw the Libyan revolution as an opportunity to get rid of Qaddafi, or the "mad dog of the Middle East", as he was called once by former US President Ronald Reagan (as cited in Forer, 2011).

According to RT (2011) Musa et al. (2016) after Qaddafi launched his policy in the African continent, specifically the "Gold Dinar" project, Qaddafi called on Arab and African countries to use this alternative currency in oil and other resources transactions. This idea was met with strong opposition by the US and the EU, because this would rival the dollar and euro (Musa et al., 2016). In addition to the fact that it will lead to a serious consequences on the states controlling the world central banks and it will enrich and empower the people in Africa (RT 2011; Davidson 2017). Also, prior to the uprising, the US was disturbed by Qaddafi's policies regarding the nationalization of oil and gas, especially after he clearly threatened in one of his speeches that he will expel American companies to reduce the country's oil production (Pleming, 2009). This is what made these countries, led by the US, France, and UK to show dissatisfaction with these policies in Libya.

Secondly, the security concern in regard to the illegal migration. European countries consider Libya as a gateway from North Africa to Europe, which means a threat for Europe. According to Danjibo (2013) prior to the uprising, Qaddafi in his dispute with the countries of the European Union EU, informed them that the illegal immigration would be among his weapons of war. Therefore, the countries of southern Europe were forced to enter into negotiations with the Libyan regime, and to make concessions, with the aim of Libya playing the role of guard (Pommier, 2011). Also, Alteer (2014) and Laarousi (2020) adds that Qaddafi's policies and activities, through projects, grants, and aid provided to poor regimes and countries, in the African continent also considered as a threat. As it reduced the African dependence on Western powers, and it witnessed a growing role of China, especially in the economic and investment fields, where French companies were unable to compete with their Chinese counterparts (alteer 2014; Laarousi 2020).

Given these concerns that pose a threat to the West, it is noteworthy to mention that the military intervention of NATO in Libya stems mainly from strategic motives related to global balance and economic interest. There is no doubt that the success of NATO in helping the Libyan rebels to get rid of Qaddafi will increase the alliance new role in conflicts and international relations, especially in regard to

‘Out of Area operations’ since the end of the Cold War (Qureshi, 2018). Paravantis (2016) illustrates that NATO alliance is heading to transform from a purely military organization, whose main task was to defend the countries of Western Europe and the Atlantic region against any possible attack by the former Soviet Union, to a global power, whose new task is to achieve and secure the interests of the Allies in various parts of the world. According to Paravantis (2016) and Qureshi (2018) the aim of the expansion is to increase its capacity, and to transform from an entity that aims to protect the security of Western Europe to an entity capable of intervening to protect the interests of its member states, even if these interests were in areas that do not geographically about the territory of the alliance, which means the expansion of the security environment of the alliance. This transformation extended to include cases of instability, conflicts which is precisely what happened in Libya. In terms of this operation, Reis (2020) criticizes the operation as although R2P contains three basic principles: the responsibility to prevent, to react, and to rebuild, in the Libyan case, the operation stopped in the responsibility to react. Since the fall of Qaddafi, there has been no responsibility to contribute to building a political, social and economic future in Libya (Reis, 2020), and the current presence of international forces to support various parties is the best proof.

4.3.2. The foreign intervention in the Libyan second civil war

Once Qaddafi was gone, a new transitional parliament called the General National Congress (GNC) was elected in July 2012, but this state of optimism did not last long. Gartenstein-Ross and Barr (2015) clarify that the absence of the state institutions and the emergence of armed militias that triggered the massive chaos, delayed the process of writing a constitution. Disagreements over the legitimate governments continued and divided Libya into two sides.

According to Laarousi (2020) in the East, General Khalifa Haftar, who was appointed by House of Representative HoR in Tobruk. Haftar took control of the east and gradually extended his grip to the oil fields and ports, and formed the

Libyan National Army LNA. LNA is not a professional military but in fact, it is another coalition of militias (Kekilli 2018; Shay 2019). Kekilli (2018) and Shay (2019) add that Haftar pledged to control the country and launched the so-called “Operation Dignity” from Benghazi against what he described as Islamist militants, presenting himself on the foreign arena as the secular alternative and the strongman who can unify Libya and fight terrorism. In the West, the Government of National Accord GNA in Tripoli, launched the operation “Libya Dawn” led by PM Fayez al-Sarraj, and was formed in February 2016 through a political agreement backed by the UN (Gartenstein-Ross and Barr, 2015). Thus, the emergence of LNA and GNA camps is summarizing the struggle over power that marked the beginning of the second civil war.

Shay (2019) and Winer (2019) address that the East camp led by Haftar, does not have official international recognition, but it received support from Egypt, UAE, Jordan, France, and Russia. As for the camp in the west, the legitimate government of al-Sarraj entered into continuous confrontations with Haftar's forces, and was supported by Turkey, Qatar, and Italy, and inactive American support (Shay 2019; Winer 2019). Thus, the struggle for power in Libya turned it into a backyard for international conflicts. Like Yemen, foreign actors have different and intersected objectives in Libya (Winer, 2019).

Haftar’s side (The Eastern region):

According to Quamar (2020) Egypt shares a long border with eastern Libya; and considers the presence of Islamists in Libya as a threat to the Egyptian national security. It sees Haftar and his LNA as the best way to prevent extremists spilling over that border, since GNA is considered to be part of the political Islam camp as it accepts the participation of groups such as the Muslim brotherhood (Mourad, 2020). The Egyptian president Abdulfattah Elsisy bases his intervention on the right of self-defense, after he received a direct threat from terrorist militias, he stated on a speech delivered on June 20, 2020 that "any direct intervention from the Egyptian state has now acquired international legitimacy" (Mourad, 2020, para.4). He also

accused the Turkish forces by violating the Libyan sovereignty. Since Turkish forces are supporting militarily the rival side, and was not helping in implementing ceasefire in Libya, which threatens also the neighboring countries (El Tawil, 2020).

UAE and Jordan are also providing military and political support as it is hostile towards affiliated movements. HRW (2020) accuses the UAE as Haftar's main military supporter of conducting illegal drone strikes, during Haftar's attack on Tripoli in April 2019 as an attempt to overthrow the GNA. One of these drone strikes killed civilians. However, HRW (2020) adds that the air strikes is often a matter of guesswork; where one of the strikes hit a food factory when it is said that the target was a warehouse for weapons of armed groups. The UN statement, also, affirms the UAE support and military intervention in Libya as it states that the UAE, Jordan, Russia violated the arms embargo resolution that was imposed on Libya in 2011 (France24, 2019).

France and Russia are intervening militarily raising many concerns from European countries that declared support for the GNA. Regardless that president Macron denies backing Haftar's militias with ground forces, reports have shown that the French Special Forces are operating in Libya since 2011 (Allahoum, 2020). Barabanov and Ibrahim (2020) add that Russia is actively involved by providing advance weapon system, and recruiting Syrians as a combat support to fight in Libya through the Wagner Group - a private Russian military company-. Through Haftar, France and Russia seek to secure oil and construction deals in Libya after the end of the conflict (Allahoum, 2020).

Al-Sarraj's side (The Western region):

According to Quamar (2020) and Zoubir (2020) the Turkish President Recep Tayyip Erdogan announced that Ankara is ready to support Tripoli to restore balance in the face of Haftar's forces backed by the UAE and Egypt, in a direct confrontation between the two parties. The most important determinants that contributed to the Turkish expansion to North Africa and the military intervention in Libya is several indicators. The most important of which is the Turkish national

interests in the region, especially since Libya has an abundant supply of energy and natural resources (Quamar 2020; Zoubir 2020). In accordance to this, following a security cooperation agreement and the demarcation of maritime borders, the Turkish parliament voted on a draft law to send military forces to Libya in January 2020, to support the GNA, besides the military vehicles that were sent at the request of the GNA on July 19, 2019 (Butler and Gumrukcu 2019; Beaumont 2020). Besides sharing the same ideological framework, According to Gjevori (2020) Turkey is seeking to safeguard its interests in the eastern Mediterranean within its doctrine “*Mavi Vatan/blue homeland*”. This doctrine represents a part of a broader competition for oil and gas touring rights with Greece, and Cyprus. This means that Turkey and Libya will have exclusive access to the oil, gas, and other resources located within the new maritime borders (Gjevori, 2020).

Besides Turkey; Italy, Qatar and US are also supporting the GNA (Allahoum, 2020). Allahoum (2019) mentions that Italy backs the GNA and supports the diplomatic solution to avoid the potential refugee crisis from Libya and from Central Africa, as refugees use Libya as a transit territory to reach Europe. However, Ghanmi (2019) and Hussain (2019) add that the Italian prior interest represented in its silent rivalry with France regarding the Libyan energy sources. Due to the competition between the French oil company ‘Total’ and the Italian oil company, ‘ENI’, as Italy accused France of trying to seize the privileged position of its company ENI (Ghanmi 2019; Hussain 2019). So, this fierce competition is mainly due to the oil paper and contracting deals of French and Italian oil companies in Libya.

Additionally, Qatar opposes its Gulf neighbors by showing tolerance to the Islamist group and supports the GNA diplomatically. Allahoum (2020) indicates that Qatar presence in Libya is reflecting the Gulf dispute that started in 2017. Lynch (2018) also confirms this fact by addressing that as UAE and Qatar are supporting different sides, their presence within the Libyan civil war considered as a settling of accounts. Furthermore, the US has an ambiguous position on the conflict. Stewart (2020) illustrates that despite its support for the GNA, Trump called Haftar

during the attack on Tripoli, stressing support for his efforts in combating terrorism. However, after the Russian's role escalated, the US turned to warn Haftar to stop his attacks, and stop announcing himself a leader (Stewart, 2020). In sum, this means that the Libyan second civil war is composed of three geopolitical rivals: Italy against France, Qatar against Gulf countries, US against Russia. With each rival taking a different side against the other, this turned the Libyan civil war as a proxy war, and the Libyan territory into a theatre filled with complication, as the role played by the international and regional actors, level the scales (Mezran and Miller, 2017).

According to Mezran and Miller (2017) the high importance of the Libyan wealth contributed to ignite the conflict and escalate it again with a military intervention. Currently, the economic activity in Libya is a hostage to the deep political divisions between two competing authorities vying for control of the oil crescent (Reis, 2020). This leaves the former UN special envoy for Libya Ghassan Salame to state clearly; "Libya is not only an oil story, Libya is not only a gas story, Libya is not only a geopolitical story. It is a human story and people are suffering and for no other reason but for the fact that there is no international clear message that enough is enough." (Salame 2020, as cited in UN para.11).

Eventually, by addressing the motives behind the intervention, it became clear that Yemen and Libya constitute geographically vital areas for the interests of a number of countries. Accordingly, it can be said that the intervention in Yemen and Libya falls in line with offensive realism. As Mearsheimer (2007) puts it under the anarchic system, great powers are rational agents aware of their external environment and they think strategically about how to reach their main goal, which is survival. As the state can never be certain of the intentions of other countries, it possesses offensive military capabilities to control the others' motives, to be able to pursue its own goals. Mearsheimer (2007) sees that countries seek hegemony to prevent other countries from achieving competitive dominance. However, its main goal is not only to maximize its power, but to prevent other competing countries from owning power.

4.4. Assessment on the foreign intervention

It cannot be denied that people in Yemen and Libya were able to overthrow their regimes with the foreign support. However, the foreign actors in both cases had miscalculations in their plans that affected civilians at most, and contributed indirectly in putting their lives at risk, which contradicts the essential goal for the intervention. According to al-Deen (2014) and the Yemeni Ambassador to Washington Ahmed Awadh Bin Mubarak (2017, as cited in alSahwa News) in the case of Yemen in 2011, two fallacies occurred on a consensual legitimacy, i.e. the Gulf Initiative. First, granting immunity for Saleh and his associates enabled Saleh to come back and get help from his people within the army. Also, it gave him an opportunity to ally with the Houthi multiplying the level of violence against the coalition and the civilians for revenge and personal goals. Second, the exclusion of the Houthi and the Southern movement from the Gulf initiative raised thoughts that the uprising did not grant anything for them other than overthrowing Saleh. This again increased their sense of marginalization, as they were not involved within the political process, and assures for them that the history will repeat itself (al-Deen 2014; alSahwa News 2017). In accordance to this exclusion, it ignited both the Houthi in 2015, and the STC in 2019 to begin a second wave of confrontation, as discussed above.

Whereas in Libya, the external massive flow of weapons into Libya and arming the rebels in 2011 to assassinate Qaddafi and again in 2019, violated the arms embargo imposed on Libya in 2011 by the UNSC Resolution No.1973 (Fox 2011; Majdi 2019; AlSahhaty 2021). Despite the legitimacy of Resolution No. 1973 (2011) Western countries participating in its implementation have committed many abuses, due to their excessive use of military force, which negatively affected the credibility of the principle of non-intervention and the principle of non-use of force. As, NATO has exceeded its primary mission in protecting civilians, to the extent of bombing vital and populated areas, and supporting the revolutionaries to assassinate Qaddafi. This, as a result, raised many doubts and criticisms about the success of the humanitarian goal of this concept in isolation from the political

interests of the major countries (Qureshi, 2018). It also paved the way for the formation of militias with external support and led to the second civil war (AlSahhaty 2021).

Moreover, in regard to no-fly zone, Borger (2011) indicates that Western powers did not learn from the Iraqi experience and again applied no-fly zone. Bali and Abu-Rish (2012) indicate that the imposition of no-fly zone over Libya is questionable, especially since it served once as a predicate that facilitates the invasion of Iraq. They illustrate that the intervention in Libya is far from humanitarianism, yet, it was used under the pretext of humanitarian intervention to justify the international norms (Bali and Abu-Rish, 2012). Borger (2011), Bali and Abu-Rish (2012) also argue that in regard to no-fly zone over Libya, this proposal may only serve civilians, if the regime was using airstrikes to inflict them. That is to say, in Libya, the evidence clarifies that Qaddafi artillery was posing a serious threat, as he only used helicopter guns for aerial assault which is harder to detect and counter by a no-fly zone, as unlike warplanes, they fly in a lower level (Borger 2011; Bali and Abu-Rish 2012). Another issue arose from imposing no-fly zone and targeting Libyan's vital areas, as it enabled Qaddafi to redouble his power against Western powers presenting himself as anti-imperialist defending Libyan sovereignty (Bali and Abu-Rish, 2012).

Also, another fallacy occurred, as Lynch (2011) and Bali and Abu-Rish (2012) adds that, instead of suggesting an exit strategy for Qaddafi and his family, the Resolution No. 1970 indicates referral of the situation to the ICC, unlike Tunisia and Egypt. This signaled to Qaddafi that the international community will never allow him or his family to go quietly without investigation (Lynch 2011; Bali and Abu-Rish 2012). Consequently, Qaddafi chose to continue to fight to the last moment by increasing his coercive actions (Lynch, 2011).

In addition to this, the head of NATO, Rasmussen (2016) tells alJazeera that although the intervention in Libya was a successful one, the international community made a mistake by not putting any plan or political strategy for

handling the post-conflict situation, or building new institutions from scratch (AlJazeera, 2016). So, by not having a negotiating settlement and a peaceful transition of power, NATO created a condition for chaos to erupt in Libya. Negotiated settlement could have prevented a power vacuum.

In sum, this chapter indicated the foreign intervention in Yemen and Libya, the role it played, along with the motives. It is true that the foreign intervention in Yemen and Libya are considered successful as it helped people to achieve their first goal which is to overthrow their regime. However, according to Seybolt (2007) to identify the most successful forms of humanitarian foreign intervention is through the benefits this intervention achieves to humanity. Therefore, the following chapter will examine the outcomes of the Arab uprising in Yemen and Libya, considering it an essential parameter to classify the intervention, whether it was successful or unsuccessful.

CHAPTER 5

A DECADE AFTER THE ARAB SPRING

According to Seybolt (2007) the degree of success of the humanitarian intervention depends on what benefits are achieved for humanity. That is to say, whenever benefits are achieved, the intervention will be successful, and whenever there are no benefits, then it is unsuccessful, and it did not fulfil the purpose of the intervention.

The Arab researcher Khair El-Din Haseeb (2012) when comparing the results of the Arab Spring uprisings in -Tunisia, Yemen, Libya, and Egypt-, Haseeb (2012) addresses that the Yemeni and Libyan revolutions, exceeded the expectations in terms of the complexity. Along with the chaos and negative repercussions that erased the positive results, if any exists. According Alteer (2014) and Eissa (2014) the Yemeni and Libyan uprisings suffered from complex issues, which led to foreign intervention that helped to achieve the main goal and that is overthrowing the head of the regime. However, it put both cases with obvious negative results that cannot be neglected; the presence of extremist religious groups, the proliferation of weapons and the threat it poses to local security, and its impact on the relationship with neighboring countries (Laarousi, 2020).

5.1. Local and regional security threats

Laarousi (2020) illustrates that in the post-Arab spring period, the use of religion and ideology was the main factor in turning the region into an arena of deadly armed conflicts. In both cases, sectarian and tribal identities played a major role in the politics of Yemen and Libya (Laarousi, 2020). For example, a group of extremists emerged in both states where their members did not raise the Yemeni or Libyan flag, but the flag of Al-Qaeda (Stein, 2015). Stein (2015) illustrates that

these militias interfere in public affairs and impose their will by force. Their rule depends on the nature of the implementation of some crimes such as killing by slaughtering, claiming that they are serving God (Ali 2015; AlQadami 2015; Stein 2015). Also, the leaders of these militias issue statements without referring to the state. Statements that reveal extremist positions, declaring their intention to bring back the Islamic caliphate, stand against building a civil state, declare jihad, and to keep women inside their houses only, because their participation in every activities after the uprisings is a disgrace (Alteer 2014; Eissa 2014). Also, some were able to impose their agendas on the ground, by assuming control over the administrative bodies of the cities that were named liberated (Laarousi, 2020).

In addition to that, Durac (2015) and Laarousi (2020) state that the proliferation of weapons is considered as a threat to local security, as after the uprisings, the armed groups were formed and organized into different movements with different names and goals. These groups belong to different neighborhoods, tribes, and cities. What can be added to the complexity of this scene is the activity related to the formation of militias along with the possession of different weapons (Durac, 2015). The absence of the police and the army encouraged many of the unemployed youth, with previous records, who came out of prison to form new militias.

Alteer (2014) Ali (2015) demonstrate that in Libya, for example, as soon as Qaddafi died, members of the militias that fought the regime were supposed to lay down their weapons, and the fighters would return to their original positions. However, Laarousi (2020) adds that the Transitional Council asked some militias to take over the task of maintaining security. It also decided to grant monthly salaries to affiliates in the form of grants, without going through the official procedures related to the appointment of the government cadre (Laarousi, 2020). However, this arrangement encouraged others to form new militias, due to the presence of a large number of unemployed youth, along with prison inmates, who left prisons during the armed clashes (Alteer 2014; Ali 2015; Laarousi 2020). Alteer (2014) indicates that the figure shows that the February 17 protesters doubled more than eight times, as from 30,000, into 300,000 in 2014. Therefore,

paying salary increased the budget from 5 billion dinars in 2010, to 25 billion dinars in 2013, making Libya the only country in the world that pays salaries to outlaw militias (Alteer, 2014). The militias were appointed with the aim to maintain security, however, the activity of many of them turned into a threat to social peace and security. Alteer (2014) and Eissa (2014) indicate that the weakness of the state benefited militia to raise the level of illegal actions across the borders. Militias benefited from this insecurity can be divided into two groups; the first one includes groups that specialize in smuggling, such as: human traffickers, slave traders, criminals, weapons smuggling, and other materials such as drugs, alcohol, etc. The second group includes what is referred to as jihadist –increasingly in Libya-, who allows various jihadist groups from neighbouring countries to gather into the southern regions, with the aim of training and getting weapons (Laarousi, 2020). Alteer (2014) and Ali (2015) indicate that the leaders of neighboring countries considered this as a threat to security and stability in their countries.

For example, According to Alteer (2014) in Libya, as a response to the delayed payment, some of these militias who are working in a vital area, closed the export of oil and gas wells, and the source of water to the city of Tripoli, where a third of the population of Libya remained without water for six days. Others contented themselves with closing the roads to pedestrians, while others occupied the airport. Also, kidnappings, torture and killings became daily activities in many parts of the country (Alteer, 2014). The targets were men and women, children belonging to the army and police, civil society activists, lawyers and judges, in addition to identity theft between tribes, and kidnappings for money (Ali, 2015).

Moreover, Laarousi (2020) adds that forced displacement of unprecedented numbers of people inside and outside national borders has become a phenomenon characterized by continuity throughout the MENA during the past decade, along with the inability to register and follow up many of them, and then the difficulty of helping them. The conflicts in the region, and the large-scale population movements, have led to major changes and the risk of the refugee and displaced

population falling into poverty cycles or joining armed groups. The UNHCR report (2020) states that in Yemen the IDPs reach 4 million as a result of the protracted conflict. In Libya, the increased risks to refugees and asylum seekers crossings the Mediterranean Sea stand in extremely dangerous conditions.

These actions are one of the most prominent repercussions of chronic conflicts in Yemen and Libya. Many civilians have become involved in confrontations because of the ease of obtaining weapons (Alteer 2014; Eissa 2014), or is it possible to believe that these armed groups, alone without any external influence, are the same young people who organized huge crowds and went out to public squares in peaceful demonstrations on the basis of overthrowing a common enemy and reaching democracy? Ali (2015) and AlQadami (2015) assure that the general feature of the conflicts in Yemen and Libya remains the involvement of civilians who became fighters and victims at the same time. The high death toll among civilians, besides the foreign attack in the case of Yemen and the recent foreign support in the case of Libya, is mainly due to the fact that most armed conflicts is taking place between villages and streets, and places of worship, hospitals and schools have become military targets (Ali 2015; AlQadami 2015). In addition to these consequences, Yemen and Libya are experiencing severe political and socio-economic challenges.

5.2. The humanitarian implications of the uprising in Yemen

In Yemen, the economic situation drove the country to be described as the poorest country in the MENA region, even prior to the uprising. After the uprising, the economic crisis escalated even further. The socio-economic conditions have deteriorated dramatically where the poverty rate has reached alarming levels and the educational process has deteriorated. The report of WB (2021) states that prior to the uprising, the poverty rate constituted half of the Yemeni population and that is a huge percentage, unfortunately, during the past three years, the poverty rate rose between 71-78% of the total population, with more women than men. As a result of all the causes and accumulations, the quality of services in the field of

health, electricity, water, education and all aspects of life has declined. It has led to the collapse of the infrastructure, either as a result of the lack of budget to maintain what exists or as a result of armed conflicts between different groups (WB, 2021). The UNDP (2021) also indicates that the conflict destroyed more than 1500 schools, and even half of the teachers in Yemen left schools because they have not been paid since 2016. Consequently, it has been revealed that the current situation indicates 36% of girls and 24% of boys who stop attending schools, which may increase the illiteracy and unemployment rates in the long-run.

Moreover, the WB in its latest report (2021) indicates that Yemen has been embroiled in a protracted conflict since 2015, and this ongoing fight led to the deterioration of the economic situation. The Yemeni people now are suffering from lack of basic needs; especially food and medicines. As, besides the sea, land and air borders blockade imposed by Saudi-led coalition which resulted in disastrous major consequences on civilians, the attack on al-Hudaydah port worsen the humanitarian situation. The Yemeni people are struggling to survive, as a result, since al-Hudaydah port is the vital area and the main port for receiving the humanitarian aid (Coker and Schmitt, 2018). People, and specifically infants, are suffering from malnutrition and starvation due to the food insecurity, as the humanitarian assistance and the easiness flow of food into the country are restricted. There is horrific statistics estimated by the UN in which 24.3 million - out of 30.5 million- at risk of hunger and disease, 20.5 million people lack access to safe water and sanitation, and 19.9 million in need for healthcare. Also, underweight five years old constitutes 46% of the total population due to the malnourishment (WFP, 2021).

In regard to the health sector, the WB (2021) adds that the COVID-19 pandemic deteriorated the socio-economic conditions even further. Since March 2020, Yemen was exposed to one of the greatest challenges in human history as a result of the pandemic combined with the implications of the armed conflicts and climate crisis. The rising in food and fuel prices, raised the humanitarian needs to unprecedented levels. Yemen became a breeding ground for the pandemic as it

targeted the severely malnourished population, who therefore has weaker immune system.

The HRW (2021) reveals that there is no accurate number of the cases and death due to COVID-19. This is according to the decision taken by the Houthi authorities, in addition to the complicated conveyance of the vaccines which put the whole Yemeni population at risk. The Houthi's decision appeared in the Houthi controlled Health Ministry's report in early 2021, in which it officially confirmed only four cases, and one Covid-19-related death. Although World Health Organization WHO (2021) reveals that from January 2020 to July 2021, there have been 7,012 confirmed cases, 1,373 deaths, and in a country of 30.5 million, only 298 thousand people are vaccinated (WHO, 2021).

BBC (2020) reports that despite the Houthi's control over the country, Yemen as a warzone lacks the proper hospitals for treatment, and COVID-19 testing facilities. Also, due to the political and socio-economic challenges, the pandemic considered as a basic issue compared to the serious ones like malnutrition and infectious diseases such as; Malaria, and Cholera (BBC, 2020). Thus, this explains the fact why Yemen is not taking the pandemic seriously, and why they did not cope effectively with the virus like the rest of the world.

Furthermore, the Amnesty International AI (2020) declares that the economic crisis and the deterioration of the living and humanitarian conditions led to the displacement of people, where the numbers of women and children constitute a large proportion of the population. That is to say, the lack of basic goods and services pose a threat to the Yemeni population, in which the number of internally displaced people (IDPs) reached 3.65 million. In addition to this, the report reveals that since the beginning of the war in 2015, both sides have been accused of violating the International Humanitarian Law (IHL), and committing war crimes, as their disproportionate attacks resulted in destroying a large part of the infrastructure such as; hospitals, roads, schools, and universities, and marked the death of more than 20 thousand civilians since 2015 (AI, 2020).

Also, the weakness of the civil society which is replaced by tribal and sectarian societies, is established at the expense of the Yemeni identity that the government and the regional powers did not pay much attention to, as, they have been focusing only on a political settlement. One of the tribal leaders said that Yemen is made up of armed groups, and the law does not prevail. So, the war forced them to return to the old ways of managing things, and currently, they became dependent on the tribal customary law. (Alhurra, 2021).

In March 2021, Saudi Arabia proposed a new peace plan to end the war with Iran-backed Houthi after six years of confrontations. The peace plan includes; ceasefire supervised by UN, reopening the sea and air borders, and political negotiation. The Saudi Foreign Minister added that, the ceasefire will be implemented as soon as the Houthi accept this plan. However, the Houthis preferred not to accept it as they wanted Sanaa airport and the western port in Hudaydah to be included, which is rejected by the Saudis (BBC, 2021). This means that the ceasefire still did not come into force.

Recently, on July 2021, the war is still escalating between the Yemeni government and the Houthis as they targeted Marib, a city in the east of the capital Sanaa, and considered as oil-rich region. The Houthis have been attacking for three days resulting in 111 casualties. The US condemned this attack by stating that “the US beyond fed up”, as the re-escalation of the situation will lead to further humanitarian suffrage. According to HRW (2020) “The parties to the conflict in Yemen are responsible for an array of human rights violations and violations of international humanitarian law. Some of these violations are likely to amount to war crimes.” (HRW, 2020, para.30).

5.3. The humanitarian implications of the uprising in Libya

10 years of war have transformed Libya, which has the largest oil reserves in Africa, to an extreme poverty. First, with respect to NATO intervention in 2011, Bali and Abu-Rish (2012) emphasize that western powers were unwilling to

perform any action while western nationals are on the Libyan ground. Therefore, western nationals have been evacuated safely from Libya. Even flights across the Mediterranean were only available for them, neither the civilians nor the African migrants in Libya. If this was a humanitarian intervention, at least, the same method would be offered for civilians trapped in Tripoli and beyond. Thus, this immediate evacuation indicates that Western powers were aware that their actions may include coercive measures that cause civilian death whether directly or indirectly. NATO's military action credit can be emphasized in stopping a major disaster besetting Benghazi that could have harmed a large number of civilians, and killing Qaddafi. However, Milne (2011) wrote in *The Guardian* that if NATO intervened to protect civilians, then it horribly failed to do so. As the number of victims has multiplied dozens of times and many civilians have been tortured and killed by armed militias with Western backing (Milne, 2011).

Currently, the humanitarian situation within the country is a state of concern. The UNICEF (2021) expresses its concern regarding the humanitarian situation in Libya, especially in the aftermath of the conflict and pandemic. The insecure environment put 468,000 children and 1,251,000 people in need for humanitarian assistance and basic needs. The humanitarian assistance includes; protection, easy access to food, water and sanitation, and access to services like health, electricity and education.

Due to the escalation in fighting for the last two years, along with COVID-19 pandemic, IMF shows that the economy, which was already struggling, collapsed by 66.7% last year (France24, 2021). This leaves the formerly oil-rich nation of Libya on a knife's edge. Due to poverty and security challenges rose from the violent clashes between different armed groups, it became easier to see why civilians are risking their lives to flee from Libya, causing a migration and humanitarian crisis.

A recent report by the International Organization for Migration IOM (2021), states that 584,509 migrants were identified in Libya alone, and among them only 46,247

were officially registered as refugees and asylum seekers. The UNHCR (2021) adds that 90% of the migrants that include 41 nationalities and cross the Mediterranean Sea are departing from Libya to Europe.

The reason for such a migration crisis is the continuous violent attacks which raised the unemployment to 22%. IOM conducted an interview with unemployed migrants and indicated their suffering from lack of identity documents and financial difficulties, due to the decline of oil revenues in Libya. They were also complaining about the lack of basic needs like food, water, and how the cost of healthcare, education, and electricity reached unaffordable level. WB and WFP (2021) state in April 20 that in the Eastern region, the food prices left most of women and children suffer from malnutrition and food insecurity. In regard to the health sector, WHO reveals that 72% have limited access to healthcare, as indicated in IOM (2021) report, this presents the high risk the population is facing in terms of COVID-19 era.

However, the situation in Libya is indirectly pose a threat to the European countries in which officials from Malta, Italy and France, and other European countries were also complaining about Libya being as a destination and a corridor for illegal immigration. Danjibo (2013) adds that as soon as the February 17 uprising erupted, the situation changed, and the Libyan borders, especially the southern ones, became completely open, and human trafficking flourished again, so that the Libyan shores became the most important departure points for illegal immigration boats towards Europe.

Currently, in response to this threat, the EU collaborated with Libyan Coast Guard (LCG) to intercept and return the illegal migrants departing from Libya, and they succeeded in doing so. However, people are being returned into a more severe challenge, as indicated by UNHCR (2021), most of the disembarked and returned refugees, migrants and asylum seekers are detained in inhumane conditioned warehouses and facilities. According to HRW (2021) the collapse of the justice system has led to a state of impunity that has enabled armed groups, criminals, and

human traffickers to control the flow of migrants across the country, and run the detention centers. Many migrants suffer abuses and gross violations of human rights during their journeys. Migrant women are the most vulnerable group to these violations, and there are frequent reports of rape and other forms of sexual violence, they are also exposed with others to torture, unlawful killings, forced labor, and even slavery (HRW, 2021). A Malian migrant who flee the detention center said that the armed groups were treating them as slaves, they were selling African youth for 600 and 700\$ (France24, 2017). At the beginning of July 2021, UNHCR indicates that at the end of June, 13,360 migrants and refugees have been rescued and returned to Libya by LCG. While IOM reported 471 deaths and thousands were registered missing as they did not reach the center.

In terms of the political context, in the UN-backed Conference in Berlin, June, 2021, Turkey and Russia had agreed to withdrawal from Libya. However, speaking to Reuters on July 17, 2021, PM Dbeibah says that he is aware that it is very difficult to unify Libya's military especially with the presence of foreign fighters supporting opposing sides (Nichols and Elumami, 2021). Nicholas and Elumami (2021) add that Dbeibah states that the Turkish and Russian fighters are still present in the Libyan territory, and he is unaware about the withdrawal deal that was presented before, but he clarifies that he will be waiting for such a move. Dbeibah adds that he is committed to holding elections in December 2021, despite any difficulty that might raise by lawmakers opposing the process, or even LNA refusing to give up areas controlled by them (Nichols and Elumami, 2021).

5.4. Remarks on the consequences

Regardless to the fact that the foreign intervention had deviated the path of the Arab Spring uprisings, the humanitarian situation is undoubtedly worsened than ten years ago. As, from the facts and figures addressed, it is certain that protecting civilians has been absent in both cases. Although they could change the authoritarian regime, both considered as failed interventions, due to the absence of benefits for humanity (Seybolt, 2007). As, in Yemen and Libya indiscriminate use

of weapons against unarmed civilians was launched, while protecting civilians was the essential motive for the intervening powers. It resulted in the deterioration of the humanitarian situation to an alarming degree, where the humanitarian crisis did not end at this point, but rather extended beyond the intervention, as demonstrated above. Thus, it is evident from the foreign actors' motives that the civilians' interest does not fall within the list of priorities, or among the reasons for their intervention. It was only presented to justify the intervention of the dominant powers in hot spots, and who pay the bulk of the bill for these conflicts are the Yemeni and Libyan people who only demanded to live in freedom and dignity in their country.

Yemen and Libya has been exposed to many shocks and challenges as a result of foreign intervention in its internal affairs. It is still witnessing a lot of pressures due to the increasing of instability, the absence of political settlement, and form of intervention by foreign countries that seek to secure their interests in the region, even if that is by illegal means (Laarousi, 2020). That is to say, in both cases, foreign intervention contributed in destroying and tearing the region socially, politically and economically by fuelling internal conflicts, and using many strategies and tactics. This led to the exacerbation of the economic, security and political problems in these countries. In order to reach the real goals behind the foreign presence in Yemen and Libya, where many countries, groups and militias are fighting proxy wars, which has taken shape under the influence of the increasingly complex and chaotic international relations.

In accordance to this, it is no longer possible to separate what is considered as internal and what is regional or international conflict in the post-Arab uprisings in Yemen and Libya. However, the international community should focus on other mechanisms that are more effective in resolving crises instead of focusing on military intervention. For instance, the international community should take a serious stance towards human rights violations on the one hand. On the other hand, it should stand against the logic of force prevailing in any military intervention, whether unilaterally or through an international coalition because it leads to an

increase in violations. Also, humanitarian issues, such as poverty, malnutrition and infectious diseases, should receive as much attention of the international community as the civil wars, to be considered purely humanitarian intervention.

CHAPTER 6

CONCLUSION

This study has presented how the foreign actors contributed to the aftermath of the Arab Spring uprisings in Yemen and Libya. First, it provided an analysis of the definition of foreign intervention, and how it expanded from the principle of non-interference to the legal intervention for humanitarian purposes. The review of the various definitions that dealt with the concept of intervention indicates that foreign intervention is still a complex concept. Despite its historical seniority, and its treatment in legal, political and international studies, and the technological development that led to the diversity of means and policies. It also became clear that foreign intervention has several types, whether in terms of its direct or indirect forms, and how it lies on political, military, economic and humanitarian reasons. This makes foreign intervention characterized by diversity and multiplicity of motives, goals, and applications. Thus, this concept was defined in details to be able to highlight the legality of the intervention in Yemen and Libya.

Also, it provided an examination of the geographical importance of Yemen and Libya along with the history of state building, the nature of the regime, and the chronological events that led to the Arab uprisings in both cases. Then, an investigation was conducted over the number of the foreign actors, the level of their intervention, the motives that linked it to offensive realism and led to the violation of the principle of non-interference along with the consequences that civilians are suffering from.

After addressing the geographical and economic components of Yemen and Libya, and the various historical and political stages and the formation of the political system in Yemen and Libya; it is evident that the uprising began as a reaction to the nature of the regime, and the deterioration of the political and socio-economic

conditions. However, what followed the uprisings was the result of a clash of foreign actors intervening to satisfy their interests, not the interest of people. The formulas of competition and conflict between international and regional powers have made Yemen and Libya real laboratories for new polarities and conflicts to serve geostrategic goals. Conflicts are no longer between two parties, but rather expanded to include many actors with intersected goals extended for ten years. In Yemen, the external support shown in the Yemeni army supported by the Saudi-led coalition as they represent the legal government, Iran-backed Houthi group, and UAE- backed STC. On the other hand, the situation is reiterating in Libya, it first started with NATO intervention and then the East-West division between Haftar and al-Sarraj's regional and international supporters.

Although both cases witnessed humanitarian interventions, it did not lead to any change in social terms. As instead of protecting people, implementing their policies to contain the internal crises and meet the economic and social demands of people, they put the civilians under continuous repercussions. Therefore, the course of the transitional period seems somewhat stumbling, as the uprisings achieved its first goal, which is regime change. While the post-uprisings were directed towards restoring what was destroyed, and building the democratic state that the demonstrators imagined. But it did not take long, until it became clear that the destruction could not be easily restored.

The practices of the foreign intervention in Yemen and Libya do not take place under the umbrella of Chapter VII of the Charter nor with the authorization of the Security Council. What happens on the ground is not governed by contemporary international law or the principles of the UN, as much as it is governed by the interests of the intervening countries, and these cases of intervention refer to the interference of major countries in the affairs of countries. This confirms the supremacy of the law of force and not of the force of law, with a difficulty in achieving legal accountability for those responsible for war crimes and violating arms embargo, due to the severe situation in Yemen and Libya. The main reason

for this is not the adequacy of the rules of international humanitarian law, but rather the international community's adoption of double standards in the application of the rules of international humanitarian law in accordance with the policy of interests and not the protection of humanity.

Accordingly, by relying on the hypotheses emanating from this study, the following conclusions can be presented. First, looking at the events of the Arab Spring, the process and the goals behind the foreign intervention, it was found that the intervening states have other goals based on geopolitical interest and competition. This leads to the second and the third hypotheses. Since the second one indicates that the humanitarian consequences in Yemen and Libya weigh more than the benefits, and the third one clarifies the ambivalence in the goals of foreign powers, it turns out that the foreign interests were more present than the humanitarian motives. This confirms the duality of the foreign intervention, where they put the intervention under the pretext of protecting civilians, but the consequences clarify that protecting civilians was present on paper only, but it was not among the priorities. The ambivalence is also evident in the Syrian event with all its most urgent humanitarian requirements, as the international slowdown in stopping the crimes of the Syrian regime against the majority of the Syrian people, and leaving it to be an easy victim without effective international action. This has made this type of intervention a subject to reconsidering a humanitarian reality, and raises a lack of credibility in the application of this right.

Human rights have become a political weapon in the hands of some countries and a selective measure subject to double standards to achieve the interests and goals of the intervening countries. It has also become a tool of political pressure that is exercised on some countries and not others. Powerful states justify their military intervention under the pretexts of terrorism and national security. Even humanitarian motive is not an exception in the reality of contemporary international relations. Thus, whenever the title of an intervention loses its spark and the real motive is revealed, they bring to the world another type of

intervention, under another name, and in a new form. The important thing is that the essence remains, which is the consolidation of colonial hegemony and the service of the interests of the great powers. Therefore, the research clarifies that the foreign intervention even if it was conducted in terms of the humanitarian protection, mostly produces more harm, and its costs exceed its benefits.

All in all, it is clear from what this study presented is that competing powers view geopolitical interests far more important than human lives. It led to a conclusion that this is not really about the Yemeni and Libyan future. Even it is no longer certain if it is a civil war or a global war that fought on the Yemeni and Libyan soil. As after more than 10 years of popular protests, the impact of the foreign intervention on the process of democratic transition in Yemen and Libya, put the question of change and democratic transition unsolvable. Thus, it can be said that the Arab Spring has only left books full of lessons, and filled civilians' hopes with disappointment, due to what people are experiencing currently tell that their hope was slipped to the edge of the abyss. Also, it can be seen that the reality of the popular protests, which started with "*Alshaeb yurid iisqat alnizam/ الشعب يريد إسقاط النظام*" (in English: the people wants to overthrow the regime), shows that overthrowing the regime does not mean the rise of a democratic one, and foreign intervention does not mean an end for the monopolization of the political, military and security scenes.

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