UNIVERSITY OF KWAZULU-NATAL

INYUVESI YAKWAZULU-NATALI

United Nations Security Council Resolutions in Africa: the conundrum of state and human insecurity in Libya

By

Ekwealor Chinedu Thomas

A thesis submitted in fulfillment of the requirements for the degree of Master of Arts in Conflict Transformation and Peace Studies, Cluster of International and Public Affairs, College of Humanities, School of Social Sciences, University of KwaZulu-Natal, Pietermaritzburg, South Africa.

August 2013

Supervisors:

Professor Nwabufo Okeke-Uzodike

Dr Christopher Isike

Declaration

I declare that this Masters dissertation – "United Nations Security Council Resolutions in Africa: the conundrum of state and human insecurity in Libya" – represents the original work of the author and has not been submitted in any form for any degree or diploma at any university. Where use was made of the works of others, it has been acknowledged in the text.

<div align="right">

EKWEALOR Chinedu Thomas

August 2013

</div>

Table of Contents

Dedication

This work is dedicated to (late) comrade Igie Osayande-Okoro, and all the leaders in the world who were killed while defending their people.

Acknowledgements

I am overwhelmingly grateful to my supervisors, Professor Nwabufo Okeke Uzodike and Dr Christopher Isike, for their guidance, suggestions, encouragement and assistance when I became confused about the right path throughout the duration of this research. Through their sound grasp of issues, their expertise, integrity and commitment to academic excellence, they have inspired a passion for scholarship in me.

I am wholly beholden to the entire EKWEALOR UDEKWE family: Munachukwuso, Chidera, Chinaza, Chris-Ude, Eboatu, Ekenedilichukwu, Nwanneka, Obugo, Ugochukwu, Onuegbune, Oluchukwu, Obumneme, Kafor, Gabriel, Chiamaka, Chibuzo, and Chief Ekwealor and Iyom Udegbune Ekwealor for their constant support and love, and for reminding me that nothing is impossible. God bless you all. Nwabudu, Chidimma and Chinyelum UZODIKE you are a source of support and I am grateful.

I am also grateful to my mentors: Rev. Fr. Afam Okoye, Mr Ashok Deoparsad, Mr Ayo Whetho, Ven. Benjamin Chinemelu, Rev. Fr. Dr. Chukwubunna Martin Ezeokoli, Rev Fr. Peter Hillen, Ven. Chukwudi Solomon Osondu, Ven. Dr Cyprian Alokwu, Mr Faisal Ballim, Rev. Fr. Odili Ezennwa, Mr Tony Oduni and Rev. Canon Wisdom Otaluka. Your spiritual and moral support is invaluable and I am truly grateful.

I also owe deep gratitude to my friends and comrades too numerous to mention here: Comrade (late) Igie-Osayande-Okoro, Ryota Jonen, Alex Fotoh, Chinedu Okechu, Chinedu Nneke, Akazuo Nwakasi, Julius Okoye, Michael Ofordile, Odikpo Okeke (Gaza), Kris-Ginigaeme Ifeacho, Thorsten-Marco Kirschner, Timothy Obaje, Frank Okey Ngerem, Jero Okoro, Miss Tara Vorster, Miss Monique Hills, Ms Pamela Sweet, Dornu-Kpaghi, Oscar Paul-Okeke, Alex Udora, Iwuchu Okeke, Juliet Windvogel, Winnie Petersen, MOYO: Miss Tamara, Miss Debora, Miss Pamela, little Miss Taonga, Chibuko Okonkwo, Chukwuemeka Nnaemeka and Nombulelo Thembisile Dlamini you all have been enduring sources of encouragement, thank you. To the executive members of the International Students' Association (ISA) UKZN 2011/2012: Emmanuel Ranganai, Stella Shulika, Abigail Rukuni, Ernest Nkunzimana, Dumisa Mbano, Irene Shubi, and the entire international student community at UKZN, I appreciate your comradeship and support.

Abbreviations and acronyms

APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUCA	African Union Constitutive Act
AUCEWS	African Union's Continental Early Warning System
AUPSC	African Union Peace and Security Council
BBC	British Broadcasting Corporation
BRICS	Brazil, Russia, India, China, and South Africa
CEWS	Continental Early Warning System
CIA	Central Intelligence Agency
CNN	Cable News Network
DRC	Democratic Republic of Congo
EARS	Early Assessment Report System
ECOWAS	Economic Community of West African States
FANCI	Forces Armées Nationales de Côte d'Ivoire
FMF	Foreign Military Financing
FMS	Foreign Military Sales
FNLA	National Front for the Liberation of Angola
FVP	Floating Veto Power
GCRP	Global Centre for the Responsibility to Protect
GWOT	Global War on Terrorism
HDI	Human Development Index

HIPC	Heavily Indebted Poor Country
ICHRP	International Council on Human Rights Policy
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
ITAR	International Traffic in Arms Regulations
LNOC	Libyan National Oil Corporation
MINUCI	United Nations special political mission in Côte d'Ivoire
MONUC	United Nations Organization Mission in the DRC
MPLA	Popular Movement for the Liberation of Angola
NATO	North Atlantic Treaty Organisation
NEPAD	New Partnership for Africa's Development
NFZ	No Fly Zone
NTC	National Transitional Council
OAU	Organisation of African Unity
OFAC	Office of Foreign Assets Control
P5	Permanent Five
PoC	Protection of Civilians
PSC	Peace and Security Council
R2P	Responsibility to Protect

RCI	Republic of Cote d'Ivoire
REC	Regional Economic Communities
RTPM	Responsibility to Protect Model
SADC	Southern African Development Community
SDN	Specially Designated Nationals
UN	United Nations
UNAVM	United Nations Angola Verification Mission
UNDP	United Nations Development Programme
UNITA	National Union for the Total Independence of Angola
UNOCI	United Nations Operations in Cote d'Ivoire
UNOSOM	United Nations Operation in Somalia
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary General
UNSMIL	United Nations Support Mission in Libya
US	United States
USA	United States of America
UTA	Union des Transport Aeriens
WSOD	World Summit Outcome Document
WWI	World War I

Lists of Figure and Tables

Abstract

Both interventionist and anti-interventionist scholars have advanced the view that the 2011 Libyan conflict probes the need to establish an international organisation to settle disputes between nations with a view to maintaining international peace and security. Ironically, 67 years after the founding of the United Nations, post-colonial African states remain deeply troubled and affected by conflicts that are often exacerbated by United Nations Security Council (UNSC) Resolutions. The 2011 Libyan conflict was not a war for democracy; rather, it represented and demonstrated clearly the asymmetrical relations between Africa and Europe. This study therefore, is anchored on the thesis that the Western Countries—especially Britain and France—within the UNSC ignore the values that are embodied in the Treaty of Westphalia which established state sovereignty. Some Permanent five (P5) members of the UN were typically insensitive to Libya's sovereignty and to the creed of democracy and this inevitably undermined the national security of the state in favour of the 'Responsibility to Protect' clause.

The outsourcing of the UNSC's mission, among other things, in Libya to ensure 'international peace and security' to the North Atlantic Treaty Organisation (NATO) was a critical reason for the loss of human lives and values in the 2011 Libyan pogrom. The introduction of a no-fly zone over Libya and the use of Responsibility to Protect (R2P) contained in UNSC Resolution 1973 clearly stoked the conflict in Libya in order to further the political and pecuniary interests of some of the P5 members. The involvement of NATO and the attendant bombing campaign in Libya served to undermine the militarily weak continent of Africa in its effort to broker peace under the umbrella of the African Union (AU). In order to secure these political and economic interests, the NATO jet bombers declared war against a sovereign UN member state and openly participated in the eventual overthrow and death of the Libyan leader, Muammar Gaddafi.

In essence, this study underscores that the use of Responsibility to Protect in Libya was orchestrated at the highest level of international politics to justify external interference and ultimately, to secure regime change in Libya.

The net effect of the outcome of the 2011 Libyan conflict is the post-war imperial control of Libya's natural resources facilitated by the National Transition Committee established by these imperial forces. The extent of the damage caused by the UN-backed NATO intervention in Libya is also the result of the collective failure of the African Union to assert itself in the Libyan situation.

Chapter One
Historical background of Libya

1.1. Introduction

The end of World War II saw the creation of the United Nations (UN) on 24 October 1945; since then, the United Nations Security Council (UNSC) has championed the cause of global peace and security (United Nations, 1989: 2). It has mediated in conflict-affected areas and sought to manage global conflict through its resolutions as well as direct military intervention when required. This was the case with Libya following the outbreak of the 2011 conflict. The history and politics of the UNSC resolutions on Africa and other areas of the world since the 1960s cannot be understood without reference to the Charter of the United Nations, the Statute of the International Court of Justice (ICJ) and the UNSC Resolution logbook.

Policy-makers, scholars and commentators have debated the UNSC's intervention and mediation in conflicts as well its resolutions on global security since 1945 (Arne, 1948: 6; Diehl, 2012: 45). This study examines why the 2011 Libyan crisis occurred; its indirect and immediate causes; the implications of the 2011 Libyan crisis for state and human insecurity in Libya and the rest of Africa and the lessons that can be learnt in terms of how to deal with African political problems. This dissertation is divided into five chapters. Chapter One outlines the historical background of Libya; a literature review is presented in Chapter Two; the roles of the African Union (AU), the North Atlantic Treaty Organisation (NATO) and the UNSC are discussed in Chapter Three; Chapter Four examines the doctrine of Responsibility to Protect (R2P); and the summary, conclusion and recommendations based on the study are set out in Chapter Five.

1.2. Historical Background: a brief overview of Libya

It is generally assumed that the history and politics of Libya and the 2011 uprising are associated, not only in terms of the country's strategic geographic and economic position in the world, but also due to Muammar Gaddafi's political formula of pan-Arabism, pan-Islamism and anti-Westernisation. According to Saija, (2006), Hahn (1981:1) and Lawless,

(1987) Libya is the ninth largest oil producer in the world, and has the largest oil reserve in Africa with 41.5 billion barrels of proven reserves in 2008. It has a population of approximately six million people and is bounded by the Mediterranean Sea in the north, Egypt and Sudan in the east, Chad and Niger in the south, and Tunisia and Algeria in the west; Libya is 685,000 square miles a third of the size of the United States.

According to Monti-Belkaoui and Riahi-Belkaoui (1996: VI) and Wright, (1982), Libya, which gained independence on 24 December 1951, incorporates Arab, African and Mediterranean features. The Maghreb, composed of Tunisia, Algeria, Morocco, and Mauritania straddles its one side, while the Mashreq, composed of Egypt and the rest of Middle East, stands on its other. However, at the end of World War II, Libya suffered successive, competing colonial invaders - Turkey, Germany, Britain, France and Italy. Britain occupied Cyrenaica and Suez as "convenient staging grounds for the British troops, Tripolitania was under the Italian's control and a trusteeship was gained over Fezzan by France" (Hahn, 1981:45). These colonial occupants divided Libyans along ethnic lines with the Western tradition of divide and rule which assisted colonial administration in Libya and created ethnic groups as opposed to the desired nationalism among the citizenry. Figure 1 below is a ethnic map of Libya.

Figure 1: Ethnic Map of Libya
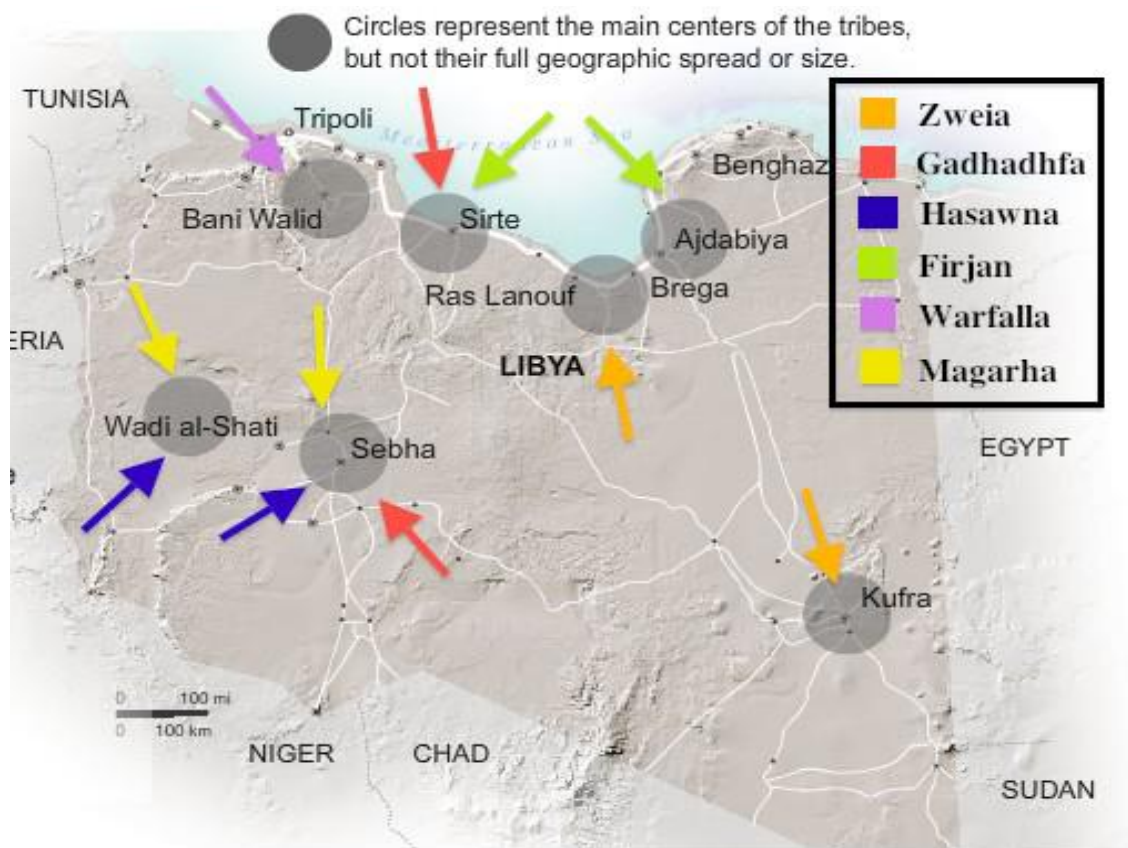
(Source: Adapted from data provided by *Associated Press*, 2010)

Ethnic divisions enabled the colonial powers to exploit both human and natural resources in Libya with sheer impunity.

The state's vigorous effort to unite these ethnic groups in post-colonial Libya explains the nature of the Gaddafi regime from his emergence as Libyan Leader in 1969 following a military putsch. According to Monti-Belkaoui and Riahi-Belkaoui (1996: 15), Gaddafi developed a domestic political formula that sought to unify Libya's pre-colonial political consciousness, the assertion of a hinterland culture in national life, a pan-Islamic and pan-Arabic identity, and an anti-Westernisation outlook. This formula, enshrined in his famous Green Book, was Gaddafi's mode of national and international governance and interaction, especially in relation to Western governments. Scholars such as Bearman (1986: 15) and Monti-Belkaoui and Riahi-Belkaoui (1996) foresaw that the political and economic orientations of the Green Book, which were the foundations of Gaddafi's regime, would offend the West and become a source of conflict between Libya and the Western powers.

According to Elbendak (2008: 135), before the Gaddafi regime came to power, Libya was a stratified society with about 99% of its people living along ethnic lines. However, during the Gaddafi regime, more than 88% of the populations lived in urban cities. The regime did away with the ethnicity imposed by Britain, France, Germany, Turkey and Italy. Owen Roger (2004: 56) claim that ethnicity allowed the colonial powers to control the lives and activities of Libyans and created disunity, allowing the colonial powers to play one ethnic group off against the other in order to achieve their imperial objectives. They add that not only did this destroy any sense of nationhood and national unity, but also that it negated the civic obligations of the polity. Conversely, Chipaike (2012: 42) and Ndlovu-Gatsheni (2009: 23) opine that the sense of nationhood in African countries bears from poor leadership by the leaders of Africa. The African Union, for example, failed to educate the African people on the importance of nationhood through exemplary headship. In their view, it is difficult to have a country with a strong sense of nationhood, if the state and people are ravaged by poverty, unending conflict, and incessant political and economic crisis.

1.2.1. Libya: before, during and after-the Gaddafi regime

1.2.2. The pre-Gaddafi regime

Italy's monopoly on the colonisation of Libya ended in 1931. In 1943, Britain, France and Italy divided Libya among themselves, with Tripolitania under Italy; Cyrenaica under British control, and Fezzan under French command (Monti-Belkaoui and Riahi-Belkaoui, 1996: 15). In an effort to conquer Libya, Britain, with the support of the United States, developed a British military base in Cyrenaica. In 1948 Britain, France and the US agreed in a treaty that, while the provinces under their control were eager for independence, they were not yet ready for self-government; without any consultation, they appointed themselves as trustees.

Under heavy pressure from the United Nations General Assembly to grant independence to a united Libya, Britain, France, Italy, the US colonial attaché in Libya and Egypt and Pakistan agreed to supervise a two-year transition process. The colonial masters installed Emir Sayyid Idris Sanussiy, their friend, as Libyan leader. At a convention in Tripoli in 1951, Emir Idris declared Libya an independent state under the name, United Kingdom of Libya. In 1953 and 1954, Britain and the US were granted the right to maintain military bases in Libya for 20

years and concessions were granted to US oil companies in 1956 after Libya joined the Arab League in 1953 and the UN in 1956 (Lavender, 2012: 3)

Podeh (2004) and Mary Kaldor (2007) note that the roles played by the British and US allied troops based in Libya in the Arab-Israeli war which ended in 1967 exasperated Libyans who saw the British and US troops as instruments of violence within the Arab nation. This inspired a sense of nationalism among Libyans and ultimately, became one of the principal reasons why Colonel Gaddafi's decision to topple the leadership of King Idris in a military putsch on September 1, 1969 enjoyed the combined support of the Libyan army and the civilian population. Colonel Gaddafi remained at odds with the West in some political and economic issues until he was murdered in 2011.

1.2.3. The Gaddafi regime: the foundations and objectives of the Green Book

The Green Book was a decree that provided not only the basis for the regulations and rules but also formed the creed of Libyan citizenry under Gaddafi. It provided the pillars on which all administration; governance and leadership rested. Implemented in phases, *The Green Book* had three parts. Part I, discusses *The instrument of government,* in which the solution to the problem of democracy was lucidly discussed. Part I of *The Green Book* became a useful political document in 1974. While the overall intention of *The Green Book* waste serves the basis for Libya's development, Part I describes how Western 'democracies' are not the best form of governance and may not be a preferred alternative in Libya. *The Green Book*, for example, argues that the party systems whether one-party, two-party or multi-party versions of Western 'democracies' are clearly dictatorship regimes. It explains that:

> [the] premise of all contemporary political systems are merely the result of the struggle for power between instruments of governing. Those instruments of governing—parliaments, electoral systems, referenda, party government—are all undemocratic, divisive, or both. Parliaments are based on indirect democracy or representation. Representation is based on separate constituencies; deputies represent their constituencies, often against the interests of other constituencies. Thus, the total national interest is never represented, and the problem of indirect (and consequently unrepresentative) democracy is compounded by the problem of divisiveness.

While this view may be popular among scholars of popular sovereignty such as Jacques Rousseau in his book, *The Social Contract*, it runs counter to the teachings of 20th century democracy exporters such as the US and other proponents of democracy like Britain and France (Hajjar, 1980: 5). In the principles of democracy espoused by the West, democracy is not only a form of peaceful government that rarely fights wars against each other but also a model of governance that provides for economic improvement and human development (Katzenstei, 1996: 296). Clearly, in many ways, Gaddafi's political ideology contained in Part I of *The Green Book*, is part of a radical strain of Western democratic thought. *The Green Book* continues in Part I of that:

> The problem of democracy in the world will finally be solved. But before that, the masses must struggle to eliminate all prevailing forms of dictatorial governments, be they parliament, sect, ethnicity, class, one-party system, two-party system or multi-party system, which falsely call themselves democracies. True democracy has but one method and one theory. The dissimilarity and diversity of the systems claiming to be democratic do, in fact, provide evidence that they are not so. Authority of the people has but one face which can only be realised through Popular Conferences and People's Committees. There can be no democracy without Popular Conferences and Committees everywhere.

It is against this backdrop that Gaddafi argues that true democracy entails the supervision of the people by the people and not supervision of the government by the people, as espoused by Western ideologies (*The Green Book*, 1974: 8).

While Part I of *The Green Book* discusses the connection between democracy and people, Part II: *The Economic basis of the third universal theory* seeks to find solutions to the economic problems that exist within democratic regimes and people. Part II notes that capitalism accounts for human economic suffering. It sees capitalism as a tool for the exploitation of the employee by the employer and insists that socialism is a preferred alternative to capitalism.

Part II examines the relationship between workers and employers. It contends that capitalism as propounded and practiced in the West is responsible for the poor economic condition of the masses in the West and all the states they control across the globe. It argues that "the

legitimate purpose of the individual's economic activity is solely to satisfy his [material] needs; it is not to create a surplus in order to gain a profit" (*The Green Book*, 1978: 17). Gaddafi believed that profit and money would eventually disappear as basic human needs were met and that capitalism would lose its popularity and Western democracy would fail. Gaddafi insists in the book that the Western democracy is merely an instrument for forcing capitalism on a resistant population that has adopted other forms of political leadership and economic models. As democracy - including all party systems - is the basis of the relationship between the West and developing countries, capitalism is also the dominant mode of production. However, the elementary principles guiding *The Green Book* are against the tenets of Western democracy and capitalism which the Book insists, destroy nationalism and humanity.

In light of the above, the need for clarity on the differences between *The Green Book* and Western governments' values and ethics in the management of people and resources, informed Part III of *The Green Book*. Part III: *The Social Basis of the Third Universal Theory* was published in 1980 to explain the disconnections found within Western democracy and capitalism. Part III examines the meaning and essence of nationalism - humanity. Gaddafi argues that whereas Karl Marx maintained that class struggle is the crucial variable accounting for change, nationalism is the real constant, dynamic force of history. He maintains that:

> Nations whose nationalism is destroyed are subject to ruin. Minorities, which are one of the main political problems in the world, are the outcome. They are nations whose nationalism has been destroyed and which are thus torn apart. The social factor is, therefore, a factor of life - a factor of survival. It is the nation's innate momentum for survival. Nationalism in the human world and group instinct in the animal kingdom are like gravity in the domain of material and celestial bodies. … For this reason, human communities struggle for their own national unity, the basis for their survival. The national factor, the social bond, works automatically to impel a nation towards survival, in the same way that the gravity of an object works to keep it as one mass surrounding its centre. When the factor of unity in those component systems is destroyed and gravity is lost, It is an established natural law. Similarly, man's [sic] life is damaged when he begins to disregard nationalism the secret of human survival.

The Green Book concluded that great nations had disappeared off the map of the earth to give way to the rise of other nations. It insists that family is a social structure rather than a political one. The same applies to the ethnic group, because it is a family which has reproduced and enlarged itself to become many families. Equally true, the nation is an ethnic group after it has grown and its branches have multiplied and become ethnic groups.

In this light, *The Green Book* (1980) contends that Libyans constitute a nation, and that the nation is a social structure whose bond is nationalism; the ethnic group is a social structure whose bond is ethnicity - this is opposed to the ethnic groups that were recognised by the colonial forces to aid disintegration. The family is a social structure whose bond is family ties; and global society is a social structure whose bond is humanity. *The Green Book* refers to these notions as self-evident facts of humanity and life. *The Green Book* argues that elements such as family, ethnicity, and nation are the structures that make up a society. It contended that "there is then the political structure of states which form the political map of the world" (*The Green Book*, 1980: 24). But why does the map of the world keep changing from one age to the next? The reason is that political structures may, or may not, be consistent with social structures. *The Green Book* (1980: 24) argues that when a political structure and associated social reality are congruent—as in the case of the nation-state—the world does not change. *The Green Book* (1980: 24) argues that:

> If a change is forced by external colonialism or internal collapse, it reappears under the banner of national struggle, national revival or national unity. When a political structure embraces more than one nation, its map will be torn up by each nation, gaining independence under the banner of its respective nationhood. Thus, the maps of the empires which the world has witnessed have been torn up because they were composed of a number of nations. When every nation clings strongly to its national identity and seeks independence, political empires are torn up and their components revert to their social origins. This is evidently clear through the history of the world when reviewed through the ages.

The above argument is founded on *The Green Book's* insistent claim that all states which are composed of several nationalities for whatever reason - religion, economics, military power or man-made ideology - will be destroyed by national conflict until each nation obtains its independence, because the social factor will inevitably triumph over the political factor.

Clearly, these dictates of *The Green Book* are directly opposed to the numerous guiding principles of life in the Western world. Monti-Belkaoui and Riahi-Belkaoui's (1996) and Gurr's (1970) argument that Western governments would wage war against any government [Libyan government] operating under the philosophy of *The Green Book* is borne by Britain, France and the US's huge financial investment in the rebel groups, Transitional National Council (TNC) and in NATO to dislodge the Gaddafi regime which ended with his murder on October 20, 2011 in Libya.

1.2.3.1.   The implementation of The Green Book

The Green Book grew to eventually comprise three slim volumes. According to Metz (2004: 222), many foreign observers who had compared Libya's Cultural Revolution with the Chinese Cultural Revolution naturally compared *The Green Book* with Mao's *Red Book*. Like Mao's *Red Book*, *The Green Book* has been widely distributed both inside and outside the country. Both are written in a simple, understandable style with many memorable slogans. In size, both are rather modest, but their impact cannot be exaggerated. In a sense, *The Green Book* has vied with the *Quran* as the basis for Libya's development, much as *The Red Book* attempted to supplant the Confucian system of thought.

1.2.3.2.   The Green Book, Part I

In April 1974, Gaddafi relinquished his governmental duties to devote his time to ideological concerns and mass organisation. A year later, he announced the reorganisation of the Arab Socialist Union (ASU) to include popular congresses, led by the General Popular Congress (GPC). In March 1977, the GPC became, at least formally, the primary instrument of government in Libya. The reorganisation of the ASU and the elevation of the GPC were carried out in conjunction with Gaddafi's political theories in *The Green Book, Part I: The Solution of the Problem of Democracy* (*The Green Book*, 1974: 15).

The Green Book begins with the premise that all contemporary political systems are merely the result of the struggle for power between instruments of governance. These instruments- parliaments, electoral systems, referenda, political party are all undemocratic, divisive, or both. Parliaments are based on indirect democracy or representation. Representation is based

on separate constituencies; deputies represent their constituencies, often against the interests of other constituencies. Thus, the total national interest is never represented, and the problem of indirect (and consequently unrepresentative) democracy is compounded by the problem of divisiveness.

Moreover, an electoral system in which the majority vote wins all representation means that as much as 49% of the electorate is unrepresented (a win by a plurality can have the result that an even greater percentage of the electorate is unrepresented; electoral schemes to promote proportional representation increase the overall representative nature of the system, but small minorities are still left unrepresented.) Gaddafi argues in *The Green Book* that referenda are undemocratic because they force the electorate to simply answer 'yes' or 'no' to complex issues without being able to express fully their will. He adds that because parties represent specific interests or classes, multiparty political systems are inherently factionalised. In contrast, a single-party political system has the disadvantage of institutionalising the dominance of a single interest or class.

Gaddafi observed that political systems have used these kinds of indirect or representative instruments because direct democracy, in which all participate in studying and debating the issues and policies confronting the nation, is ordinarily impossible to implement in contemporary times. Populations have grown too large for direct democracy, which remained merely an ideal until the formulation of the concepts of people's committees and popular congresses.

Most observers would conclude that organizations like congresses or parliaments obviously involve some degree of delegation and representation. Gaddafi, however, argued that with their creation, contemporary direct democracy had been achieved in Libya. He based this conviction on the fact that the people's committees and popular congresses were theoretically responsible not only for the creation of legislation, but its implementation at the grass-roots level. Moreover, people's committee had a much larger total membership as a percentage of the national population than legislative bodies in other countries.

In many ways, Gaddafi's political ideology is part of the radical strain of Western democratic thought primarily associated with Jean-Jacques Rousseau. As scholar David Held (1987: 44) noted, Gaddafi's notions of popular sovereignty are similar to the Rousseauian concept of

general will. Both hold that sovereignty is inalienable, indivisible, and infallible. Both believe in equality and direct popular rule. Thus, Gaddafi concludes that, "the outdated definition of democracy-democracy is the supervision of the government by the people-becomes obsolete. It will be replaced by the true definition: democracy is the supervision of the people by the people"(*The Green Book:* 1974:8).

1.2.3.3. The Green Book, Part II

Gaddafi commences *The Green Book, Part II: The Economic basis of the third universal theory (The Solution of the Economic Problem: "Socialism"*), published in early 1978, with a brief examination of the relationship between workers (producers) and employers (owners). He recognised that the lot of the worker had improved dramatically since the Industrial Revolution, with the introduction of fixed working hours, overtime pay, different kinds of leave, profit sharing, participation in management, job security, and the right to strike. Drastic changes had also occurred in ownership, including the transference of private ownership to the state.

Despite these significant changes, *The Green Book* (1978) notes that the basic relationship between the producer, who is a wage earner, and the owner, who pays the wages, is still one of slavery. Even where the state owns the enterprise and the income derived from it reverts to the community, the plight of the wage earner, who contributes to the productive process for someone else's benefit, remains the same. Gaddafi's solution to the problem is to abolish the wage system. Rather than contributing to the productive process for the owner's benefit, or profit, the actual producer should be a partner in the process, sharing equally in what is produced or in the income derived from it.

Gaddafi believed that a person cannot be free "if somebody else controls what he needs" to lead a comfortable life. Thus, each person must fully possess a house, a vehicle, and an income. Individuals cannot be wage earners because someone else would then control their income. They cannot have an extra house to rent, for in renting property they would be controlling a primary need of someone else. According to *The Green Book* (1978: 17) "[t]he legitimate purpose of the individual's economic activity is solely to satisfy his [material] needs"; it is not to create a surplus in order to gain a profit. Gaddafi maintains that profit and

money will eventually disappear as basic human needs are met. The only provision for differentiation in wealth is social reward, in which the society allocates an individual a certain share of its wealth equivalent to the value of some special service rendered.

The 1969 constitutional proclamation recognised both public ownership ("the basis of the development of society") and private ownership (as long as it was non-exploitive). The application of Gaddafi's new views on ownership began a few months after the publication of Part II of *The Green Book*. In May 1978, a law was passed giving each citizen the right to own one house or a piece of land on which to build a house. Ownership of more than one house was prohibited, as was the collection of rent. On September 1 1978, the ninth anniversary of the September revolution, Gaddafi called on workers to "free the wage earners from slavery" and to become partners in the productive process by taking over "the public and private means of production". The firms that took over were controlled by the new people's committees. Another aspect of the drive against exploitation was Gaddafi's ban on commercial retail activities in Libya. The Libyan leader advised retailers to enter productive occupations in agriculture or construction. However, Metz (1979) notes that the immediate practical result of these changes was economic chaos and a significant decrease in production. Gaddafi also rejected the private ownership of land. Drawing a distinction between ownership and use, he argued that land is the collective property of all the people. Every person and his/her heirs have the right to use the land to satisfy their basic needs. The land belongs to those who till it. Hiring farm hands is forbidden because it would be exploitive.

1.2.3.4. The Green Book, Part III

In *The Green Book, Part III: The Social Basis of the Third Universal Theory*, published in 1980, Gaddafi reiterates and elaborates his view on nationalism and briefly discusses a few other subjects. Gaddafi argues that whereas Marx maintained that the class struggle is the crucial variable accounting for change, nationalism is "the real constant dynamic force of history" (*The Green Book,* 1980:20). Gaddafi draws a sharp distinction between a state and a nation or nation-state. A state "embraces several nationalisms," and sooner or later will disintegrate as various national movements clamor for independence or

self-determination. A nation-state consists of a group of people with a prolonged, shared history, a common heritage, and "a sense of belonging to a common destiny". Ideally, "Each nation should have one religion", Gaddafi writes, to avoid the potential for conflict. He believed that national unity is threatened by the resurgence of ethnic or sectarian identities. Gaddafi points to the Lebanese civil war as an example of the triumph of sectarianism over nationalism (*The Green Book,* 1980).

Part III of *The Green Book* also contains a discussion of such topics as the role of women, minorities, and education. Gaddafi declares that there is no difference in human rights between men and women: "it is an undisputed fact that both man and woman are human beings" (*The Green Book,* 1980: 26).

As such, *The Green Book* (1980: 25) explains:

> There must be a natural necessity for the existence of man and woman, rather than man only or woman only. It follows that neither of them is exactly like the other, and the fact that a natural difference exists between men and women is proved by the created existence of men and women. This necessarily means that there is a role for each one of them corresponding to the difference between them. Accordingly, there must be different prevailing conditions for each one in order that they perform their naturally different roles. According to gynaecologists, women menstruate every month or so, while men, being male, do not menstruate or suffer during the monthly period. A woman, being a female, is naturally subject to monthly bleeding. When a woman does not menstruate, she is pregnant. If she is pregnant, she becomes, due to pregnancy, less active for about a year, which means that all her natural activities are seriously reduced until she delivers her baby. When she delivers her baby or has a miscarriage, she suffers puerperium, a condition attendant on delivery or miscarriage.

The Green Book (1980: 22) continues to argue that man does not get pregnant, he is not liable to the conditions which women, being female, suffer. Afterwards a woman may breast-feed the baby she bore. Breast-feeding continues for about two years. Breastfeeding means that a woman is so inseparable from her baby that her activity is seriously reduced. She becomes directly responsible for another person whom she assists in his or her biological functions; without this assistance that person would die. Furthermore, a woman, who is created beautiful and gentle, should not be forced by economic necessity or by a misguided call for equality which mixes their roles is an absolutely destructive to human life.

With regard to minorities, Gaddafi distinguishes between two types. The first belongs to a nation that provides it with a social framework, but also threatens to encroach on its social rights; the second has no nation, forms its own social framework, and is destined eventually to constitute a nation by virtue of a sense of solidarity. At this juncture, Gaddafi declared that "Black people will prevail in the world, [adding that] the latest age of slavery has been the enslavement of Blacks by White people. The memory of this age will persist in the thinking of Black people until they have vindicated themselves" (*The Green Book*, 1980: 29). Gaddafi condemns formal education as an act of dictatorship that destroys freedom because it deprives people of their free choice, creativity, and brilliance. He proposes that "all methods of education prevailing in the world should be destroyed" and replaced with a system where "knowledge about everything is available to each person in the manner that suits them" (*The Green Book,* 1980: 30).

1.2.3.5. Gaddafi's initiative for African unity: an antithesis to Western (neo) imperialism and exploitation

The axiom that a united Africa will usher in not only a peaceful and conflict-free continent, but also decent human development, political maturity and economic growth is the factor driving Africa Unite initiatives (Nowrojee, 2003: 16). However, this desire is not accompanied by the necessary tools required to transform the continent. This is because plans to chart the route to a united Africa imply disobeying the imperial economic and political orders established in Africa by the neo-colonial masters (Black, 2004: 16). When Gaddafi took power in 1969, he compelled the US and British troops—the troops that supported the Israelis against the Arabs during the Arab-Israeli war—to leave Libya. In 1970, British troops were forced to evacuate their remaining bases in Libya, and the US had to abandon Wheelus Field, a US air force base located near Tripoli (*The Washington Post:* 2012 and *Global Security.Org:* Internet). Furthermore, Libya's oil industries were nationalised together with all Italian assets in the country and political relations and economic activities were initiated between Libya, Egypt and Sudan in the same year.

Jean-Paul Pougala (2011) argues that Gaddafi championed the initiative to mobilise African countries to form a single United States of Africa which he hoped would strengthen Africa's unity and foster its development. In his view, the division of Africa according to the arbitrary

colonial borders had been the enduring source of human-created conflict and insecurity in the region. He argued that the major political and economic weaknesses in Africa which were a source of strength for the Western colonialists stemmed from the divisions and disunity among Africans. He noted that Western governments understood that a united Africa would be independent from both political and economic support from the West. Thus, the West carefully plotted "to destabilise and destroy the African Union which was veering dangerously (for the West) towards a United States of Africa under the guiding hand of Gaddafi" (Pougala, 2011: 3).

Pougala further argues that it was Gaddafi who offered Africa its first revolution during his term as Libyan leader and AU chairman. Africa was paying an annual lease of US$500 million to Europe for the use of European satellites like Intelsat. To put an end to this situation, Africa asked the World Bank, the International Monetary Fund, the US, and Europe to lend it US$400 million to finance a telecommunication project. These institutions promised to do so, but 14 years later, the loan had not been forthcoming. According to Pougala (2011: 2), the situation was remedied when Gaddafi donated US$300 million towards Africa's own telecommunication satellite.

Because the media plays such a huge role in shaping a world view, Gaddafi was determined to install an African satellite, built and manufactured on African soil, in Algeria, which is set to be completed in 2020. This satellite aims to compete with the best in the world at ten times less the cost. According to Pougala (2011: 2), this indeed poses a challenge to the Western communities who rely on the media to define and interpret Africa for Africans and the world. Gaddafi's US$300 million symbolic gesture will undoubtedly change lives within the African continent and will cost the West, not only depriving it of US$500 million per year but also the billions of dollars in debt and interest the initial loan would have generated for years to come, thereby helping maintain a system to plunder Africa.

The adverse impact of Gaddafi's donation explains why the US President, Mr Barack Obama, saw fit to freeze US$30 billion belonging to the Libyan Central Bank which had been earmarked as the Libyan contribution to the three key projects that would add the finishing touches to the African federation (*Office of the Press Secretary*, 2011: 2). Pougala (2011) notes that the projects:

> …the African Investment Bank in Sytre, Libya, the establishment in
> 2011 [of] the African Monetary Fund to be based in Cameroun
> Yaoundé with a US$42 billion capital fund and the Abuja-based
> African Central Bank in Nigeria which when it starts printing
> African money, will ring a death knell for the CFA franc through
> which Paris has been able to maintain its hold on some African
> countries for the last five decades, will meet their end.

These factors explain not only why the 2011 uprising in Libya was predominantly French-led, but also why the conflict enjoyed the combined support of Europe and US in the form of UNSC and NATO in sustaining the conflict until Gaddafi was eventually killed. Authors such as Cordesman and Vira (2011) and Pougala (2011) observe that the UN-backed NATO intervention, which arose directly from UNSC Resolution 1973, is brainless when measured against the responsibility to protect canon that had guided the intervention. According to Pougala (2011), the claim by British, French US leaders that Gaddafi was a dictator and their unleashing of their combined military might to oust him—ostensibly to—and introduce democracy—were effectively choreographed. The US government justified the reasons for freezing Libya's US$30 billion earmarked for Africa's development thus:

> … The U.S. President has frozen $30 billion worth of Libyan assets
> – the largest asset freeze under any U.S.-based sanctions regime. …
> By freezing these assets, the President seeks to deprive Gaddafi and
> his government of the ability to siphon funds for personal gain,
> prevents further bloodshed in Libya, and secures state assets for the
> benefit of Libyans when a future – basically US instituted --
> government is implemented. The Executive order further freezes all
> of the Gaddafi family's property interests that are located in the
> United States, as well as those of senior Libyan government officials
> and other participants in the human rights abuses there. Gaddafi and
> members of his family have also been added to the Office of Foreign
> Assets Control's (OFAC),a Specially Designated Nationals List
> (SDN).

According to Sumeet Chugani (2011), the freezing of the account was intended not only to frustrate the regime, cause it to lose national sympathy, and turn the Libyan citizenry against the state, but also to cripple the government and its plan for Africa's development and allow for the imposition of a US-fashioned regime. Chugani's (2011) views corroborate Pougala's (2011) implied claim that the seizure was carefully calculated to orchestrate continuing economic dependency on the imperial states at the centre as well as to ensure the stunted political development of Africa. This view, however, is challenged by the *Office of the Press*

Secretary (2011) that maintains that the seizure was aimed at disarming the Gaddafi regime from mobilising his terrorist groups to attack the Libyan civilian populace and neighbouring states. It is also to specifically demobilise the regime from hiring mercenaries on its citizens.

In addition, in a statement released to *Foreign Policy.com*, the Ugandan president Mr Yoweri Museveni charged that Gaddafi was the cause and source of his death. Mueveni, (2011) outlined Gaddafi's meddling with the internal affairs of individual African states such as backing Idi Amin to kill Christians in Uganda, recommending the division of Nigeria into various autonomous states, his forceful push for the United States of Africa, and proclaiming himself king of kings. Museveni (2011:1) notes that Gaddafi jumped into the "domestic affairs of Uganda and shown support to Idi Amin who was persecuting citizens because Amin was a 'Muslim' and Uganda was a 'Muslim country,' where Muslims were being 'oppressed' by Christians". He added that Amin killed a lot of people extrajudicially, and Gaddafi was identified with these mistakes. Further Museveni underscores that during the Gaddafi's tenure as the AU chairman, he was notorious for resurrecting topics or discussions that had been covered by previous meetings in which he would "overrule" a decision taken by all other African heads of state. He adds that though, Gaddafi had been repeatedly defeated, his insistence on resurrecting finished topics made him the enemy of many leaders in the continent.

1.2.4. Libya: post-Gaddafi: The emergence of the National Transitional Council

The National Transitional Council of Libya (NTC), also known as the Libyan Transitional National Council (TNC), the Interim National Council (INC), or the Libyan National Council (LNC), is the *de facto* parliament of Libya, established by anti-Gaddafi forces—NATO, UNSC, UN-backed mercenaries and Libyan rebels—during the Libyan civil war, to end the government of Colonel Muammar Gaddafi. On February 25 2011 Al-Jazeera Television reported that talks had taken place between "personalities from eastern and western Libya" to form an interim government for the post-Gaddafi era. On 26 February, Al-Jazeera reported that former justice minister Mustafa Abdul Jalil was leading the process to form an interim body, to be based in Benghazi. Mr Jalil stated that "the problem of Libya is the directives of the Green Book, and that Gaddafi alone bore responsibility for the crimes that have occurred"

in Libya; he also insisted on the unity of Libya through the destruction of *The Green Book* and all that it stands for— a pan-Arabic, pan-Islamic and anti-Westernisation outlook.

Thabo Mbeki (2011) argues that the false Western knowledge of morality and values ended the Gaddafi regime; he adds that Mr Jalil was propelled into representing the interests of the West in his efforts to end the Gaddafi regime. Thus, Mbeki (2011) insists that the creation and growth of the NTC is a function of UN and NATO alignment aimed at protecting Western interests in Libya. Al-Jazeera Television confirmed Mbeki's claim when it added that the efforts to form an alternative government have been partly set up, sponsored and supported by the US through the Libyan ambassador in that country, Ali Suleiman Aujali and the Libyan deputy ambassador to the UN, Ibrahim Omar Al Dabashi who were the first Libyan officials to endorse the alternative government proposal for Libya (Al-Jazeera Television, November 2011, 5PM).

1.3. Problem statement

The UN has made several attempts over a number of decades to instill and consolidate peace and improve the level of security across the globe through resolutions and direct military interventions. Although there have been some improvements in the UN intervention strategies since the 1960s, the UNSC needs to uphold the values of the Charter such as the sovereignty of state and equality of member states at all times in order to strengthen its efforts to enhance peace and ensure security throughout the world. According to the *United Nations Development Programme's Human Development Report* (2011), countries such as Angola, Cote d'Ivoire, Rwanda, Somalia, Congo, Sudan and [Libya] have experienced the impact of UNSC resolutions, which caused nearly 50% of the human suffering taking place in Africa. According to the report, more people die in the areas where the UNSC has intervened than from the wrangle between the nation and the Council. For example, the Report found that in Cote d'Ivoire, human insecurity and economic hardship was three to five times higher than in the rest of Africa during the 2010 and 2011 Ivorian conflict. In this regard, it is relevant to appraise UNSC Resolution 1973 in Libya with a view to understanding the role of this resolution in actually worsening conflict and suffering on the continent.

1.4.　Proposition

The 2011 Libyan conflict and its human security costs were exacerbated by the intervention of the UNSC and NATO.

1.5.　Research problem and objectives: Key questions asked

Using the 2011 Libya crisis as the focal point, the aim of this study is to define the dynamics of the crisis, highlighting its causes and effects on peace and human security in Africa. In this regard the study will focus on the following objectives:

- Determine the remote and immediate causes of 2011 Libyan crisis;

- Ascertain the state and human security implications of the crisis for Libya and the rest of Africa; and

- Articulate what lessons can be learnt from the Libyan crisis and other such cases in terms of how to deal with African political problems.

1.6.　Research questions

The following questions will therefore be answered:

- What are the remote and immediate causes of the 2011 Libyan crisis?

- What are the state and human security implications of the crisis for Libya and the rest of Africa?

- What lessons can be learnt from the Libyan crisis in terms of how to deal with African political problems?

1.7.　Research methodology and technique

This study combines qualitative and historical research approaches to unpack the challenges of international intervention in the national politics of sovereign states. More specifically, it

undertakes a desktop review of the relevant literature and scholarly works focusing on the UN, conflict intervention resolution in Africa, politics in Libya and human development issues in Africa. Secondary sources of data include governmental documents and reports, books, peer-reviewed journal articles, online journal articles, newspapers and published and un-published theses. Issues of interest identified in the study such as the UNSC resolutions on Africa and the conundrum of state and human insecurity they pose in countries such as Libya are examined through a textual analysis of information from the outlined secondary sources. This study also undertakes a textual analysis of materials that document UN intervention in political conflicts in selected resource-rich African states. It compares these with reports on the UN's non-interventions in resource-poor states such as Rwanda to situate the reality of the UN's double standards, especially when it comes to Africa.

1.8.   Principal theories upon which the research project is constructed

Considering not only the roles of the UNSC and NATO but also the variegated nature of conflicts across Africa and elsewhere since the 1960s—especially the 2011 Libyan crisis—the researcher consulted a wide range of theories with a view to identifying the most suitable tool to adopt in unpacking the issues pertaining to UNSC Resolution 1973 in Libya.

Realism, a long-established and popular Political Science and International Relations theoretical tool for explaining matters of war, security and peace was one of the obvious theories consulted. The controlling idea of the theory is that "human beings have [an] innate desire for power" and that might is right (Duncan *et al*., 2002: 18). Because states are the sovereign and principal actors in the anarchic international system, they exist in a condition of constant competition with or antagonism towards one another. According to Katzenstein (1996:16), since no other actors within the international system are capable of regulating the activities and interactions of sovereign states, they coexist in a self-help environment, where relations with other states are negotiated between them bilaterally or through multilateral arrangements, which are often controlled by the most dominant state actors.

In this light, Mahalingam (2003:735) posits that differential levels of power are key determining features of the relations between states. Given the anarchic international environment and the imperative for survival as the overwhelming national interest, states

pursue their national security by maneuvering to acquire power and resources in the form of a range of political, economic and military attributes and capabilities. Realists believe that states distrust one another and, as a result, eschew any long-term cooperation or alliances. This theory has some relevance in explaining an international environment in which some states such as the United Kingdom, France and the US can assume the right to impose themselves on Libya under the umbrella of the UNSC and NATO with the implied arrogance that the weak will suffer what they have to suffer. It also makes inroads into interpreting how Western governments have tended to dominate African states at will.

The Securitisation/Human Security framework was also consulted. This theory holds that security is a speech act; that simply by uttering 'security' something is being done. If something is labeled a security issue, it becomes one (Floyd, 2007: 3). Hence, when a securitising actor states that a particular referent object (people)'s existence is threatened it claims a right to adopt extraordinary measures to ensure the survival of the referent object (people) (Floyd, 2007: 3). This means that the security concept no longer has any given meaning but can be anything a securitising actor says it is. Understood in this way security is a social construction, with the meaning of security dependent on what is done with it. This theory is useful in explaining how the UNSC deployed the security argument to justify its use of Resolution 1973 to intervene in the national politics of Libya. The theory also reinforces the realist stance that the intervening states will use R2P and human rights ideas instrumentally to justify their intervention within a global system, where such interventions are increasingly frowned upon by states that are trying to move away from the realist paradigm. The weakness of this theory is its outlook on the securitising actor, as it presents the actor as irrational.

The Political Economy of Warfare Model Theory is a theory of war between an insider and outsider (Libya and the NATO allies respectively). As Glaeser (2006: 1) who is a proponent of the model notes: "Warfare is enormously destructive, and yet countries regularly initiate armed conflict against one another". This theory explains the hidden economic and political interests of NATO members who opted to invade Libya to effect regime change in spite of the option of negotiated settlement, which when properly explored might have resulted in a peaceful resolution of the differences between the warring parties. The strength of this theory is that it efficiently captures the role of the Libyan government as the insider protecting her resources against NATO, the outsider fostering war in order to prey (presumably) on the

resources of Libya. The weakness of the theory lies in its emphasis on resources as the only factor that compelled the UNSC to militarily intervene in Libya. Hence, it fails to account for the killing of Gaddafi to promote regime change and eliminate his political formula of pan-Arabic and pan-Islamic identity and an anti-Westernisation outlook.

Having carefully considered these theoretical approaches, this study will rely on the Securitisation and the Political Economy of Warfare theories to realize its objectives. While all the theories studied have potential, these two theories come closest in fulfilling the task of this study. In reaching this conclusion, this study considered a number of factors. First, it is doubtful that the Libyan government actually had any real intention of perpetrating genocide against its people; ostensibly, this was what provoked the security claim. Second, although NATO denied economic and political interests in initiating the war they have been engaged in major trading activities in Libya since the overthrow of Gaddafi. Since the objective of this study is to examine state and human in/security and the UNSC's use of resolutions and interventions to pursue specific interests, Securitisation and Political Economy have been chosen because of their ability to sufficiently explain UN-backed NATO intervention developed around the concept of human rights and R2P doctrines, and the organisation's attendant economic activities in Libya.

1.9.   Limitations of the study

The main limitations of this study pertain to time constraints and the scarcity of relevant data. Furthermore, considering that the Libyan conflict which forms the main focus of this study occurred in 2011, it was very difficult to access materials on the subject of the 1973 UNSC Resolution in Libya in 2012 (the year when the study was conducted).

Chapter Two
Literature Review and Theoretical Framework

2.1.   Introduction

The activities and conduct of the United Nations (UN) in conflict resolution and direct intervention in conflict have been widely documented and recorded in academic studies on the subject as well as in UN documents and reports. The greater part of the UN literature addresses the strengths and ability of the organisation to promote peace and security in the world. This chapter focuses on the evolution of the UN and an evaluation of its work. It critically assesses the literature with a view to ascertaining the state and human insecurity implications of the United Nations Security Council (UNSC) resolutions in the selected African countries of Angola, Cote d'Ivoire, DRC, and Rwanda. The literature on the UNSC resolutions in each of the countries is reviewed with a view to making a case for validating the proposition of this study.

2.2.   The evolution of the United Nations and the establishment of the Security Council

The League of Nations was set up in 1919, following World War I (WWI). Its main objective was to maintain world peace. However, not every country joined the League. The United States (US), for example, was never a member. Others that had joined later quit, and the League often failed to take the necessary action in conflict situations (United Nations, 2009: 4). Although it was not particularly successful, the League ignited a dream for a universal organisation. The upshot was the UN. The UN was born on October 24, 1945 as a response to the League's deficiencies. In order to realise its set objectives, the UN established five organs that steer its activities supported by the United Nations Charter, Chapter III, Article 7. These organs are the General Assembly, Security Council, Economic and Social Council, International Court of Justice, and Secretariat (United Nations Charter, 1945: 4). They work jointly to maintain international order. The UNSC's powers as outlined in the Charter include "the establishments of peacekeeping operations, the international sanctions, and the authorisation of military action" (United Nations Charter, 1945: 9).

The UNSC consists of the veto-holding and dominant five permanent members—China, France, Russia, the UK and the USA — as well as 10 non-permanent members with two-year terms (United Nations Charter, 1945: 6). According to Goodrich and Simons (1995) and *United Nations* (2009: 1) the principle rationale for establishing a global organisation to uphold international peace and security is to endow it with the means by which disputes between nations can be peacefully settled. The authors posit that the objective of establishing international organisations such as the League of Nations and the UN is to have permanent machinery in place that helps disputants to amicably resolve issues that may disturb or breach global peace and security.

In line with the above, article 1 of chapter 1 of the United Nations Charter provides that "the purposes of the United Nations are: to maintain international peace and security … by peaceful means, and in conformity with the principles of justice and international law" (UN Charter, 1945:3). While this purpose and principle serve as guide for UNSC activities, article 7 of chapter III of the Charter establishes the Security Council and article 12 reinforces the establishment and proclaims that "the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests" (UN Charter, 1945: 5). This partly explains some of the enduring challenges relating to the Permanent Five (P5)-led UNSC's duties in various parts of the world, especially Africa.

Many of the major issues that continue to bedevil the UNSC's administrative and political methods and operations lie in the adoption of resolutions and the authorisation of military intervention in nations. Since the "emergence of the UNSC, its resolutions have led to gross violations of state sovereignty on the one hand, and persistent human insecurities on the other" (Elden, 2006: 36).A comparative analysis of UNSC resolutions in selected African states in which Responsibility to Protect (R2P) has been deployed to justify intervention also raises concerns as to in whose interests the UNSC interventions are undertaken.

2.3.   Efforts of the UN Security Council to address African conflicts

In the post-Cold-War period, the United Nations Charter vested primary responsibility for the maintenance of international security and peace in the Security Council. The UNSC has recorded some progress in enhancing peace and security in Africa (for example, the Council

played a role in the struggle against apartheid in South Africa and the removal of the Portuguese from DRC territory (United Nations, 1945:33). However, Goodrich and Simons (1955:603) and Dannreuther (2007: 14) maintain that the Council has largely been ineffective in dealing with African questions involving important interests of the major powers. They add that this has been the case in resource-rich African states.

Virgil Hawkins (2003:67) (who corroborated with Goodrich and Simons), adds that some of the United Nations Security Council's political monkey business included:

> persistent bias response to African conflicts; the failure of the permanent members of the Security Council to curb their economic and political interests, the inability to impartially adopt resolutions and mediate in matters that affect resource-rich African states, and the double standard in the use of Chapter VII of the Charter.

These imbalances in the Council have led to political disharmony in African states such as in Angola, Cote d'Ivoire, DRC, Libya, and Rwanda. For example, the Council's actions and inaction in DRC and Rwanda led to the assassination of African leaders such as Patrice Lumumba of DRC and Libya's Gaddafi, as well as the infamous Rwandan genocide. These not only point to the level of inconsistency in the UNSC's resolutions on Africa but also to the Council's determination to ensure that Africa's development remains stunted. Hawkins (2003:69) observes that while the intent of the UNSC may be to instill peace among disputants, a cursory scrutiny of the Council's resolutions in Africa since the 1960s reveals that the major conflicts in Africa were largely either ignored or stoked by the UNSC's resolutions. This observation raises doubts about the sincerity and commitment of the Council to resolve conflict in Africa.

Michelle Small (2006) disagrees with the claim that the UNSC has been part of Africa's economic and political insecurity and conflict. She insists that Africans are the source of their problems and that if African problems reside in the UNSC, the African members of the Council are accountable. Ndlovu-Gatsheni (2006), using Zimbabwe as an example, agrees with Small's argument. He maintains that Zimbabwe plunged into an unprecedented crisis that clouded its developmental trajectory. He insists that "the crisis happened in tandem with the metamorphosis of African nationalism into afro-radicalism and nativism predicated on aggressive indigenisation discourse built around land restitution" (Ndlovu-Gatsheni, 2006: 4).

This, and similar situations in Africa—enabled by African leaders—have stirred up controversy and conflict in most of the African states experiencing crisis where the UNSC has either failed to intervene or had intervened meaningfully.

Conflicts in various parts of Africa either discredit or lend credence to the contention that the UNSC resolutions on Africa are acts of double standards. Hawkins (2003), Isike, Uzodike and Gilbert (2008) and Mills (2010) note that the five permanent members of the UNSC are all nuclear powers. They therefore constitute an exclusive nuclear club that predominantly addresses the strategic interests and political motives of the permanent five (P5). For example, the UNSC protected the oil-rich Kuwaitis in 1991 but neglected the resource-poor Rwandans three years later and waged one of the largest peace keeping operations in the world in Rwanda's neighbor, DRC in 1999.

Cordesman and Vira (2011) also assert that even the authorisation of the NATO military assault on vulnerable Libyan citizens not only guaranteed the killing of the Libyan leader but also decimated the civilian population. They maintain that the recognition of the TNC - a rebel group - by the UNSC also illustrated the extent to which double standards rule the supposedly democratic leaning Council. They argue that the UNSC Resolution1973 inspired insecurity, not only in Libya but in the whole continent's security regime. It is against this backdrop that this study contends that the UNSC Resolution1973 indeed deviated from the purpose and principles propagated by the UN Charter of 1945. The UNSC's Resolution1973 overturned the Charter and exposed Libya and the continent to both human insecurity and an assault on its territorial integrity.

2.4.   United Nations Security Council Resolutions in Africa: An Overview

Since the wave of independence in Africa in the early 1960s, the UNSC has adopted various resolutions aimed at global relations, peace, security and order. The Council's resolutions varied from "admissions, complaints, missions, imposition of resolutions, interventions, illicit arms flow, sanctions and tribunals" (*Security Council Special Research Report*, 2008: 3). According to the Report, between 1960 and 2011, the UNSC adopted 2,547 resolutions, of which 1,844 related to Asia, North America, South America, Australia/Oceania and Europe, while the continent of Africa attracted 706.Although, Africa has experienced a heavier UNSC

presence, there are numerous instances of UNSC resolutions that are devoid of any intention to attain real peace (See tables 1, 2, 3, 4, and 5).

Table: 1. United Nations Security Council Resolutions Disparities from 1960-1969

UNSCR in 1960s	Total Resolutions on Africa and the world	Resolutions on the rest of the world	Resolutions on Africa alone
1960	28 Resolutions 133-160	06 Resolution	22 Resolutions
1961	10 Resolutions 161-170	03 Resolutions	07 Resolutions
1962	07 Resolutions 171-177	03 Resolutions	04 Resolutions
1963	08Resolutions 178-185	03 Resolutions	05 Resolutions
1964	14 Resolutions 186-199	09 Resolutions	05 Resolutions
1965	20 Resolutions 200-219	15Resolutions	05 Resolutions
1966	13 Resolutions 220-232	08 Resolutions	05 Resolutions
1967	12 Resolutions 233-244	10 Resolutions	02 Resolutions
1968	18 Resolutions 245-262	12 Resolutions	06 Resolutions
1969	13 Resolutions 263-275	08 Resolutions	05 Resolutions
Total in a decade:	**143Resolutions 133–275**	**77** (133–275)	**66** (133–275)

Table: 2. United Nations Security Council Resolutions Disparities from 1970-1979

UNSCR in 1970s	Total Resolutions on Africa and the world	Resolutions on the rest of the world	Resolutions on Africa alone
1970	18 Resolution 276-291	08 Resolution	08 resolutions
1971	19Resolutions 292-307	11Resolutions	05 resolutions
1972	17 Resolutions 308-324	07 Resolutions	10 resolutions
1973	20 Resolutions 325-344	14 Resolutions	06 resolutions
1974	22 Resolutions 325-344	18 Resolutions	04 resolutions
1975	18 Resolutions367-384	08 Resolutions	10 resolutions
1976	18Resolutions 385-402	06 Resolutions	12 resolutions
1977	20 Resolutions 403-422	06 Resolutions	14 resolutions
1978	21Resolutions 423-443	12 Resolutions	09 resolutions
1979	18 Resolutions 444-461	12 Resolutions	06 resolutions
Total in a decade	**186 Res. (276 – 461)**	**107 (276 – 461)**	**79 (276 – 461)**

Table: 3. United Nations Security Council Resolutions Disparities from 1980-1989

UNSCR in 1980s	Resolutions on Africa and the world	Resolution on the rest of the World	Resolutions on Africa
1980	23Resolutions462-484	18Resolutions	05resolutions
1981	15Resolutions485-499	15Resolutions	00 resolutions
1982	29Resolutions500-528	24Resolutions	05 resolutions
1983	17Resolutions529-545	13 Resolutions	04 resolutions
1984	14Resolutions560-580	09 Resolutions	05 resolutions
1985	21Resolutions546-559	11 Resolutions	10 resolutions
1986	13Resolutions581-593	11 Resolutions	02 resolutions
1987	13Resolutions594-606	10 Resolutions	03 resolutions
1988	20Resolutions607-626	15Resolutions	05 resolutions
1989	20Resolutions627-646	15 Resolutions	05 resolutions
Total in decade	**185 Res. (462 – 646)**	**141 (462 – 646)**	**44 (462 – 646)**

Table: 4. United Nations Security Council Resolutions Disparities from 1990-1999

UNSCR in 1990s	Total Resolution on Africa and the World	Resolution on the rest of the	Resolution in Africa
1990	37 Resolutions647-683	37 Resolutions	0Iraq-Kuwaitdominat
1991	42 Resolutions684-725	39 Resolutions	03 resolutions
1992	74 Resolutions726-799	58Resolutions	16 resolutions
1993	93 Resolutions800-892	65Resolutions	28 resolutions
1994	77 Resolutions893-969	47 Resolutions	30 resolutions
1995	66 Resolutions 970-1036	48 Resolutions	18 resolutions
1996	67 Resolutions1037-1092	46 Resolutions	21 resolutions
1997	54 Resolutions 1093-1146	38 Resolutions	16 resolutions
1998	73 Resolutions1147-1219	40 Resolutions	33 resolutions
1999	65 Resolutions 1220-1284	38 Resolutions	27 resolutions
Total in a decade	**648 (647 – 1284)**	**455 (647 – 1284)**	**192 (647 – 1284)**

Table: 5. United Nations Security Council Resolutions Disparities from 2000-2011

UNSCR 2000-2011	Total Resolutions on Africa and the world	Resolutions on the rest of the World	Resolutions on Africa alone
2000	50 Resolutions1285-1334	27 Resolutions	23 resolutions
2001	52 Resolutions1335-1386	33 Resolutions	19 resolutions
2002	68 Resolutions1387-1454	43 Resolutions	25 resolutions
2003	67 Resolutions1455-1521	35 Resolutions	32 resolutions
2004	59 Resolutions1522-1580	30 Resolutions	29 resolutions
2005	71 Resolutions1581-1651	33 Resolutions	38 resolutions
2006	87 Resolutions1652-1738	45 Resolutions	42 resolutions
2007	56 Resolutions1739-1794	26 Resolutions	30 resolutions
2008	55 Resolutions1795-1859	32 Resolutions	33 resolutions
2009	48 Resolutions1860-1907	26 Resolutions	22 resolutions
2010	59 Resolutions1908-1966	30 Resolutions	29 resolutions
2011	66 Resolutions 1967 –2032	25 Resolution	41 Resolutions
Total in a decade	**682 (1285 2032)**	**360 (1285 2032)**	**322 (1285**

This analysis of UNSC resolutions since 1960 shows that Africa was the target of approximately 70% of the Council's overall resolutions between 1960 and 2011; however, a perfunctory examination of the Council's work in selected African states (Angola, Cote d'Ivoire, DRC and Rwanda) during this period reveals that the Council's involvement is equal to the extent of the conflict it has precipitated and sustained on the continent (*Africa Statistical Year Book,* 2010: 10).

The development and growth of conflicts in the DRC, Angola, Cote d'Ivoire, and Libya – resource-rich African states with records of human insecurity crises as well as the UN record of non-interference in the genocide in Rwanda - a resource-poor African state - lend credence to the argument that the UNSC exhibits double standards. This has been more a source of pain and suffering for the continent than it has been a source of peace and development. The UNSC unequal commitment in resource-rich and resources-poor African nations helps explain the Council's role in the 2011 Libyan conflict discussed in chapter three. For example, Virgil Hawkins' measurement of the Council's activities in Africa in the 1990s shows that Rwanda - a resource-poor African state - together with "conflicts in Africa were

responsible for approximately 90% of the total number of war deaths in the 1990s; the study also shows that nine of the ten bloodiest conflicts in the 1990s were African Conflicts" (Hawkins, 2003:66).

In light of the above, Hawkins (2003) and Clark (2003) further contend that Council's approach to African conflicts compared with non-Africans - for example, India, Pakistan and Iraq - suggests disregard. He notes that in some instances it was doubtful whether a threat to peace ever existed, while high-profile conflicts were completely ignored. While the aim of this overview is to illustrate the Council's overall involvement in the resolution of conflicts, it is pertinent to add that the conflicts that started and accelerated, especially in resource-rich and resource-poor African states, are economically-driven to protect Western interests with UN backing. This study will tackle the political and economic factors behind the UNSC's parallel behaviour in administering peace using five selected African states: Angola, Cote d'Ivoire, DRC, Libya and Rwanda.

2.5. Angola: a brief introduction

Angola has witnessed one of the most protracted conflicts on the continent. The country was Africa's second largest oil producer in 2010, producing about 1.6 million barrel of oil per day (*African Economic Outlook*, 2012). Moreover, Angola "has the 4th largest diamond reserves in the world, produces 15 percent of world's diamonds with more than 70 percent of these diamonds of gem quality" (Amuwo, 2009: 254; Cortright and Lopez, 2000: 151). It occupies an area of approximately 1,246,700 sq. km. Angola obtained political independence from Portugal in 1975 after more than 500 years of Portuguese colonial oppression and slavery (Botchway, 2011: 4).

Angola's independence was followed by its division, apparently sponsored by the two ideologically opposed permanent members of the UNSC—the US and the former Soviet Union (Russia)—which set the country up as a battleground for a proxy war. "The US was in terms of Foreign Military Financing (FMF) and Foreign Military Sales (FMS) responsible for the survival and activities of the *União Nacional para a Independência Total de Angola* (National Union for the Total Independence of Angola) (UNITA) and National Front for the Liberation of Angola (FNLA) while the Soviet Union (Russia) sustained the *Movimento*

Popular de Libertação de Angola (Popular Movement for the Liberation of Angola) (MPLA) which engraved enmity and processed human insecurities in the state" (*About.com African history,* 2011).

The civil war grew apace, intensified and was bolstered by the UNSC's involvement and lack of AU's involvement in Angola (BBC News, November 6, 2012). According to a BBC news report, "the Soviet Union and Cuba supported the left-wing MPLA and the US and apartheid South Africa backed UNITA in a conflict that recorded over 500,000 deaths in its sixteen year reign". Within five years, Angola became one of the most successful economies in sub-Saharan Africa. It enjoyed a period of sustained peace through record international oil prices and robust growth in both the oil and non-oil sectors. This economic opening helped the state "fight against the dominant hegemony of China, Russia and the US that were accused of the disruption of [the] daily pattern of peaceful living in the post-war Angola" (Campos and Vines, 2007:1; Kuznar, and Lutz, 2007).

Although China, Russia and the US are P5 members of the Council, they created the Angolan conflict in order to secure oil deals aimed at advancing the economic interests of Russia and the US. The economic race for oil and gas in Angola prevented both Russia and the US from acting objectively within the UNSC and from honouring the Council's avowed mandate to resolve conflict in that country. A study conducted by the World Policy Institute in 2005 reveals that in the wake of September 11 in keeping with its interest in securing access to oil and other key natural resources, the United States has been rapidly expanding U.S. military involvement in Africa. While most recent increases in U.S. arms sales, aid, and military training in Africa have been justified as part of what the administration refers to as the 'Global War on Terrorism' (GWOT), oil has been a major factor in the administration's strategic calculations from the outset.

Human Rights Watch (2005) also maintains that the US recklessly abandoned the "International Traffic in Arms Regulations (ITAR) and exported military hardware worth of $4 billion into Angola during the war thereby not only stoking the conflict but also sabotaging peace process in Angola". Despite faltering international support for the rebel group (UNITA) in response to the Jonas Savimbi's increasingly erratic behavior, the indiscriminate use of landmines, and civilian hostage-taking, the US continued to aid the rebels with a total of approximately $250 million in weaponry between 1986 and 1991. These

munitions included highly sophisticated small arms and light weapons like Stinger aircraft missiles. Yet, the US State Department's *Human Rights Report* acknowledged that Angola's "human rights record remained poor, with effect to the perpetuation of human insecurity regime in the state and citizens" (Wadel, 2009: 120).

2.5.1. UNSC Resolutions in Angola from 1960 to 2011

A singular development within the security regime during the post-Cold War era is the use of military force to protect human beings. It is against this backdrop that the UNSC recognised the sovereignty of states, human security and the rights of the citizens of all nations. The UNSC intervened in Angola with a view to preserving humanity from violations during the conflict. The overall "UN process of preserving peace and order among member states includes the adoption of the UN Security Council resolutions and the direct military intervention" (Weiss *et al*., 2001:167).

In 1961 the UNSC became concerned about apartheid South Africa's assault on the territorial integrity of Angola, and adopted Resolution 163 (1961) to protect Angola from the human insecurity that the apartheid state was stoking in the country. Fifteen years later, with the US continuing to trade arms in Angola, as well as abundant evidence of active war, the Council adopted Resolution 387(1976) on "the Angola-South Africa situation" (S/RES/387 1976). A cursory glance at these resolutions reveals that the UNSC sought to:

> [end] aggression against the People's Republic of Angola; scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola; desist from the utilization of the international Territory of Namibia to mount provocative or aggressive acts against the People's Republic of Angola or any other neighbouring African State; meet the just claims of the People's Republic of Angola for a full compensation of the damage and destruction inflicted on its State and for the restoration of the equipment and materials which its invading forces seized.

Clearly, Resolution 387 is one of many UNSC's contradictory claims to resolve African conflict. While protection of the territorial sovereignty of Angola is a pre-requisite to ensure that Angola enjoys both human and state security, Fierke (2007: 145) is doubtful that the UNSC intended achieving peace. The author argues that unwarranted incursions into Angolan territory and assaults on its civilian population enjoyed the collective support of apartheid

South Africa and the US government. In his view, the US's provision of weapons to the South African government accounts for threats to Angolans' human security. This view is corroborated by the findings of the World Policy Institute (2005) which insisted that munitions were responsible for the decimation of human lives and the promotion of human insecurity in conflict zones in Africa. Andrew Boyd (1971: 2) who offered a new interpretation of the UNSC resolution strategy claims that apart from the Council's lack of interest in matters that are not beneficial to the P5, a major deficiency within the Council lay in the fact that people are the victims of these resolutions.

UNSC Resolution 428 (1978) in Angola corroborates Boyd's view. This "grieves the tragic loss of human lives including those of Namibian refugees in Angola caused by South African invasion of Angolan territory" (UNSCR, 428 1978). Although, this resolution was adopted in 1978, Robert Fearn (2003: 38) holds that, during this period, the US-enabled UNITA needlessly killed more than 300,000Angolan civilians. Thus imposing sanctions on the weapon supplying countries, although very necessary to halt the conflict, was entirely ignored and US got off scot-free. Ten years after Resolution 428, Resolution 626 (1988) was adopted. This finally helped Angolans affected by violent conflict. The Resolution required that Cuba conclude a bilateral agreement with Angola and set up the United Nations Angola Verification Mission (UNAVM); however, nothing was said about the US military hardware that had decimated the population.

While the UNSC sought to instill peace in Angola by focusing on the withdrawal of Cuban troops, Angola's colonial master, Portugal, US-UNITA relations and the Russia-MPLA alliance remained the constant variables that triggered new conflicts and drove the ongoing conflict. In defence of their ideology and economic gain, the US and Russia -two permanent members of the Security Council - set out to achieve a divided Angola. In its bid to secure economic advantage, the UNSC issued another Resolution in 1991. When the Angolan government informed the United Nations Secretary General (UNSG) that the Government of Angola (GoA) and UNITA had concluded a peace accord in 1991, the state still suffered the effects of the US trade in weapons and the UNSC's neglect and abdication of its responsibility to halt this arms traffic. Instead, the UNSC "stresse[d] the importance of all states to refrain from taking any action that will undermine the agreement" (S/RES 696(1991). This choice of words evaded any mention of the US as the catalyst of the conflict.

Since the US–UNITA alliance in Angola, the UNSC has failed in its efforts to end the human insecurity which the armed conflict caused. Demonstrating the Council's failure to apply the resolution, in 1998, the UNSC demanded that Mr Jonas Savimbi (a US-supported rebel leader) "responds to the appeals of the United Nations and guarantee the security and access necessary for… those involved in the crash of the United Nations flight 806 in territory controlled by UNITA" (UNSCR 1219,1998).

Even when the UNSC tried to assert itself, the strong alliance and refuge that UNITA found with powerful UN members such as the US, a permanent member of the Council, undermined the collective effort of the UNSC, thereby making it impossible for it to deal with UNITA in Angola. In 2002, the UNSC reiterated the 13 resolutions it had adopted on the conflict in Angola between 1993 and 2002 and declared thus:

> Reaffirming its resolutions 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, 1237 (1999) of 7 May 1999, 1295 (2000) of 18 April 2000, 1336 (2001) of 23 January 2001, 1348 (2001) of 19 April 2001, 1374 (2001) of 19 October 2001, 1404 (2002) of 18 April 2002, 1412 (2002) of 17 May 2002, 1432 (2002) of 15 August 2002, 1433 (2002) of 15 August 2002 and 1439 (2002) of 18 October 2002, … expresses once against concern regarding the humanitarian effects of the present situation 'the use of arms' on the civilian population of Angola (UNSCR, 1439: 2002).

While the UN recognised the humanitarian effects of the conflict in Angola, it was silent on the role of the US in fuelling the conflict by supplying arms to protect its desired economic interests in Cabinda province of the state which was under the control of the MPLA in that country particularly between 2002 and 2010(the period of the oil boom in Angola). No further UNSC resolutions were adopted on Angola after 2002, leading to the conclusion that although the oil field was under the control of MPLA, Angola was abandoned by the UNSC because the crisis presented economic benefits for a powerful permanent Council member such as the US.

However, Alina Mihaela Vasile (2007: 35) refutes the conclusion that Angola was abandoned by the UNSC; instead, she blames the belligerent parties and the AU for the conflict. Vasile (2007) holds that the conflict in Angola is premised on three salient factors: lack of will from the parties (UNITA and MPLA) in conflict to reach agreement and restrain from further

cease-fire violations; lack of leadership from the AU; and the deflation of the UN organised missions by the warring parties. She stressed that "although the UN established several missions in Angola during the conflict, the peace seemed to be far away until the death of UNITA leader Jonas Savimbi" (Vasile, 2007: 33). She blamed the OAU/AU for lack of leadership in the continent, stating that none of the five meetings held to end the Angolan conflict was organised by the AU. She maintains that the Alvor Talk in January 1975 was organised by the Portuguese government. The Meeting in Zaire of 1989 was organised by Zairean president Mobuto Sese Seko. The Peace Accords for Angola (*Bicesse Accords)* of May 1991 was organised by the Portuguese government in Lisbon. Lusaka Protocol, which was new improvements from the *Bicesse,* was hosted on November 20 1994 in Lusaka, Zambia while the Luena Memorandum was set up by the two parties and signed in Angola in 2002. She claims that the AU, not the UN, was the guilty party in Angola.

2.6.   Republic of Cote d'Ivoire: a brief Introduction

According to the *Guide*, (2009:13) Cote d'Ivoire, a country with an area of 322, 460 sq. km is situated on the southern rim of West Africa and shares borders with five other nations. To the west:

> It is bounded by Liberia and Guinea. Much of its border with Liberia is formed by the course of the Cavally River. On its northern edge, it is bounded by Mali, its largest neighbor, and Burkina Faso. Its entire eastern border is shared with Ghana. Finally, on its southern edge, it possesses an extensive coastline (515 km or 320 mi) on the Gulf of Guinea. For more than three decades after its independence from France in 1960, Côte d'Ivoire—formerly known as the Ivory Coast—was recognized as a model of religious and ethnic harmony.

According to the *Guide* (2009), Côte d'Ivoire lacked a natural resource base until a small quantity of oil was discovered. As a result, its economy is dominated by small-holder agriculture. The Republic of Cote d'Ivoire (RCI) is the world's largest supplier of cocoa beans, the source ingredient for chocolate, producing 1.3 million tons and 46% of the cocoa produced in the world (*Guide,* 2009: 5). Its leading customers are Britain, France and the US, the world leading manufacturers of chocolate such as "the British-owned Cadbury, American-owned Hershey's and Nestle. These three countries are also permanent members of the UNSC.

RCI's market economy, based on export agricultural products, is cited by Kirwin (2006) as the reason for the state's impressive growth. As such, economic stagnation in the late 1980s contributed to ethno-regional divisions and civil war. In 2002, "fractious relations between so-called *étrangèrs*, typically of Burkina Faso and Malian heritage, and those of "pure-blooded" *Ivoirite* led to open conflict" (Kirwin, 2006: 1). The escalating conflict "split the country between the predominantly Muslim north and the historically Christian south. After protracted international mediation efforts which involved the United Nations, the two sides finally reached a peace agreement in early 2007" (*Guide*, 2009: 5).

2.6.1. UNSC Resolutions on Cote d'Ivoire from 1960 to 2011

While the north and south of the RCI had agreed on a peace deal in 2007, conflict continued. Since the admission of Cote d'Ivoire into the United Nations body through resolution 150 (1960) on August 23, 1960 the country has been the subject of several other resolutions relating to conflict and peace issues.

Kirwin (2006: 1) notes that the 2002 conflict attracted the attention of the UN. By 2003, the UNSC through its president and Secretary General had started mediating in the conflict in Cote d'Ivoire. While the UNSC P5 led the mediation, three of these members, France, Britain and the US, have economic interests in the RCI. According to Kirwin (2006), France owns approximately half of the banks in the RCI. The world renowned British-owned company, Cadbury, and the US-owned Hersey would suffer if the RCI reduced its cocoa production. Thus, it could be argued that the French, British and the US sought to safeguard their business interests and not necessarily to halt the conflict in the interest of Ivorians. This is underscored by these three countries' insistence that regime change was the only acceptable option in the RCI. In light of this, it is imperative to note that some UN-led peace processes are driven by greed. This is an important factor to note as it opposes the tenets of UN SC objectives for intervention which is solely to bring about peace, human and state securities.

In line with the principle global peace, Britain, France and the US, in their individual capacity and as permanent members of the UNSC, believed that the 2002 conflict threatened peace not only in Cote d'Ivoire but worldwide. Hence, in 2003 the trio used their influence in the

UNSC to ensure the adoption of resolutions to engender confidence in the region and promote human security alongside territorial integrity. The UNSC thus:

> Adopted Resolution 1464 (2003) and supports the statement by the UNSC's President which demonstrated the UNSC's strong commitment to sovereignty, independence, territorial integrity and unity of Côte d'Ivoire. It further decided to establish, United Nations Mission in Côte d'Ivoire (MINUCI), with a mandate to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement, and including a military component.

While it might appear that France, Britain and the US did not have any ulterior motives in this particular conflict, the *Africa Year Book* (2010:162) holds that, the conflict partly resulted from the sharp fall in cocoa production that started in 2002. Production fell from one thousand four hundred and nine (1,409) tons of cocoa beans in 2008 to one thousand two hundred and thirty (1,230) tons in 2009. *The Year Book* (2010) argues that this affected the profits of the British and American chocolate producing companies.

Thus, intervention to restore order in Cote d'Ivoire was aggressively and vigorously pursued with a view to keeping Cadbury and Hershey's alive and to also entrench the French imperial presence in Cote d'Ivoire. In order to ensure the Security Council's ability to tilt the conflict in its favour, France, set up a military group to participate in the Ivorian conflict. Resolution 1479 (2003) promoted a liaison between the Forces Armées Nationales de Côte d'Ivoire (FANCI) and the forces nouvelles, in order to build confidence and trust between "the armed groups, in cooperation with the French and 'Economic Community of West African States' (ECOWAS) forces, in particular concerning helicopters and combat aircraft" (UNSCR 1479, 2003).

Although the intention of Resolution 1479 (2003) was to liaise with Ivoirians to ensure human security and territorial integrity, the principle and purpose of the UN Charter reveals that French involvement in the domestic politics of Côte d'Ivoire is a violation of UN Charter Chapter 1, Article 7 (Charter, 1947: 3). UNSC Resolutions 1464(2003), 1479(2003) and 1498 (2003) authorised the French forces to engage in combat. These same Resolutions were further used to bargain for the unrelenting implementation of the Linas-Marcoussis agreement. This agreement was concluded in France's capital, Paris, in 2003. In the same year, the "Council decided that the mandate of the United Nations special political mission in

Côte d'Ivoire, (MINUCI) shall be extended until 4 February 2004" (UNSCR 1514(2003) to help monitor the implementation of the agreement.

However, in 2004, the Council deplored the resumption of hostilities in Cote d'Ivoire and the repeated violations of the cease-fire agreement of 3 May, 2003; it reiterated its full support for the action undertaken by United Nations Operation in Cote d'Ivoire (UNOCI) and the French forces in accordance with their mandate under resolution 1528 (2004) and for the statement of its President of 6 November 2004 (S/PRST/2004/42). Resolution 1572(2004) emphasised that there can be no military solution to the crisis and that the full implementation of the Linas-Marcoussis and Accra III Agreements remained the only way to resolve it.

In 2005, the UNSC adopted Resolution 1584(2005), which authorised the French forces supporting UNOCI to provide appropriate security assistance to UNOCI in carrying out its tasks in the Cote d'Ivoire (UNSCR 1584, 2005). This resolution not only enabled the French government to assert its influence in Cote d'Ivoire, but also helped France to divide the country in two, take one side, and launch attacks on the forces opposing the Government of France (GOF) (UNSCR, 2005: 1584). Since this authorisation, Ivorian civilian victims of selective French attacks have repeatedly called on the UN to withdraw the French forces from Cote d'Ivoire, accusing France of targeted killings.

At the same time, the Government of Cote d'Ivoire accused France of exploiting the country's natural diamonds, and the illegal trafficking and proliferation of arms. France retaliated by claiming that Ivoirian diamonds are 'blood diamonds' thereby denying the state access to global markets (Cook, 2011: 18).

The UN response to this situation is found in Resolution 1643(2005). On 15 December 2005, the UNSC declared:

> Taking note of the final communiqué of the Kimberley Process Plenary Meeting … and of the resolution adopted by Kimberley Process participants … to prevent the introduction of diamonds from Côte d'Ivoire …, and *recognizing* the linkage between the illegal exploitation of natural resources such as diamonds,… and trafficking of arms and the recruitment and use of mercenaries *Decides* to renew … paragraphs 7 to 12 of resolution 1572 (2004).

The provisions of paragraphs 7 to 12 effectively prevent the state from taking action against the invasion of its territory and the decimation of its population, allowing France to control Cote d'Ivoire and its natural resources and trade. For example, paragraph 7 of Resolution 1572(2004) states that:

> All States shall, for a period of thirteen months from the date of adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related material, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities.

Paragraph 8 of Resolution 1572(2004) stated that "the measures imposed by paragraph 7 shall not apply to: (a) supplies and technical assistance intended solely for the support of or use by UNOCI and the French forces who support them, (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training" (UNSCR, 1572(2004). It is however, important to note that the Council's last Resolutions on the RCI in 2003, Resolution 1572(2004), and all other Resolutions from 2005 to 2011centred on the French forces and the sovereign integrity of the state of Cote d'Ivoire.

According to Abayomi Azikiwe (2011), the French government was responsible during the conflict for human insecurity and the loss of life in the Cote d'Ivoire. He explains that France coaxed the Economic Community of West African States into rejecting the Gbagbo regime. According to Azikiwe (2011), France is also a part of the UN peacekeeping mission in Cote d'Ivoire and has about one thousand six hundred and fifty (1,650) troops which repeatedly assault citizens and undermine the international principle of self-determination in Cote d'Ivoire. He asserts that Laurent Gbagbo's rejection of the results of the presidential election fuelled France's determination to topple him from power at all costs, which led to France and her allies' insistence that opposition leader Alassane Ouattara, occupy the presidency. Despite strong opposition from Ivoirians to the France-led UN call for regime change in Cote d'Ivoire, Azikiwe (2011) notes that the UN's so-called peacekeeping forces conducted a series of air strikes against Ivoirian military units and areas still loyal to President Gbagbo. He also states that French peace-keepers attacked the presidential palace in a raid that left about 200 innocent civilians dead in a further attempt to control the political process in the state.

Azikiwe's view was contested by Richard Lee (2011: 1) who blamed the continent's heads of states under the umbrella of the AU for poor conflict resolution strategies. Using Libya as an example, Lee (2011), notes that the AU was conspicuously silent when popular uprisings kicked out autocratic leaders in Tunisia and Egypt. He further states that the AU was equally clueless in dealing with the crisis in Cote d'Ivoire and in Libya, where rulers responded violently against people who were rebelling against them. The major African Union (AU) mission to Libya for example, was a massive failure. Intended to resolve the crisis, the AU delegation was comprised of African leaders, including South African President Jacob Zuma, who had all been allies of Gaddafi in the past and were therefore too compromised to come up with a fair deal.

Lee (2011:1) argues that for a long-time, there have been allegations that Zuma's campaign to dislodge former African National Congress (ANC) leader, Thabo Mbeki, was partly financed by Gaddafi. The other members of the delegation – President Mohamed Ould Abdel Aziz of Mauritania, President Denis Sassou-Nguesso of Congo-Brazzaville, President Amadou Toumani Toure of Mali and the Chairperson of the AU itself, Jean Ping of Gabon – have all benefited from Gaddafi's largesse in the past. He maintains that the cordial relationships explain why the AU mission appeased Gaddafi, offering him a peace plan that would have kept him in power and that was rightly rejected by the Libyan opposition. In the absence of leadership from Africans, the United Nations and the traditional big powers stepped in to try to resolve the Libyan crisis. While it is debatable whether Gaddafi partly sponsored the removal of Mr Thabo Mbeki or not, the fact that the Jacob Zuma-led AU, negotiated for an inclusive government which will retain Gaddafi in power after 50 years of leadership in Libya vindicate Lee.

In spite of Lee's observations, a Human Rights Watch Report (2012: 12) claims that "over one thousand defenceless and unarmed persons were killed by the UN-French-backed Ouattara forces". While the study and the report which was made available by the Caritas Aid Agency (CAA), accuses the UN and France of being responsible for the pogrom, the UN report insists that forces loyal to Laurent Gbagbo were attacking the UN staff and pro-Outtara supporters. However, the UN staff was composed of the French forces that had continuously attacked government forces and demanded that Laurent Gbagbo vacate the presidency. There can be no doubt that, in their support of pro-Ouattara forces, the UN and France launched a

sustained and vicious campaign that dethroned and subsequently led to the capture of Laurent Gbagbo, after which he was transferred to the UN-mandated ICC for prosecution.

2.7.   Democratic Republic of Congo: a brief introduction

The Central Intelligence Agency - *The World Factbook*, (2012) stated that, established as a Belgian colony in 1908, the then-Republic of the Congo—Democratic Republic of Congo (DRC)—gained its independence in 1960. The DRC has a population of about 71,712,867 and a total area of 2,344,858 sq. km, slightly less than one-fourth the size of the US. Economists and political analysts note that it is home to a vast array of natural resources and mineral wealth. Its untapped deposits of raw minerals are estimated to be worth in excess of US$ 24 trillion (Central Intelligence Agency - *The World Factbook*, 2012) The DRC has a 2,511 km border with Angola (of which 225 km is the boundary of Angola's Cabinda Province), 233 km with Burundi, 1,577 km with Central African Republic, 2,410 km with Republic of the Congo,217 km with Rwanda,628 km with South Sudan,459 km with Tanzania,765 km with Uganda and 1,930 km border with Zambia 1,930. Natural resources and mineral wealth in the DRC include cobalt, copper, niobium, tantalum, petroleum, industrial and gem diamonds, gold, silver, zinc, manganese, tin, uranium, coal, hydropower and timber.

While these resources are sufficient to guarantee both the human and state security of the DRC, the country has witnessed gruesome wars in the post-Cold War period. Although imperial exploitation of the natural resources is a contributory factor to the insistent conflict in DRC, the assassination of Congolese nationalists: Mr Patrice Lumumba, Mr Maurice Mpolo and Joseph Okito, believed to have been perpetrated by the US and Belgian governments were the genesis of the DRC endless war. According to Bailey (1994: 23) "the Belgium occupation of DRC, the UNSC Resolutions '143(1960); 145(1960); 146(1960); 152(1960); 157(1960) and especially 161(1961)' wracked the Democratic Republic of Congo to disorder".

This is chiefly due to the UNSC's reckless failure to heed the call to bring the assassins of the Congolese nationalist leaders to book. Instead the Council in its resolution 161(1961) ordered the disintegrated Congolese parliament to convene while citizens were still

experiencing conflict. Surprisingly, Resolution 161, did not require that the US and Belgium explain their roles in the brutal murder of the nationalists. This exacerbated the conflict situation in the Congo. According to Cortright and Lopez (2000: 120) Resolution 161 of 1961 was not sufficient to encourage the search for the culprits and no burden was laid on either the US or Belgium at all to ensure compliance.

Veteran Ugandan scholar, Professor Dan Wadada Nabudere (2004:3), famously described the DRC civil war as "Africa's First World War". Baregu (2002:33) contends that the war was all "about high international politics as opposed to low domestic politics (democratisation, human rights, ethnicity, etc.)". He adds that it was first and foremost, an imperialist war and like all imperialist wars in modern history, it was about the distribution of wealth and power. Both Amuwo (2009) and Baregu (2002) note that the US is the main beneficiary of the conflict in the Congo based on the fact that the US was not held to account for the assassination of Patrice Lumumba and that the US sold military hardware that created the war-torn DRC. They add that the US was the biggest winner in the DRC tragedy in that its armaments industry was a foremost supplier to all the countries and warring factions/militias involved in the war. Baregu (2002:3) observes that behind the pro-democracy pro-growth rhetoric, the less publicised role of the US in Africa has been its steady supply of arms, ammunitions and military training – all stoking the fires of armed conflicts in the Congo and on the continent. In the process, the security of people, states and societies are constantly undermined and endangered.

Yet, neither the AU nor the African members of the UNSC can put an end to these conflicts since they lack leadership. This explains why (sub-Saharan) Africa has been in the UNSC's non-permanent seats since 1962 but has not been able to influence the Council either to take decisions or compel the adoption of any resolution probing the role of US in the DRC conflicts since the early 1960s. According to statistics made available by *The Green Papers Worldwide* (2013), Table 6 below provides the list of African states that have served in the UNSC since 1946.

Table: 6. Non-Permanent Members of the UN Security Council from 1946 to 2013

for the YEAR	the [British] COMMONWEALTH OF NATIONS	Western EUROPE	Eastern EUROPE	LATIN AMERICA		the MIDDLE EAST
	[*from 1964:* **AFRICA**]	[*1961 only:* **AFRICA**]	[*from 1956:* shared with **ASIA**]	(2 seats)		
1946	Australia	the Netherlands *(1 year only)*	Poland	Brazil	Mexico *(1 year only)*	Egypt *(1 year only)*
1947	Australia	Belgium	Poland	Brazil	Colombia	Syria
1948	Canada	Belgium	Ukraine	Argentina	Colombia	Syria
1949	Canada	Norway	Ukraine	Argentina	Cuba	Egypt
1950	India	Norway	Yugoslavia	Ecuador	Cuba	Egypt
1951	India	the Netherlands	Yugoslavia	Ecuador	Brazil	Turkey
1952	Pakistan	the Netherlands	Greece	Chile	Brazil	Turkey
1953	Pakistan	Denmark	Greece	Chile	Colombia	Lebanon
1954	New Zealand	Denmark	Turkey	Brazil	Colombia	Lebanon
1955	New Zealand	Belgium	Turkey	Brazil	Peru	Iran
1956	Australia	Belgium	Yugoslavia *(resigned)*	Cuba	Peru	Iran
1957	Australia	Sweden	*the Philippines*	Cuba	Colombia	Iraq
1958	Canada	Sweden	Japan	Panama	Colombia	Iraq
1959	Canada	Italy	Japan	Panama	Argentina	Tunisia
1960	Ceylon	Italy	Poland *(resigned)*	Ecuador	Argentina	Tunisia
1961	Ceylon	Liberia *(resigned)*	*Turkey*	Ecuador	Chile	the United Arab Republic
1962	Ghana	*Ireland*	Romania *(resigned)*	Venezuela	Chile	the United Arab Republic
1963	Ghana	Norway	*the Philippines*	Venezuela	Brazil	Morocco
1964	the Ivory Coast	Norway	Czechoslovakia *(resigned)*	Bolivia	Brazil	Morocco
1965	the Ivory Coast	the Netherlands	*Malaysia*	Bolivia	Uruguay	Jordan

for the YEAR	5 from AFRICA & ASIA					2 from LATIN AMERICA		at least 2 from EUROPE		"OTHER" (Western-aligned) STATE
	3 from AFRICA --->		*(1 from the Arab World)*	<-- 2 from ASIA		(includes the Caribbean)		Eastern	Western	
1966	Mali	Uganda *(for 1 year only)*	Nigeria	Japan	**Jordan**	**Uruguay**	Argentina	Bulgaria	**the Netherlands**	New Zealand *(for 1 year only)*
1967	Mali	Ethiopia	Nigeria	Japan	India	Brazil	Argentina	Bulgaria	Denmark	Canada
1968	Senegal	Ethiopia	*Algeria*	Pakistan	India	Brazil	Paraguay	Hungary	Denmark	Canada
1969	Senegal	Zambia	*Algeria*	Pakistan	Nepal	Colombia	Paraguay	Hungary	Spain	Finland
1970	Sierra Leone	Zambia	Burundi	*Syria*	Nepal	Colombia	Nicaragua	Poland	Spain	Finland
1971	Sierra Leone	Somalia	Burundi	*Syria*	Japan	Argentina	Nicaragua	Poland	Italy	Belgium
1972	Guinea	Somalia	*Sudan*	India	Japan	Argentina	Panama	Yugoslavia	Italy	Belgium
1973	Guinea	Kenya	*Sudan*	India	Indonesia	Peru	Panama	Yugoslavia	Austria	Australia
1974	Cameroon	Kenya	Mauritania	*Iraq*	Indonesia	Peru	Costa Rica	Byelorussia	Austria	Australia
1975	Cameroon	Tanzania	Mauritania	*Iraq*	Japan	Guyana	Costa Rica	Byelorussia	Italy	Sweden
1976	Benin	Tanzania	*Libya*	Pakistan	Japan	Guyana	Panama	Romania	Italy	Sweden
1977	Benin	Mauritius	*Libya*	Pakistan	India	Venezuela	Panama	Romania	West Germany	Canada
1978	Gabon	Mauritius	Nigeria	*Kuwait*	India	Venezuela	Bolivia	Czechoslovakia	West Germany	Canada
1979	Gabon	Zambia	Nigeria	*Kuwait*	Bangladesh	Jamaica	Bolivia	Czechoslovakia	Portugal	Norway
1980	Niger	Zambia	*Tunisia*	the Philippines	Bangladesh	Jamaica	Mexico	East Germany	Portugal	Norway
1981	Niger	Uganda	*Tunisia*	the	Japan	Panama	Mexico	East	Spain	Ireland

44

				Philippines				Germany		
1982	Togo	Uganda	Zaïre	*Jordan*	Japan	Panama	Guyana	Poland	Spain	Ireland
1983	Togo	Zimbabwe	Zaïre	*Jordan*	Pakistan	Nicaragua	Guyana	Poland	the Netherlands	Malta
1984	Upper Volta	Zimbabwe	*Egypt*	India	Pakistan	Nicaragua	Peru	the Ukraine	the Netherlands	Malta
1985	{name change: Burkina [Faso]}	Madagascar	*Egypt*	India	Thailand	Trinidad & Tobago	Peru	the Ukraine	Denmark	Australia
1986	Ghana	Madagascar	Congo	*the United Arab Emirates*	Thailand	Trinidad & Tobago	Venezuela	Bulgaria	Denmark	Australia
1987	Ghana	Zambia	Congo	*the United Arab Emirates*	Japan	Argentina	Venezuela	Bulgaria	Italy	West Germany
1988	Senegal	Zambia	*Algeria*	Nepal	Japan	Argentina	Brazil	Yugoslavia	Italy	West Germany
1989	Senegal	Ethiopia	*Algeria*	Nepal	Malaysia	Colombia	Brazil	Yugoslavia	Finland	Canada
1990	the Côte d'Ivoire	Ethiopia	Zaïre	*Southern Yemen*	Malaysia	Colombia	Cuba	Romania	Finland	Canada
1991	the Côte d'Ivoire	Zimbabwe	Zaïre	*{name change: Yemen}*	India	Ecuador	Cuba	Romania	Belgium	Austria
1992	Cape Verde	Zimbabwe	*Morocco*	Japan	India	Ecuador	Venezuela	Hungary	Belgium	Austria
1993	Cape Verde	Djibouti	*Morocco*	Japan	Pakistan	Brazil	Venezuela	Hungary	Spain	New Zealand
1994	Nigeria	Djibouti	Rwanda	*Oman*	Pakistan	Brazil	Argentina	the Czech Republic	Spain	New Zealand
1995	Nigeria	Botswana	Rwanda	*Oman*	Indonesia	Honduras	Argentina	the Czech Republic	Italy	Germany
1996	Guinea-Bissau	Botswana	*Egypt*	South Korea	Indonesia	Honduras	Chile	Poland	Italy	Germany

1997	Guinea-Bissau	Kenya	*Egypt*	South Korea	Japan	Costa Rica	Chile	Poland	Portugal	Sweden
1998	the Gambia	Kenya	Gabon	*Bahrain*	Japan	Costa Rica	Brazil	Slovenia	Portugal	Sweden
1999	the Gambia	Namibia	Gabon	*Bahrain*	Malaysia	Argentina	Brazil	Slovenia	the Netherlands	Canada
2000	Mali	Namibia	*Tunisia*	Bangladesh	Malaysia	Argentina	Jamaica	Ukraine	the Netherlands	Canada
2001	Mali	Mauritius	*Tunisia*	Bangladesh	Singapore	Colombia	Jamaica	Ukraine	Ireland	Norway
2002	Cameroon	Mauritius	Guinea	*Syria*	Singapore	Colombia	Mexico	Bulgaria	Ireland	Norway
2003	Cameroon	Angola	Guinea	*Syria*	Pakistan	Chile	Mexico	Bulgaria	Spain	Germany
2004	Benin	Angola	*Algeria*	the Philippines	Pakistan	Chile	Brazil	Romania	Spain	Germany
2005	Benin	Tanzania	*Algeria*	the Philippines	Japan	Argentina	Brazil	Romania	Denmark	Greece
2006	Congo	Tanzania	Ghana	*Qatar*	Japan	Argentina	Peru	Slovakia	Denmark	Greece
2007	Congo	South Africa	Ghana	*Qatar*	Indonesia	Panama	Peru	Slovakia	Belgium	Italy
2008	Burkina Faso	South Africa	*Libya*	Vietnam	Indonesia	Panama	Costa Rica	Croatia	Belgium	Italy
2009	Burkina Faso	Uganda	*Libya*	Vietnam	Japan	Mexico	Costa Rica	Croatia	Austria	Turkey
2010	Gabon	Uganda	Nigeria	*Lebanon*	Japan	Mexico	Brazil	Bosnia & Herzegovina	Austria	Turkey
2011	Gabon	South Africa	Nigeria	*Lebanon*	India	Colombia	Brazil	Bosnia & Herzegovina	Germany	Portugal
2012	Togo	South Africa	*Morocco*	Pakistan	India	Colombia	Guatemala	Azerbaijan	Germany	Portugal
2013	Togo	Rwanda	*Morocco*	Pakistan	South Korea	Argentina	Guatemala	Azerbaijan	Luxembourg	Australia

Adapted from: (Richard E. Berg-Andersson (2011) *The Green Papers Worldwide: The United Nations Security Council*).

2.7.1. UNSC Resolutions in the DRC from1960 to 2011

On 7 July 1960 the UN adopted resolution 142(1960) through which the DRC was admitted to the global body. One week later, on 14 July 1960, the Council adopted Resolution 143(1960) in which it responded to Congo's complaints of the invasion of its territory by Belgium and the attendant adverse human and state security threats which those invasions had caused for the Congolese population. The council called upon the "government of Belgium to withdraw its troops from the territory of the Republic of Congo and authorise[d] the Secretary General (not NATO) to take necessary steps" (S/RES/143(1960). Such necessary steps did not, however, end Belgium's pogrom or the US's supply of armaments in the Congo.

Resolution 145 of 1960 noted appreciation for the work of Secretary General and called upon the government of Belgium to speedily implement Council Resolution 143(1960) on the withdrawal of troops. However, rather than mentioning the US by name, the Council requested "all states" to refrain from any action which might impede the restoration of law and order or undermine the territorial integrity and political independence of the Republic of Congo (S/RES/145(1960). Resolution 146(1960) also commanded the Belgium government to withdraw its troops. The fact that a further Resolution had to be passed means that Resolution 145 had been ignored by Belgium.

During the 1960s, while the UNSC passed repeated Resolutions, the Congolese pointed out that the US was a catalyst in the conflict by arming militia and rebel groups. In 1961, the UNSC adopted Resolution 161 to express "deep concern at the grave repercussions of the crime and the danger of widespread civil war and bloodshed in Congo and the threat to international peace" (S/RES/161(1961). The widespread civil war that the UNSC sought to abate necessarily followed the brutal murder of the DRC nationalists and the continued domination and subordination of the DRC population by means of illegal Belgian occupation and US-supplied arms.

Resolution 161 (1961) called for parliament to be convened; this destroyed social harmony in DRC due to the divisions created among the parliamentary representatives. According to Bailey (1994), Resolution 161(1961) sowed the seeds of animosity among the population and divided the citizens. It also allowed for excessive importation of military hardware and the

invasion of the state through the divide and rule tactics of countries such as Belgium and the US.

As at 1964, the conflict in the DRC continued to be fuelled by Belgium and the permanent Council member, the US, in provisioning mercenaries and arms. In 1964 the UNSC adopted Resolution 199,

> reaffirming the sovereignty and Territorial integrity of the Democratic Republic of Congo... requests all states to refrain or desist from intervening in the domestic affairs of the Congo; appeals for cease-fire in Congo in accordance with the resolution of the Organisation of African Unity (OAU) dated 10 September, 1964; considers in accordance with the same resolution that the mercenaries should as a matter of urgency be withdrawn from the Congo.

Resolution 199 (1964) recognised the presence of military hardware in the DRC and the role of the Organisation of African Unity (OAU) in brokering peace, but did not discuss the US's supply of arms and ammunition that facilitated the perpetuation of the conflict in the Congo. According to Mentan (2007: 89):

> U.S. enabled the cycles of violence and economic problems plaguing the continent of Africa throughout the Cold War (1950-1989), the U.S. delivered over $1.5 billion worth of weaponry to Africa. Many of the top U.S. arms clients – Liberia, Somalia, the Sudan, and Zaire (DRC)... have turned out to be the top basket cases of the 1990s in terms of violence, instability, and economic collapse.

The presence of munitions and hired mercenaries ensured that the state could not break free from the colonial bondage; this exploited the country's resources and undermined the will of the native population to become an active human community, free from imperial domination and able to determine their destiny and chart their path to peace.

Although the Council did not adopt any resolution requesting Belgium and the US) to hand over the culprits to the International Criminal Court (ICC), by 1967, Portugal had started an offensive invasion from its Angola-controlled borders. The need to root out foreign occupants in the DRC did not receive the Council's endorsement. Instead, the UNSC issued Resolutions 226 (1966) and 239 (1967) to "condemn the support and assistance which those mercenaries continue to receive from some foreign sources with regard to recruitment and training as well

as supply of arms" (United Nations Document, 1967: 14). No country was named. Information available on the UNSC resolution logbook suggest that by 1967, when the Council adopted Resolution 239(1967) she was aware that the US was stoking the conflict by unauthorised means, but the US was not mentioned in the resolution. It is apparent, however, that the resolutions which were intended to abate the decimation of the DRC population only served to exacerbate the already bad situation, and increased the resolve of the foreign sources to continue on the path of offensive violation of the territorial integrity of the DRC, thereby perpetuating human insecurity in the entire region.

It is also important to note that the AU was not able to influence the thrust of these resolutions because of the disunity among the African representatives in the UNSC. According to Kitsepile Nyathi (2012), the DRC conflict would have ended if the AU had genuinely intervened to halt it. For instance, he states that the conflict is persistent because SADC members such South Africa and Zimbabwe are benefitting from the spoils of the conflict through the mines. Thus, neither the adoption of resolutions nor the UN's lack of commitment to the Country (as may be expressly claimed) is responsible for the conflict. It is about the AU's brotherhood and regional politics through which the DRC owes $1 billion debt to Zimbabwe which was incurred through lost military hardware during the intervention.

While the wealth of evidence on the conflict in the DRC pointed to the UNSC, US and other external actors, some scholars such as James Karuhanga (2012: 1) insist that the conflict in the DRC has survived to date because the AU has been ineffective there. For example, he contends that:

> The International Conference for the Great Lakes Region (ICGLR), a regional initiative that brings together 11 countries is leading the way to the resolution of the DRC conflict instead of the AU. According to an ICGLR statement, the council stressed the importance of the establishment and speedy deployment of the envisaged Neutral International Force. "The Council stressed the need for sustained efforts to eradicate the presence of negative forces in eastern DRC, to effectively restore state authority, and promote lasting peace, security and stability in the region, including the effective implementation of the Goma Agreement of 23 March 2009 between the Government of the DRC and the National Congress for the Defence of the People (CNDP). The 2009 agreement is central in the conflict between the Congolese government and a group of soldiers who mutinied in May, and subsequently formed a movement they havesincecalledM23.The officers, who were mostly formerly

CNDP fighters, and had been integrated into the ranks and file of the DRC forces, accuse the government of not living to its part of the bargain regarding the implementation of the 2009 agreement.

According to Cortright and Lopez (2000: 120), it is imperative that UNSC Resolutions should be sufficiently burdensome to encourage the search for a negotiated settlement or immediate compliance. Resolutions 226 (1966) and 239 (1967) were insufficient to put an end to the combined efforts of the US, Belgian and Portuguese governments to kill the voices that sought answers for the death of their nationalists crusaders. It is against this backdrop that the UNSC issued Resolution 241(1967). The Resolution categorically stated that:

> the Security Council is concerned by the serious situation created in the Democratic Republic of Congo following the armed attacks committed in that country by foreign forces of mercenaries; and that Portugal allowed those mercenaries to use territory of Angola under its administration as a base for their armed attacks against the Democratic Republic of the Congo.

While it had become evident that the Portuguese had launched attacks on the Congolese and continued defying the UN resolutions, the Council blamed "mercenaries from the Portuguese controlled borders". Similarly, the US sustained the attacks through the importation of deadly military weapons contrary to UN Resolutions 226(1966), 239(1967) and 241(1967) respectively.

The US, a permanent member of the Security Council which participated in the adoption of those resolutions, had pecuniary interests in selling munitions to the DRC. This created a cauldron of political tension and sustained the dangerous violence that remained unchallenged during 50 of UNSC resolutions. The Council abandoned the application of the relevant provisions of the UN Charter relating to violators of the sanctity of the UNSCR.

The Council's objective, to rescue DRC civilians from foreign mercenaries and deadly weapons, was ignored by the US with impunity as the importation of arms continued from 1960 to 2012. Thirty years after UNSCR 241(1967), the conflict which the Council had sought to halt persisted due to the involvement of P5 members such as the US. Between1968 and 1998, eight-hundred and forty (840) resolutions issued by the UNSC were 'carefully selected to avoid' the DRC crisis (S/RES 1968-1998)

Furthermore, while the defiant US and Portugal exacerbated the Congo crisis by renewing the supply of arms and the invasion of the territory, which the UNSC warned member states to desist from, the credibility of the Council was undermined by its toleration of the violations of permanent members such as the US.

UNSC Resolution 1291 (1999) reaffirmed the sovereignty of the DRC over its natural resources. It noted the illegal exploitation of the country's assets and the potential consequences and emphasised the deployment of the United Nations Organization Mission (MONUC) in the country. However, despite the MONUC being deployed, the conflict in the Congo persisted.

While the above resolutions sought to affirm the territorial integrity of the DRC and uphold decent human security conditions, anti-interventionist authors such as Vann (2002) argued that they destroyed political and economic development and the human growth of the Congolese. The author holds that a more appropriate action would have been for the UNSC to adopt a resolution to apply sanctions on the US and Portugal who had defied the Council's resolutions since 1960. Thus, the researcher is of the view that the 61 UNSC Resolutions relating to the DRC from1961 to 2011 were ineffectual in securing peace in the DRC.

Hawkins (2003) and Vann (2000) argue that the situation in the DRC is one of many worrying instances in Africa where the interests of the Security Council's permanent members have not only prevented it from acting, but also enabled the killing of many civilians under the guise of maintaining peace and security. This is possible, though the African members of the Security Council are not veto wielding members, they are ineffective and play decorative role in the UNSC chamber, and this explains why they have not been able to act politically within the organ to make either their presence or position known. For example, Djibouti, Nigeria and Rwanda were non-permanent members of the UNSC when the 1994 genocide occurred in Rwanda.

The wheedling ability of the P5 could also mean that weak African country that singles itself out against the will of the powerful UNSC permanent members will eventually suffer the damage in international politics. This explains why the *Guardian Newspaper* states that the adoption of Resolution 2085 (2012) in Mali for example, marks a first credible and defining

moment in the coordinated international efforts to assist African state [Mali] out of conflict. The newspaper argues that the unity African leaders demonstrated in Mali, ensured that Mali can re-establish her unity and territorial integrity, dismantle terrorist and criminal networks in the north, and restore full constitutional order through free, fair and transparent election (Guardian Newspaper, Wednesday, 26 December, 2012).

Hawkins (2003: 66) is of the opinion that, "the war in DRC- probably the bloodiest war in the 1990s raged over an area of Western Europe, drawing in the direct military involvement of as many eight other African countries and resulted in well over one million deaths in its first year". He notes that this massive conflict was in greater part handled by the Council through presidential statements. In his view, a presidential statement is woefully inadequate to restore peace. Council's lack of willingness to confront the US about its arms trade, and Belgium and Portuguese for their military attacks on the Congolese helped to maintain the spiral of conflict that engulfed the Congo. The assassination of Lumumba, a visionary leader who was determined to administer the natural resources of the state for the benefits of the citizens, helped to entrenched Western imperial leadership in the Congo and perpetuated the cycle of corruption, victimisation, political deprivation and the economic marginalisation of the Congolese population.

According to Weissman (2002) the UNSC failed to take appropriate action to restore peace in the mineral-rich DRC. He argues that the "Council was unable to end the violence due to its commitment to the America's economic gains from the violence" (Weissman, 2000). He insists that an appropriate resolution of the murder of the Congolese leaders requires that the US and Belgium hand over the culprits. In similar vein, Bailey (1994:4) argues that the UNSCR protects the interests of permanent Council members and neither represents the interests of those directly affected by the conflict nor the will of the general population.

Bailey (1994) adds that a biased UNSC worsens crisis situations in the Third World (TW) by not "making immediate formal determination under the relevant Article in the Charter 'to detect' threat to peace, breach of peace or act of aggression, thus making it impossible for the Council to take appropriate binding decisions" (Bailey, 1994: 4).

In the 50 years of Council's involvement in the Congo, one thousand eight hundred and twenty-one (1821) resolutions were adopted across the globe. Six hundred and ninety-nine

(699) resolutions have been adopted on African States and seventy-seven (77) on the DRC (S/RES, 1961-2011). It is particularly important to underline that the biggest cause of violent wars during this period is the availability of military hardware. The US, the world leading manufacturer of military weapons and a permanent member of the Security Council, exported military hardware worth more US $2billion to the Congo; this facilitated the conflict in that country (*World Policy Institute*, 2012).

2.8. Republic of Rwanda: a brief introduction

According to the *African Statistical Yearbook* (2010:311) Rwanda has a population of approximately 10 million. She obtained her independence from Belgium in 1962. Rwanda has an area of 26,338 sq km. It borders Burundi, DRC, Tanzania, and Uganda. According to a 2011 Central Intelligence Agency (CIA) report, Rwanda has abundant natural resources of gold, cassiterite (tin ore) wolframite (tungsten ore) methane, hydropower and arable land. However, none of these natural resources is available in any quantity that will ensure Rwanda's presence in the global market or make the state an influential role player in world politics.

The CIA report (2011), notes that Rwanda is a poor rural country. About 90% of its population is engaged in (mainly subsistence) agriculture and there is some mineral and agro-processing. Rwanda continues to receive aid funding and was classified in 2005 and 2006 by International Monetary Fund (IMF) and World Bank respectively as a heavily indebted poor community (HIPC) (Canuto and Moghadam, 2010).

Rwanda experienced devastating genocide in 1994. According to CIA (2011), in 1959, three years before independence from Belgium, the majority ethnic group, the Hutus, overthrew the ruling Tutsi king. Over the next several years, thousands of Tutsis were killed and some 150,000 Internally Displaced Persons (IDPs) were driven into exile in neighbouring countries. The children of these exiles later formed a rebel group, the Rwandan Patrotic Front (RPF), and launched a civil war in 1990.

The war, along with several political and economic upheavals, exacerbated ethnic tensions, culminating in April 1994, in a United Nations-backed state orchestrated genocide, in which

Rwandans killed up to a million of their fellow citizens, including approximately three-quarters of the Tutsi population (Canuto and Moghadam, 2010). The genocide ended later that same year when the predominantly Tutsi RPF, operating out of Uganda and northern Rwanda, defeated the national army and Hutu militias, and established an RPF-led government of national unity.

2.8.1. United Nations Security Council Resolutions in Rwanda from 1960 to 2011

Rwanda was admitted to the United Nations on 26 July 1962 through Security Council Resolution 172(1962) (S/RES/172(1967). However, Rwanda was not recorded on the Security Council resolution sheet until 1993. Following three decades during which the UNSC adopted no Resolutions on Rwanda, its former colonial master, Belgium played one ethnic against the other, leading to the 1994 genocide.

According to a Security Council document, four resolutions were adopted on Rwanda namely: "812(1993); 846(1993); 872(1993); and 891(1993)" respectively (S/RES/891(1993). Resolutions 812(1993), 846(1993), and 891(1993) specifically identified instances of conflict that would lead to human insecurity and 872(1993) established the United Nations Assistance Mission for Rwanda (UNAMIR). The pogrom that the UNSC sought to avert in Rwanda occurred in 1994. The UN stood by and witnessed the massacre of women, children, youth and the aged.

According to Magnarella (2002: 7), the international community, especially Belgium, France, the US and the UN intentionally failed to prevent the slaughter. Magnarella argues that the four hundred (400) UN troops in Rwanda at the time of genocide could not have saved lives because they had neither sufficient manpower nor a proactive UN mandate. While the UN had become aware of the situation in Rwanda in 1993, it dilly dallied until the genocide had occurred in 1994, Magnarella is convinced that the lack of intervention is due to the UN tactics of selective resolution and selective response in African conflicts and wars.

Magnarella's views notwithstanding, Vasile (2007: 53) opines that the Rwandan genocide was the machination of Rwandese, incubated by the colonial ethos and delivered by poor

national and continental leadership. Vasile traced the genocide to the racist Hamitic thesis propagated by colonial administrators who regarded the Tutsi as Hamites—an intellectually superior and aristocratic (Caucasian) race. She is adamant that the actual genocide was a product of the Tutsi who adopted a supremacist view and further reinforced their belief that they were born to lord it over the Hutus. The political crisis that broke out in Rwanda in October 1990 that actually led to the genocide in 1994, occurred when the rebels of Tutsi-dominated Rwandan Patriotic Army (RPA)—the military wing of Rwandan Patriotic Front—invaded the country from their Ugandan base. She claims that the United Nations did not instigate the invasion.

However, scholars such as Mills (2010:4) and Hawkins (2003:66) concur with Magnarella and argue that the UN failed to intervene in Rwanda because no visible political or economic gains would accrue to the P5 from intervening in the resource-poor country. Thus, engagement in Rwanda, even to save human lives, was seen as a waste of resources. This view is further elucidated by Mills (2010:4) who asserts that the Council that flailed around so ineffectually during the 1994 Rwandan genocide was, in 2008, managing the biggest peace-keeping-operation in the world in the neighbouring 'resource-rich' DRC.

While the UNSC issued three resolutions in 1994: 928, 929and 965 referring to the deplorable human situation in Rwanda, none sought to directly intervene militarily to prevent the genocide or maintain peace. While Resolution 928(1994) sought to "extend the mandate of the UN Observer Mission Uganda-Rwanda", Resolution 929(1994) concerned itself with the "establishment of a temporary multinational operation for humanitarian purposes in Rwanda until the deployment of the expanded UN Assistance Mission for Rwanda". The Council's last resolution in 1994 on the Rwandan genocide—Resolution 965was geared towards "the extension and expansion of the mandate of the UN Assistance Mission for Rwanda" (S/RES/965(1994)).

While it has been consistently argued in this study that the UNSC has stoked the conflict, it is important to mention that the African Union and other relevant sub-regional organisations such as the Southern African Development Community (SADC) and East African Community to which Rwanda is a neighbour and member, did not interface with the UN on the matter of genocide in Rwanda. Also, neither of the two organisations (nor any other organisation on the continent) undertook concrete initiatives to halt the genocide. According

to one African Union document (2000), the OAU/AU failed to instill peace in Rwanda because the Organisation lacked the sensitive information and required knowledge about the conflict (*African Union Official Document…,* 2012). The document underscores poor governance in the region while also affirming the fact that African leaders in the UNSC are dysfunctional. For emphasis (see Table 6), although Rwanda was a non-permanent member of the UNSC in 1994 but did not take the lead to bring the Security Council to its rescue.

After the 1994 genocide, the Council adopted eight resolutions in 1995: Resolutions 977, 978, 989, 997, 1005, 1011, 1028 and 1029 were adopted with a view to arresting and incarcerating those 'offenders' not killed during the genocide. The remnants of the population, as well as the dead, were victims of UNSC Resolution 872(1993) which declared that the UN would command peace in Rwanda. However, UNSC 977(1995) established a tribunal for the trial of Rwandans and "made the decision to designate Arusha as the seat of the International Tribunal for Rwanda" (S/RES/977(1995)).

While Resolution 977(1995) established the Tribunal, Resolution 978(1995) had the specific objective of arresting and detaining persons responsible for the genocide. Resolution 1011(1995) sought to lift the restrictions imposed by paragraph 13 of Resolution 918 (1994) on the sale or supply of arms and material to the Government of Rwanda and Resolution 1029(1995) concerned itself with the extension and adjustment of the mandate of the UN Assistance Mission for Rwanda to assist the voluntary and safe repatriation of Rwandan refugees (S/RES/1029(1995)).

While these resolutions issued by the Council from 1993 to 1995 seemed to defend human rights and care for the welfare of the Rwanda citizens, Greg Mills (2010) is of the opinion that the genocide was possible in Rwanda because the Security Council had allowed it to happen. Therefore, its response was at best reactive rather than proactive. Despite the apparent generosity shown towards refugees by the Council on paper, such generosity would not have been necessary if the Council had worked to avert the 1994 genocide that it foresaw in 1993.

While Resolutions 1050(1996) and 1053(1996) decried human insecurity in Rwanda, subsequent Council resolutions from 1998 to 2011 revolved around the "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other

Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994"(http://www.un.org/ga/acabq/International%20Criminal%20Tribunal%20for%20Rwanda).

The UNSC Resolutions: 1200(1998); 1241(1999), 1259(1999); 1329(2000); 1347(2001); 1411(2002), 1431(2002), 1449(2002); 1477(2003), 1482(2003), 1505(2003), 1512(2003); 1534(2004); 1684(2006), 1705(2006), 1717(2006); 1774(2007); 1824(2008), 1855(2008); 1878(2009), 1901(2009); 1932(2010), 1955(2010), 1966(2010); 1995(2011), 2006(2011), 2013(2011) and 2029(2011) were adopted after 11 years of the Council's involvement in the country. The essential purpose of these resolutions is to set up the tribunal and prosecute Rwandan suspects.

While the tribunal has engaged in a frantic search for Rwandans responsible for the genocide, scholars such as Bruce Jentleson (2001) and Virgil Hawkins (2003) argue that the Rwanda genocide occurred because it was in the best interests of the superior powers. For example, Jentleson's work on *Preventive Statecraft: A realist Strategy for the Post-Cold War Era* maintains that "major wars would have been prevented if the conflicts were not in the best interest of superior powers" (Jentleson, 2001: 250). He is convinced that prevention of conflict is possible. Thus, in his view, conflicts such as the Rwanda genocide occurred because of the UNSC's decision to abandon intervention due to the nature of the interests and the costs involved in the conflict. The UNSC should therefore account for its culpability in the 1994 Rwandan.

It is against this backdrop that it becomes imperative to diligently record the role of the Security Council while mediating in resource-poor and resource-rich African conflicts. Countries such as Rwanda have experienced crises of ethnic or racial divide activated by the colonial masters (Ryan, 1990: 22). This was manifested in the UN-pardoned genocide in Rwanda. When states are experiencing important societal transformation, they should not be punished for actions that the external actor— the UNSC—has taken or failed to take. The core issue in countries that are experiencing societal transformation after conflict is the Council's failure or inability to protect citizens from human insecurity and the state from

assaults on its territorial integrity. It is also expected that the state will provide an "effective justice system, including efficient and legitimate policing, rapid and accessible legal recourse, and appropriate protection and compensation for people injured by crime" (ICHRP, 2003:6). However, in the case of Rwanda, part of the appropriate compensation to the people affected would be to institute a commission of enquiry and bring the Security Council (the global guardian of peace and security) to account for its inaction in Rwanda.

2.9.   Conclusion

This chapter has examined UNSC resolutions and military interventions in the African states of Angola, Cote d'Ivoire, DRC and Rwanda. It also appraised, not in detail the roles of the AU in resolving African problems. This chapter revealed that the P5 of the UNSC do not intervene in a country unless such intervention offers them economic and political benefits. It found that selective adoptions of resolutions cause conflicts in the affected countries. Compared with the rest of the world, the bulk of the UNSC resolutions on Africa enabled the UNSC P5 to stoke conflicts on the continent. Furthermore, the chapter underlines that lack of unity and cooperation among African leaders, is an enduring source of conflict in the continent. The regional organisations such as the AU has a potential of resolving major conflicts in Africa as was demonstrated in its effort to intervene in the 2011 Libyan conflict but lack of confidence in its capabilities and unity among its leadership has left African conflict in the hands of external interveners. Similarly, the ECOWAS and SADC method of expressing dislike to a conflict situation within the continent is inconsistent. These bodies will become some significant role players in dealing peace in Africa at such time when they are internally equipped to execute the relevant articles and chapters of the AU Constitutive Act through its intervention strategies.

Chapter Three
The roles of the AU, NATO and the UNSC in the Libyan crisis

3.1. Introduction

This chapter outlines the various roles played by the securitising actors in the 2011 Libyan conflict. It discusses the roles of the AU, NATO, and the UN with a view to determining how their interests in the conflict dovetailed into a state and human insecurity regime in Libya and the effects these organisations have on Africa's development and growth. In doing so, the contributions made by these organisations to sustaining the conflict are determined. The UNSC Resolutions on Libya since 1960 with specific discourse on Resolutions 1970 and 1973will also be discussed. The outcome of the factors discussed will then be assessed with a view to ascertaining the adverse impact of all the securitising actors and the UNSC Resolutions 1970 and 1973 on Libya.

3.2. The role of the AU in the Libyan crisis

Civil war and violent conflicts have caused tremendous anguish for civilian populations in Africa and the rest of the world (Adebayo: 2009). Simms and Trim (2011) maintain that a singular development of the post-Cold War era is the use of military force to protect human beings. From "Rwanda to Kosovo, Sierra Leone to East Timor, and more recently Côte d'Ivoire to Libya, soldiers have rescued some civilians in some of the world's most notorious war zones. Could more be saved? (Simms and Trim (2011: 4). Exploring the roles of the international organisations involved in the Libyan conflict will go some way towards answering this question.

According to Ronald Chipaike (2012:46), the Libya crisis has left so many questions about the ability of the African Union to resolve conflicts on the continent without outside help. He claims that the fact that the three AU members in the UNSC voted for Resolution 1973 for the establishment of a no-fly zone and the consequent bombardment of Libya by NATO implies that the AU does not trust its own capacity to deal with conflicts of the magnitude in Libya. Chipaike (2012) noted that China had not exercised its veto out of its respect for the AU and the Arab League. By voting for Resolution 1973, the AU had shown its capitulation

to Western pressure and, in doing that, it was unwittingly giving NATO the responsibility to deal with an African conflict. The effectiveness of African solutions for African problems can certainly be questioned in the case of Libya. However, while the Libyan problem had grown to proportions where civilians were no longer safe, it was not NATO that was supposed to intervene in Libya; rather, it was the African Union. As Kalu (2009) pointed out, 'Article 4 (h) of the AU act gives the AU the right to intervene forcibly in one of its member states with regards to war crimes, genocide and crimes against humanity'. This explains why it is safe to question AU's lack of visible action, otherwise, why would the AU go through the longer path via the UN when they could intervene directly in Libya?

3.3.   The conundrum of failed missions in Libya

Regional and global organisations such as the AU, NATO and the UN were crafted through various treaties to help guarantee human security. Conflicts—whether human made or the result of natural disasters—have continued to challenge the core objectives of these institutions and their roles in conflict/disaster-affected areas of the world. Cordesman and Vira (2011) argue that the 2011 Libyan conflict is one of many that interrogate the commitment of some of these institutions. The founding principle of the UNSC to serve as the guardian of global peace and security was tested in Libya. The UN may have failed to respond effectively in terms of Resolution 1973 and the NATO intervention stratagem. NATO's bombing campaign did not enjoy the support of anti-interventionist states. Similarly, the AU's weakness and lack of leadership was also visible throughout the 2011 conflict in Libya. The pro-democracy and pro-sovereignty apologists such as Blackwell (2003) and Benette (2011) contend that the AU's weaknesses, which include indecisiveness, were evidenced by the opposing views held by the Nigerian and South African governments on Libya. Benette (2011) adds that if the AU had been truly united and had abided by the principles of the AU constitutive Act, it would have protected Libyans from the UN-backed NATO bombing campaign. The Act provided for rules of intervention but South Africa and Nigeria interpreted it differently and caused the AU to abandon its application.

Chipaike (2012) also observes that one of the principal problems with the continental body is its members' insistence on the respect of the territorial sovereignty of constituent countries. For example, instead of rushing to help the people of Libya under R2Pas provided by the

Article 4 (h) of the AU document, the AU was busy defending values of sovereignty, independence and brotherhood. This weakened the organisation and created room for the more decisive groups like NATO to assume responsibility. In fact the AU could have lost the respect of the NTC as a result both of its indecisiveness in taking action against Gaddafi and interference for political compromise that would have included members of both the Gaddafi regime and the NTC rebels.

Following from Chipaike's view, Libya may be a clear indication that the AU's insistence on inclusive governments as a conflict management or resolution strategy has outlived its usefulness. It indicates a poverty of alternatives to solve the ever-increasing conflicts in Africa. The eventual ouster of Laurent Gbagbo in Cote d'Ivoire by Ouattara's military forces repudiates the effectiveness of governments of national unity as transition mechanisms. Likewise, the continual feuding between parties in both the inclusive governments of Zimbabwe and Kenya point to a bleak future in terms of power transition. Violence may break out again. The AU's position on the crisis in Libya was also made weak by the fact that the General Assembly had already voted to give the NTC a seat, which forced some AU members who wanted the establishment of a Zimbabwe or Kenya style inclusive government, to accept what the UN wanted in Libya. However implicit in the AU's call for an inclusive government in Libya is the idea that Gaddafi had to be included in any political arrangement set up to bring lasting peace in the country— position that could have adverse repercussions for relations between the NTC leadership in Libya and the African Union.

3.4.   The African Union in Libya: the Peace and Security Council (PSC)

The AU was established in 2002 as the successor to the Organisation of African Unity (OAU) which was established in 1963. Its objectives include: enhancing unity and strengthening co-operation and coordination as well as equipping the African continent with a legal and institutional framework to enable Africa to take its rightful place in the community of nations (http://www.africa-union.org). In response to the ineffectiveness of the OAU's conflict prevention, resolution and transformation mechanisms, the AU created a new security regime in May 2001 to guarantee both state and human security on the continent (Yobo, 2009: 19).

The African Union Peace and Security Council (AUPSC) were established in terms of the framework set out in the African Union Constitutive Act (AUCA). Articles 3 (f) and (h) aim to promote peace and security and to promote and protect human rights (Kalu, 2009). Furthermore, Article 4 commits the AU to creating a common security and defence policy; to pursue the peaceful resolution of conflict among member states; and to prohibit the use of force or threats of use of force among member states (Yobo, 2009: 19). In its effort to guarantee human security and reliable peace, the AU developed the African Union's Continental Early Warning System (CEWS) and the African Standby Force (ASF).

Unfortunately, the notes that the spirit of the Constitutive Act failed to materialise during the voting session that led to the adoption of the UNSC's Resolution 1973. Gabon, Nigeria and South Africa, who were non-permanent members of the UNSC, voted in favour of this resolution. This in part was the result of a lack of leadership problems facing Africa. The culpability of the AU, however, lies not in indecisive leadership, but rather in the application and monitoring of the said resolution. After the adoption of Resolution 1973 and the ensuing NATO bombing campaign, there was an expectation that the AU would re-organise itself, map out peace plan and communicate this to the UN and NATO. However, this was stymied by the deep divisions that have been Africa's abiding problem. According to *AllAfrica* (2011), South Africa and Nigeria were leading opposing factions of African states**.** This weakened the ability of the AU to act decisively in Libya, thereby providing room for the external interveners (Western governments') offensive attack and the attendant human deaths. Such divisions not only enable Western governments to point to Africa's political failure, but also allow them to be responsible for protecting African security interests. This explains why African governments and representatives have refused to be responsible and unable or unwilling to act on behalf of the African continent to collectively resolve African human and state security problems.

According to Cilliers (2005:1) cited by Yobo (2009: 20) CEWS is the link between the AU and various Regional Economic Communities (RECs) such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD), as well as research institutes and civil society organisations. According to these authors, the CEWS is "rooted in new human security thinking about the responsibility of leaders to protect the ordinary people …

and generally aim to serve human security and interests and not necessarily national and states interests" (Yobo, 2009: 20).

3.4.1. The African Union Mission in Libya

According to Benette (2011) one of the vaunted accomplishments of the past decade on the African continent has been improved AU security and peace initiatives. However, the 54-nation body appears to have stumbled in Libya. From the start of the 2011 Libyan conflict, the AU opposed international intervention, insisting on inclusive dialogue between Libya's opposition and the ruling regime of Colonel Muammar Gaddafi. The 265th session of the AUPSC in Addis Ababa on March 10, 2011 stated the AU's position on the Libyan situation. The AUPSC recalled its communiqué PSC/PR/COMM (CCLXI) adopted at its 261st meeting, held on 23 February 2011 and declared thus:

> AU expresses deep concern at the prevailing situation in Libya, which poses a serious threat to peace and security in that country and in the region … with resulting humanitarian situation and Expresses AU's solidarity with Libya, underscores the legitimacy of the aspirations of the Libyan people for democracy, political reform, justice, peace and security, as well as for socio-economic development, and the need to ensure that these aspirations are fulfilled in a peaceful and democratic manner; in this context, Council takes note of the stated commitment of the Libyan authorities to embark upon the path of reforms.

However, given the nature of the conflict in Libya and the scale of the interests of some members of the P5, especially in terms of the UK, France and US's growing determination to kill the Libyan leader—Colonel Muammar Gaddafi—the AU undertook a series of consultations aimed at proffering political solution by supporting negotiation efforts facilitated by five nations of the multilateral body (the Presidents of South Africa, Congo-Brazzaville, Mali and Mauritania, and the Ugandan foreign minister) to negotiate a peaceful settlement in Libya. Despite the AU's strong and unequivocal condemnation of the indiscriminate use of force and lethal weapons, and the reaffirmation of its strong commitment to respect the unity and territorial integrity of Libya, as well as the rejection of any foreign military intervention such as that of NATO in whatever form, the AU finally succumbed to the UN-backed NATO and rebel pressures. The AU claims it voted for no-fly zone; but when it was interpreted to include ensuring peace even at the cost of human deaths and regime change, the AU did not fall back on its resolution to free Libya of foreign powers.

It is the submission of this paper that NATO's involvement in Libya marked the first attempt by the West to militarise the new scramble for African resources in the present age. It is also argued that if African leaders continue with their mostly dictatorial tendencies, resource hungry western countries will use the internal grievances brewed by non-democratic rule as a ruse to intervene militarily to uphold and protect human rights and liberties (Murshed, and Tadjoeddin, 2007: 11). According to Chipaike (2012: 47), the moment African people rise against their government, out of their own will or because of external machinations, there is likelihood that Western governments will use force to quell the protests as happened in Libya. African governments should therefore endeavour to be democratic, transparent and accountable to their people. The nexus between economic and political freedom is very strong, hence the need to avail both economic and political opportunities. Gaddafi's mistake was that he concentrated much on the economic and social aspects and left out the political in an attempt to create a socialist utopia.

While Chipaike (2012) argues that the AU failed in Libya, Benette (2011: 3) passed the bulk of the blame on NATO. She maintains that "the rebels emboldened by NATO air support did not allow the AU to practice its bolstered "no indifference" policy. She holds that the Libyan rebels should have accepted the AU plan, arguing that it would have forced the AU to take more responsibility for Gaddafi's actions". The International Crisis Group (ICG) (2011) corroborates Benette's view, holding that the suffocation of the AU in its peace efforts in Libya is a function of the UN-backed NATO. The ICG maintained that, "a joint political initiative by the Arab League and the African Union – the former viewed more favourably by the opposition, the latter preferred by the regime – is one possibility to lead to peaceful negotiation and transformation of the 2011 Libyan pogrom" (ICG, 2011: ii). While this was indeed an option, the Group notes that the AU was not allowed to implement its strategy for Libya. It adds that sustaining the military campaign by UN-backed NATO required a negation of the AU's negotiation deal; this encouraged a major foreign military offensive in Libya and an escalation in the number of deaths in the country.

While the ICG trusts that AU would have brokered a peace deal if allowed to do so in Libya, Adebajo (2011: 13) observes that the AU's inability to act in conflict-affected African states was a direct result of the lack of unity in the organisation. He asserts, for instance, that the

AU was not only marginalised, but was indeed deeply divided over Libya. This incapacitated the organisation; as casualties and destruction mounted in Libya, the country's divisions deepened, and the risk of infiltration by jihad militants increased. Furthermore, the economic and humanitarian conditions in Libya worsened, and the economic as well as political and security burden were forced on Libya's neighbours due to the AU's inefficiencies (Benette, 2011).

3.5.   The contributions of NATO to the 2011 Libyan pogrom/conundrum

Apart from the AU's inability/failure to act as swiftly as possible to forestall the calamity imposed on Libya by the UN-backed NATO and its client National Transitional Council (NTC), a number of Western Countries such as France, Britain, and the United States stifled the peace process in Libya. NATO denied that its goal was to kill Colonel Gaddafi, and insisted that its air strikes were directed towards inflicting enough damage to persuade Gaddafi and his advisors to surrender power with a view to protecting the civilian population and promoting democracy in Libya. In a contending view, Tulsa Liberty (2011) argues:

> NATO mission in Libya was neither for the interests of Libyan civilian population nor for democracy and human rights. Liberty argued that the US government fully backed the Saudi monarchy and the Mubarak dictatorship but both regimes do not subscribe to the tenets of democracy, and also violate the core creed of human rights and values. As such, he insists that the NATO invasion of Libya was for the protection of the Western and US-owned oil giant Conoco-Philips and Exxon-Mobil. He declared that protecting civilians and promoting democracy is of zero interest and concern to the Conoco-Philips and Exxon-Mobil oil giants in Libya.

He further claims that NATO's objective was to stifle a negotiated settlement in Libya. This was with a view to ensuring the collapse of the loyalist military machine and the assassination of Gaddafi and his inner circle. According to Cordesman and Vira (2011: 5), "it is uncertain how NATO can hope to destroy the Libyan command and control apparatus without targeting the people at its centre".

Cordesman and Vira (2011) add that NATO forces were engaged in a war of attrition in ways that were designed to lead to regime change in Libya. Regime change is a significant expansion of the letter of UNSC Resolution 1973 (2011) that mandated the implementation

of a no-fly zone, as well as all necessary measures to protect civilians. Instead, Britain, France, the US and senior European and NATO officials demanded that Colonel Gaddafi step down, with US president Barrack Obama observing that Colonel Gaddafi's departure from office "is good for United States… and that it is the right thing to do" (Cordesman and Vira, 2011: 5).

NATO's presence in Libya also truncated AU's conflict resolution and transformation strategies, and helped divide the country against itself. According to Jacobson (2012), NATO neither sought peace nor demonstrated a collective political will to attain peace through dialogue in Libya. Jentleson's (2001) findings show that peace is obtainable without the use of military hardware; however, this was undermined in Libya by the NATO forces. According to Jentleson (2001) enforcement of a rule can be achieved by peaceful means, including the simultaneous protection of social groups and the individual, without resorting to the use of military force.

Mertus (1999: 6) also presents a critique of the NATO bombing campaign in Libya. In her view, NATO's primary *raison d'être* was to indulge in wars and not necessarily manage conflicts and maintain peace. She contends that NATO's conflict resolution and/or transformation mechanisms and techniques are not suitable and cannot be effective in resolving conflicts in Africa; rather, they cause more harm than good. Yobo (2009) corroborates this view when she argues that a conflict resolution framework must fit into the given conflict context in order to be relevant. She argues that external intervenors, including NATO do not effectively analyse the power structure and the role of the state, the arms dealers and the victims of violence. According to Yobo (2009:26) in the African context, internal African structures and the negative role the Western media plays in explaining the causes of conflict in Africa are themselves a source of conflict on the continent. The Compliance Campaign (2012) maintained that the Western media helped legitimise the NATO bombing campaign in Libya by partial representation of facts.

3.6. The United Nations in Libya

The birth of the UN in San Francisco in 1945 was partly intended to employ international machinery for the promotion and maintenance of global peace and security. It is in pursuant of this goal that the UN Charter (1945) declared the organisation's key objectives thus:

> to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

When NATO was established, one of the primary principles driving the organisation was:

> To provide the Organisation with access to the latest theoretical and technical knowledge that the intern can apply through practical work assignments, as well as with additional staff resources. To provide interns with an opportunity to learn from the NATO community and get a better understanding and a more balanced view of the Organisation, to contribute to creating a more diverse workforce and to expand understanding of NATO in Alliance countries (www.nato.org).

All of these objectives were geared towards preventing a repeat of the experiences of WWI and WWII. However, the current rates of human deaths resulting from military interventions have called the UNSC Resolutions, especially Resolution 1973 into serious question.

3.6.1. United Nations Security Council Resolutions on Libya from 1960 to 2011

The DRC government suspected the Belgian and US governments of assassinating Patrice Lumumba and approached the Security Council for action. The Council did not issue any resolution requesting Belgium and US to hand over the culprits but issued Resolution 161(1961) "regretting the assassination, and ordering the convening of the parliament" (S/RES/161(1961). Such double standards in the adoption and application of the UNSC resolutions and actions are evident in the US and UK's actions against Libya. The US and Britain claimed to have "evidence implicating two Libyan nationals in the destruction of Pan-American flight 103 over Lockerbie on December 21, 1988 and the French Union des Transport Aeriens (UTA) flight 772 over Niger on September 19, 1989 and the Council in January 1992 issued Resolution 731(1992) requesting Libya's full cooperation with the Council and effective response in handing over the culprits" (Bailey, 1994:110).

According to Bailey (1994), Libya denied that any of its nationals were involved in the two incidents, and had on March 3 1992 instituted proceedings in the International Court of Justice (ICJ) against Britain and US, alleging that the two states had failed to settle their disputes with Libya through the mechanisms of the Montreal Convention for suppressing unlawful acts against civil aviation and asking the Court to indicate provisional measures. The Council met on March 31, 1992 and voted 10 against 5, with China on the losing side, under Chapter VII of the Charter issued Resolution 748(1992). This, imposed sanctions on the entire Libyan aviation industry and included a: "ban on all flights to and from Libya by requiring that states refuse landing, takeoff, and over-flight rights for Libyan-bound aircraft and close Libyan Arab Airlines offices. It prohibited the supply of aircraft parts, maintenance, engineering, and airworthiness certification for Libyan aircraft if Libya had not complied with the Council's previous resolution by 15 April" (Bailey, 1994:111).

On 14 April 1992, one day before the Council's deadline to Libya, the Court announced its decision "that it was not required to indicate provisional measures, insisting that according to Article 103 of the Charter, obligations under UN Charter prevail over obligations under international agreements" (Bailey, 1994:111). The Court found that the rights claimed by Libya under the Montreal Convention could not be the basis for provisional measures. This Court decision removed Libya from the Montreal Convention and placed Libya squarely in

the hands of its assailants – Britain and the US in the Security Council. On 11 November 1993 the Council convened and adopted Resolution 883(1993). This confirmed the sanctions and extended them to include "a freeze of Libyan assets" (Bailey, 1994: 111; S/RES/883(1993). While Libya denied the attacks, it had agreed to turn over the UTA suspects to a French Court and the Lockerbie suspects to an international tribunal or the Arab League but the US and Britain insisted that the Lockerbie trials had to be held in a US or British court.

According to the Libyan government, the British and US-championed sanctions had human, economic, food, health, community, political and state security impacts. The 1997 Libyan report to the UN, listed a loss over "$2 billion in aviation and counted the inability to fly the sick abroad and the attendant death of patients due to lack of the deserved specialist treatment which Libyan hospital may not provide for the sick as the chief human insecurity paradigm that the Security Council has caused the Libyan population" (Bailey, 1994:113). However, the sanctions continued to be upheld by the P5 members of the UN and culminated in UNSC Resolution 1973(2011).

3.6.2. UNSC Resolutions 1970 and 1973 on the conflict in Libya: The role of the Council

The principal reasoning guiding UNSC Resolution 1970 was the responsibility of the Libyan government to protect its own people and borders. When the pro-democracy demonstrations started in Tunisia, spread to Egypt and successfully dethroned the leadership of these states, France, Britain and the US started developing modalities on how to extend the campaign to Colonel Muammar Gaddafi's led-Libya. A demonstration which was haphazardly organised started in January in Libya with the demonstrators not having a common purpose.

While some called themselves pro-democracy demonstrators, others held that the demonstration was for the release of Fethi Tabel, a Libyan human rights activist. Eventually, with the support of French-hired mercenaries and French-groomed Libyan rebels, the demonstration reached its height on 15 February 2011. In a live broadcast, the Libyan leader advised them to ignore Western insinuations and incitement, holding that the demonstrators have been "dangerously infiltrated by the Western governments and vowed to fight against

the agents of the West in any form in Libya and may die a martyr" (www.aljazeera.com, 15/08/2011).

On February 26 2011, France, Britain and US forced the Security Council to a round table and adopted a resolution on the situation in Libya. From this date, the UNSC inserted itself in the Libyan domestic conflict and adopted Resolution 1970(2011) which "ordered the travel and assets freeze and arms embargo … on Libya to forestall genocide" (*The Tribune,* May 9, 2012). Two weeks later, on March 17, 2011 the Council met at the UN headquarters, and, by a vote of 10 in favour to none against, with five abstentions (Brazil, China, Germany, India and the Russian Federation), adopted Resolution 1973(2011) on Libya. Resolution 1973 (2011) was the quickest Council resolution involving the use of military hardware in an only weeks' old uprising in the Council's Organ's history (*The Guardian News*, August 8, 2012). The resolution declared thus:

> Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011), expressing grave concern at... civilian casualties, Reiterating the responsibility of the Libyan authorities to protect the Libyan population ... further condemning acts of violence ... considering that the widespread and systematic ... crimes against humanity, expressed its readiness to ... support humanitarian assistance in the Libya... expressing its determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance … decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians, … the ban shall not apply to flights whose sole purpose is humanitarian.

While the overarching intention of Resolution 1973(2011) was to ensure the "protection of civilians, no fly zone, enforcement of arms embargo, ban on flights, establishment of designations, and panel of experts to help civilian population in Libya" (S/RES/1973(2011), the Council eventually concerned itself with regime change in Libya. To achieve this objective, it invoked Chapter VII of the Charter. Chapter VII mandated the North Atlantic Treaty Organisation (a military organisation where China does not have a veto power) to pursue the British, France and US mission of regime change by all necessary measures. The scramble to control Libya's resources was on.

On 16 September 2011 the Council adopted Resolution 2009(2011) to re-enforce Resolution 1973(2011) in the Libyan Arab Jamahiriya. Resolution 2009(2011) establishes the UN mandate "to establish a United Nations Support Mission in Libya (UNSMIL)"

(S/RES/2009(2011). It also retracted some of the declarations in Resolution 1970(2011) and further decided that "the measure imposed by paragraph 9 of resolution 1970 (2011) shall also not apply to the supply, sale or transfer to Libya of: (a) arms and related material of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification; (b) small arms, light weapons and related material, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification" (S/RES/2009(2011)).

While Resolution 2009(2011) has allowed Britain, France and the US to export and sell arms to the rebel group known as the National Transitional Council (NTC),it also declared "that the Libyan National Oil Corporation (LNOC) and Zueitina Oil Company shall no longer be subject to the asset freeze" (S/RES/2009(2011).

Resolution 2009(2011) saw the eventual demise of the Libyan government and its leader, Colonel Muammar Gaddafi through the combined effort of NATO mercenaries and the NTC on October 20, 2011. Seven days after the assassination of the Libyan leader, despite the TNC's fervent prayer for the UNSC to stay in Libya a little longer on October 27, 2011 the UNSC adopted Resolution 2016 (2011). It asserted: "Acting under Chapter VII of the Charter of the United Nations, the Council welcomes the positive developments in Libya (the collapse of Libyan regime and murder of Libyan Leader- Colonel Muammar Gaddafi) which will improve the prospects for a democratic, peaceful and prosperous future, … Decides also that the provisions of paragraphs 6 to 12 of Resolution 1973 (2011) 'no fly zone' shall be terminated from 23.59 Libyan local time on 31 October 2011" (S/RES/2016(2011).

Still celebrating the death of Libyan leader, the Council reconvened and issued Resolution 2017(2011). This resolution "recalls its previous resolutions 1373 (2001), 1526 (2004), 1540 (2004), 1970 (2011), 1973 (2011), 1977 (2011), 1989 (2011), 2009 (2011) and 2016 (2011), and the statements of its Presidents S/PRST/2005/7 and S/PRST/2010/6; Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya; mindful of its primary responsibility for the maintenance of international peace and

security; Calls upon the Libyan authorities to take all necessary steps to prevent the proliferation of all arms and related material of all types" (S/RES/2017(2011). It is however, important to note the arms in Libya were provisioned by the Council in Resolution 2009(2011).

Resolution 2022 (2011)-- the UN Security Council's concluded: "Stressing the importance of the UN's, including UNSMIL's, continued support to the transitional government of Libya in addressing immediate priorities as set out in paragraph 12 of Resolution 2009 (2011), [d]ecides to extend the mandate of the United Nations Support Mission in Libya established by paragraph 12 of Resolution 2009 (2011) until 16 March 2012, and looks forward to the report of the Secretary-General, including recommendations on the next phase of UNSMIL's support to Libya" (S/RES/2022(2011). According to scholars such as Hawkins (2003), Isike, Uzodike and Gilbert (2008), and Amuwo (2009), Council resolutions are usually the reflection of the will of powerful states such as the US, Britain and France in conflict areas as opposed to the interests of affected citizens.

3.7. The impacts of the intervention on the Libyan Arab Jamahiriya Republic

Libya gained independence from her colonial master, Italy, on December 24, 1951. According to Liberty (2011), in 2008, "Libya has the largest oil reserve in Africa and is the ninth largest in the world with 41.5 billion barrels proven reserves". Its population amounted to "about six million people" (Hahn 1981:1).

Following a study conducted by the United Nations Security Council (2012: 42) on the impact of the Libyan crisis on the Sahel region, the report declares:

> While the impact of the crisis reverberated across the world, such neighbouring countries as Algeria, Chad, Egypt, Mali, Mauritania, the Niger and Tunisia bore the brunt of the challenges that emerged as a result of the crisis. In a relatively short period of time, the Governments of these countries, especially those in the Sahel region, had to contend with the influx of hundreds of thousands of traumatized and impoverished returnees as well as the inflow of unspecified and unquantifiable numbers of arms and ammunition from the Libyan arsenal. Although the volume and the impact of the returnee population differ from one country to the other, the

influx clearly has the potential to further exacerbate an already precarious and tenuous situation. In addition, these countries are directly threatened by an impending food security and nutrition crisis that could further exacerbate and negatively affect the political, social and economic situation in the region.

While this report suggests that the demographic constitution of Libya changed following the intervention in the 2011 Libyan conflict, *Global Issues* (2011: 1) finds that: the Libyan oil sector declined by 2.3%; disunity and division increased by 6.4%; external control rose by 11.2%; the Libyan population decreased by 0.6%; and proliferation of arms increased by 12.4%.It is clear that the 2011 Libyan conflict had an adverse impact on the country. The sense of oneness and nationhood was disrupted by the divisions engendered by the conflict. Apart from the loss of life and the decrease in national population due to mass exits and the use of lethal weapons and munitions, the proliferation of arms also made Libya a very dangerous state compared with conditions before the conflict (*Global Issues,* 2012).

Furthermore, the intervention also made Libya a less important player in African regional politics. Christopher M. Blanchard (2012: 15) argues that the principal element that makes Libya a strategic and successful state is its role in African politics and the national unity on which its foundations were laid. Disunity and division in post-conflict Libya has clearly undermined the security status of the state. State and human insecurity are the direct result of the intervention in Libya.

The United Nations uses the Human Development Index (HDI) to measure both human growth and development of member states. This also includes economic, political and social well-being of the citizenry of the state under review. The United Nations Development Programme's (UNDP) *Human Development Report* of 02 November 2011, which assessed 185 UN member states, ranked Libya sixty-fourth in terms of its Human Development Index. Libya is two places ahead of the Russian Federation. This suggests that Libya is better than Russia in both human growth and development. But the question remains why Russia was not targeted to establish a better way to improve the political and social well-being of its people. While France occupied 20th place with an HDI of 0.884 and the United Kingdom occupied 28th place with an HDI of 0.846, Libya's HDI is 0.760. At the bottom of the log is DRC, with an HDI of 0.286.Since Human development is not only linked to education and welfare but also to political and social freedom of individuals, why was it not necessary that all people

needing development are treated equally. While France occupies 7th place in HDI in terms of Europe, Britain did not make the top ten in Europe. Given that Libya is second after Seychelles on the African continent, the principle guiding is poor by the way of western interpretations of development (List of Countries by Human Development Index, 2012).

In the wake of February 2011, France, Britain and the US, under the umbrella of the UNSC and NATO, invaded Libya. They pursued the dethronement of the Libyan government through Resolution 1973 (2011). This effectively led to the killing of Libyan Leader Colonel Muammar Gaddafi and his sons and the recognition of the rebel leadership in Libya by these countries, as well as the loss of thousands of human lives at the hands of NATO.

The arguments presented to the UNSC relating to the action, or lack of action, on the part of both the Council and the AU illustrate that the consequence is the conundrum of state and human insecurity in Libya. The main concern in Libya is the degree of insecurity the Council and NATO created in their bid to instill security. Ole Waver (2004) holds that securitization theory argues that security is a (illocutionary) speech act; solely by uttering 'security', something is being done. "It is by labeling something a security issue that it becomes one" (Waver, 2004: 13).

Similarly, Campbell cited by Yobo (2009:27) maintains that although the state remains the fundamental purveyor of security, the focus has shifted from the security of the state to that of the people— human security. Isike, Uzodike and Gilbert (2008:25) and Yobo (2009:27) argue human security involves the validation of all citizens; war against poverty, disease and famine; the termination of all threats to human existence such as: community, economic, environmental, food, wealth, personal and political securities; demilitarisation of the human environment; and ending crimes against humanity such as genocide. In analogous vein, Edwards (2009: 764) insists that human security means protecting "vital freedoms". According to Edwards (2009) it suggests protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity, and livelihood. Human security in his view connects different types of freedoms—freedom from want, freedom from fear, and freedom to take action on one's own behalf.

It is however, important to note that the presence of the militarised NATO in Libya during the 2011 Libyan conflict underscored the great danger posed to human existence in that state and caused civilian population to flee and become refugees. According to Edwards (2009: 774) and Cordesman and Vira (2011: 61) seven hundred and ten thousand four hundred and eight (710,408) persons departed Libya as IDPs and about two thousand five hundred (2,500) citizens made up the refugee population during the UN-backed-NATO-led pogrom. Whether the refugees are viewed as victims of security deficits or as potential threats to national or international trans-border security, territorial assault and security are the defining elements in the refugee protection landscape and territorial integrity challenge. Indeed, some of the major aspects of human existence that the UN-backed NATO intervention in Libya undermined, in Campbell's (2002: 8) view, are: Economic security, food security, health security, personal security, community security, political security, and 'territorial security'.

Economic security: or financial security is the condition of having stable income or other resources to support a standard of living now and in the foreseeable future. It includes: probable continued solvency predictability of the future cash flow of a person, individual need for a basic source of income either from productive and remunerative work or from a publicly financed safety institution or other economic entity such as a country employment security or job security (Economic Security…, 2012).

Food security: Food availability: sufficient quantities of food available on a consistent basis. Food access: having sufficient resources to obtain appropriate foods for a nutritious diet. Food use: appropriate use based on knowledge of basic nutrition and care, as well as adequate water and sanitation (http://www.who.int/trade/glossary/story028/en/).

Health security: protection from diseases and unhealthy ways of living.

Personal Security: to protect people… from physical violence either from state or external forces as well as from groups within states.

Environmental security: protecting people from short- and long-term ravages of nature and man-made threats to nature.

Community security: protecting people from the loss of traditional relationships and values and from sectarian and ethnic violence.

Political security: political security is concerned with whether people live in a society that respects their basic human rights.

In light of the above, the UN-backed NATO intervention in Libya which was primarily responsible for creating refugees and generating IDPs in Libya critically threatened human security and the lives of Libyans, who were dislodged from their normal daily activities. According to REUTERS (2011), during the NATO incursion in Libya, more than 50,000 people were killed; between 200 and 500 were IDPs based on independent reports from the UNCHR and Internal Displacement Monitoring Centre (IDMC) respectively and 11,000 people became refugees and asylum-seekers from a country that had the highest HDI on the continent after Seychelles in 2011 (http://www.unhcr.org/pages/49e485f36.html).

Since the end of World War II, the international political system has been structured around three central tenets. According to Elden (2009:11) these are the notion of the equal sovereignty of states, internal competence for domestic jurisdiction, and territorial preservation of existing boundaries. The United Nations Charter underlines these tenets in its first Chapter when it notes that all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. Other Articles of the founding Charter, as well as Security Council and General Assembly resolutions have continually stressed these central founding principles. Elden (2009) observes that these tenets are interrelated in that the notion of territorial integrity means both territorial preservation and territorial sovereignty and political independence which require both exclusive internal and equal external sovereignty. NATO did not respect this norm in Libya.

Michael Walzer argues that state sovereignty and territorial integrity generally provide measures of protection within national borders (Elden, 2006: 13).Indeed, if an invasion has been threatened or has actually begun, it may be necessary to defend the border as it represents the security of the people. In view of the above, Elden (2006) maintains that wars of aggression, to avert the violation of human rights, cases of enslavement or massacres may be fought in defence of the state and its population. In this sense therefore, sovereignty and the territorial integrity of the state is the manner in which exclusive jurisdiction is exercised over the respective territories of an empire or nation-state, in this case, Libya.

The concept of state sovereignty was a popular one at the time of independence of former colonies. It should be noted, however, that as the post-colonial period progressed, and the doctrine and principles of democracy made their way into democratic states, the military incursion pendulum began to swing back. States began to monitor and effectively control the territory under their occupation and leadership. Thus, the national interest and the military force that dominated the Cold War discourse are no longer considered well suited to the transnational character of many of the new challenges of post-Cold War independent states (Edwards, 2011: 763). It is of particular importance to highlight that the 2011 UN-backed NATO intervention in Libya undermined the principles that guide the conduct of territorial ownership and the occupation of states; the AU indirectly supported this through its indecisive actions.

The UN-backed, NATO-led intervention in Libya brings into focus uneasiness about "crossing the sovereignty line and getting into other people's business" (Crocker *et al*., 2007: 231). According to Crocker *et al*. (2007), outsiders (such as NATO in Libya) are not necessarily best equipped to intervene; they have no self-evident mandate to intervene without advancing their own national interests to the detriment of the state they profess to set free. In his accounts of preventive statecraft, Jentleson (2004) maintains that notwithstanding claims of neutrality or non-involvement, there is no 'non-position' for international actors (such as NATO in Libya). Jentleson (2004) adds that while international actors may profess neutrality, be it limiting their involvement to humanitarian rescue, protecting civilians and the territory or simply staying out, one way or the other, these actions affect the state's territorial integrity.

The works of Jenleson (2004) and Crocker *et al*. (2007) suggests that interference in the domestic affairs of a sovereign state by international actors could undermine the territorial integrity of the affected state. Other scholars disagree. According to Fielder (2011), the realist paradigm presupposes that the Libyan government should have engaged in self-help or conducted its own affairs as an independent and sovereign state during the crisis. In terms of this view, the government of Libya was only re-asserting its authority against internal security threats. In terms of the realist paradigm, no other state has the right to interfere with Libya's internal affairs. Thus, any act to stop an established and a globally recognised state from defending its people and territory is a violation of state sovereignty (Fielder, 2011 and Jawaro, 2011).

While the realist paradigm holds that intervention in sovereign states undermines the leadership of a state, the constructivist and liberal paradigms firmly hold that the state system has transcended simple anarchy to establish a system where accepted norms of behaviour diffuse through state and international organisations. According to Fielder (2011), a state's decision to be part of the global community implies its agreement to sacrifice some of its sovereignty in order to gain shared benefits such as security and trade. While this constructionist view is a reality that obtains in the current international system, Liberty (2011) is opposed to the constructionist paradigm.

According to Liberty (2011), NATO's intervention in Libya ridiculed the principle of territorial control and ownership, especially since it was conducted in order to benefit states such as Britain, France and the US. In his view, Libya was merely resisting the new colonialism. Liberty (2011) argues that colonisers such as Britain and France and the leading neo-imperial leader, the US assigned noble labels such as protecting civilian to their national political and economic interests that undermined the sovereign rights of the affected state and its population. Liberty argues strongly that NATO's role in Libya during the 2011 uprising strips claims to be protecting civilian propaganda of any credibility. Liberty notes that Britain, France and the US relied on the uniformity of the corporate-owned media coverage about their humanitarian motives and the protection of the civilian population to disguise their crass and cynical plans to politically and economically marginalise Libyans in the international system.

3.8. Conclusion

Having appraised the roles of the AU, NATO and the UNSC in the 2011 Libyan conflict, this chapter concluded that the UNSC, through the hurriedly enforced no-fly zone over Libya, precipitated both state and human insecurity in Libya. It also emphasised that the AU's inability to effectively intervene was a direct result of the lack of unity on the continent. The unity of African nations is one of the principle ways to deal with African political problems. A united Africa would be a force to be reckoned with, but a divided one is an enduring source of conflict for both the continent and its people.

Chapter Four

The Responsibility to Protect (R2P) clause and the challenges of state and human insecurity

4.1. Introduction

Taking into account that both the remote and immediate causes of the 2011 Libyan conflict are linked to the UNSC resolutions and interventions discussed in chapter three, this chapter focuses on the R2P doctrine, as this doctrine has implications for the crisis in Libya. This chapter also highlights that the prospect of global peace in the post-Cold War world is difficult to attain. The lessons learnt in chapters one, two, three and four are clearly outlined and it is demonstrated that R2P is not a sufficient instrument to instill peace.

4.2. The concept of Responsibility to Protect

The term 'Responsibility to Protect' (R2P) has been defined by Kiszti (2012), Garrigues, (2007) Scanlon *et al*., (2007), Luck (2008) and Burke (2009) as the obligation to protect citizens from mass violence and suffering, genocide, war crimes, ethnic cleansing and crimes against humanity and to provide a framework for humanitarian intervention in restricted circumstances, rather than to create an alternative framework for human rights protection. The five main documents in which the R2P has been articulated are the High Level Panel's "Report on Threats, Challenges and Change"; the Secretary-General's Report "In Larger Freedom"; the Outcome Document of the World Summit of 2005; UN Security Council Resolution 1674; and the UN Secretary-General's Report on "Implementing the Responsibility to Protect" (*Office of the President of General Assembly*, 2009).

While all these documents seek to ensure that the international community plays a collective part in the protection of civilian populations in conflict-affected areas around the world, none of them can be considered a source of binding international law in terms of Article 38 of the Statue of the International Court of Justice (ICJ), which lists the classic sources of international law. Thus, theR2P has become part of the enduring acrimony between the intervened and the intervening state. According to Burke (2009) one of the perennial issues

confronting the international community is the degree to which that community is responsible for the protection of civilians during humanitarian crises.

According to the UN Human Rights Council report of 2006 cited in Kiszti (2006: 8) and Burke (2009) the goal of the R2P concept was to establish some consensus on when intervention should be permitted, under whose organisation and authority, and the manner in which that intervention should occur. Thus, the R2P doctrine maintains that state sovereignty implies a primary and fundamental responsibility to protect all citizens from any heinous crimes.

According to Scanlon *et al*., (2007:6) the principle of R2P places three responsibilities on the shoulders of the international community: "the responsibility to prevent; the responsibility to react; and the responsibility to rebuild". This is a new way of conceptualising state sovereignty in order to move to a culture of national and international accountability; however, there has been much criticism of the functionality of the R2P. One such criticism is that it often appears ambiguous; the circumstance under which intervention can and cannot be used is often unclear. This, in turn makes it possible for the R2P to be dovetailed into human security conditions in some states, where the principle was employed to arrest human insecurity; the 2011 Libyan crisis is a case in point.

In *Replacing the Responsibility to Protect: the Equitable Theory of Humanitarian Intervention*, Ciaran Burke (2009:34) expresses doubts about the possibility of any successful application of the R2P. In his view, the concept is flawed, because R2P is "superficially attractive". He holds that two obvious causal factors for intervention have been omitted from just cause, namely, the "Overthrow of democratically-elected regimes and Massive abuses of Human rights". He asserts that the R2P concept will continue to victimize the groups that it seeks to redeem because "many of the R2P's ideas were misconceived, and its threshold criteria are faulty at best" (Burke, 2009: 35).

Burke (2009) adds that the R2P clouds the debate on humanitarian intervention and sets criteria which might easily be used for other, altruistic reasons. For example, there are many circumstances in which external military intervention, regardless of exigent circumstances, will not be a viable option; if China were to use aggressive military force against some form of separatist uprising in Tibet or Xinjiang Provinces, the international community could

condemn the action, but there would be no real military options in terms of a response. For that matter, there would be no major military option if any one of a number of major powers committed R2P-delineated crimes (Western, 2011)

According to Burke (2009) another criticism of the R2P is the fact that the principle is rooted in "legal nothingness". Neither state practice, nor major treaties have included affirmative references to the concept, and while the UNSC Resolution 1674(2006) reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (WSOD) regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, this did not entail legal incorporation of the R2P, nor does it serve as any sort of future guideline for Security Council activities.

Burke (2009) and Alm (2011) argue that the lack of legal foundations for the R2P helps the crusaders for the concept to advance dubious claims and serves the interests of the interveners. He contends that while the idea of 'good international citizenship', which implies the responsibility to intervene anywhere in the world when serious crises emerge, due to the interdependence of the world community may counterbalance fears of opportunistic interventions, it is fanciful at best. Martti Koskenniemi notes sarcastically that, "it is never Algeria that will intervene in France or Finland in Chechnya" (Burke, 2009: 139). Furthermore, the UN permanent five does not exercise their veto unless a matter is of prime interest to them. It is almost always powerful states that intervene in weaker states. In this regard, Burke observes that even though the interveners claim the intervention is "not necessarily for Realpolitik but the moral duty to protect", in essence, it represents treachery (Burke, 2009: 139).

Burke adds that the prism of R2P favours the Liberal, quasi-utopian notion of a world of interdependent states, each of which has an interest in every conflict, every time they occur, due to the universal desire for a stable world environment. He notes that this vision is roundly refuted by Realists, who point to the fact that unless states' vital interests are at stake, they will not intervene if intervention risks soldiers' lives or incurs serious costs. Thus, a happy coincidence where the promotion of national security also defends human rights becomes the preferred alternative. The strength of this position is that it recognises the reality of state interests and power; its weakness is that it makes humanitarianism dependent on shifting geopolitical and strategic considerations. This leads to the conclusion that "some alternative

formulae for permissible intervention do not posit primacy of humanitarian motives as a sine qua non of intervention" (Wheeler, 2000: 33). The UNSC Resolution 1973 and NATO's military intervention in Libya lend credence to this claim.

4.3.   The Doctrine of responsibility to protect and its application in Libya

The overarching purpose of the Outcome Document of the High-Level Plenary Meeting of the General Assembly of the United Nations in September 2005 was to endorse that each individual sovereign state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Furthermore, it emphasised that the international community should, as appropriate, encourage and help states to exercise this responsibility through United Nations agencies. This clarified the import of the International Commission on Intervention and State Sovereignty (ICISS) which had occupied centre stage in political debates on states' unwillingness or inability to defend their civilian populace. Furthermore, the international community, through the UN has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapters VI and VIII of the Charter, primarily to help protect affected populations from human insecurity. However, in the 2011 Libyan conflict, the UN-backed NATO did not use peaceful means, but launched an aggressive military assault on both the military and the civilian population in the country.

Well-intentioned as the provisions of Chapters VI and VIII of the UN Charter might be regarding the protection of vulnerable populations in crisis situations, the track record of UN actions and inaction in Rwanda, Cambodia, Srebrenica, and especially in the 2011 Libyan crisis have clouded its objectives in protecting civilians. The failure of the UN to respond to the horrific genocide in Rwanda in 1994 and in Cambodia two decades earlier as well as to the mass murders in Srebrenica in 1995, the latter two under the watchful eyes of UNSC, raised disturbing questions both about the political will and the capacity of the UN, and the economic interests of the Security Council's P5 regarding interventions.

On 22 February, one week after the uprising in Libya, the Global Centre for the Responsibility to Protect (GCRP) requested the "Security Council to take steps including establishing a no-fly zone over Libya, and implementing an arms embargo and targeted

sanctions against the regime of Muammar Gaddafi" (Notaras and Popovski, 2011: 3). According to Notaras and Popovski (2011) the call for UNSC intervention was necessary because the Libyan government was undermining Pillar Three of the 2005 World Summit Outcome Document. Pillar Three activates international intervention when states are manifestly failing or unwilling to protect their citizens.

It is pertinent to note that in the Preamble to Resolution 1973, the following determination was added: "Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians in Libya". This note suggests that the Libyan government had the capacity to protect its civilian population but did not do so. Interestingly, this text refers to both the recent norm of R2P, and to the Protection of Civilians (PoCs) — the latter being an old principle of Just War theory found in religious traditions, but which was universalised as a norm in international humanitarian law through the "1949 Fourth Geneva Convention" (Patrnogic, 2006: 68)

While the UN Security Council intervened in Libya under the R2P, scholars such as Mehrunisa Qayyum (2011) and David Rieff (2011: 1) are skeptical of the UN's role in Libya. They assert that it might be argued that Gaddafi's statement to go house-to-house to deal with the state offenders in a broadcast might have provided entry point for the Western states into the Libyan conflict, the UN-backed-NATO-led intervention in Libya was never intended to execute the R2P, but rather represented the affirmation of the powerful states' freedom to invade weaker states at will. They observe that the UNSC and NATO penetrated Libya following the claim that citizens of Libya were under threat of genocide or grievous harm after Gaddafi's Benghazi broadcast that called the rebellious residents 'rats'. Rieff (2011: 1) and Jon Western, (2012: 1) add that the UNSC and NATO intervention in Libya "obscured the fact that NATO's interpretation of R2P in effect puts the old wine of Kosovo-style humanitarian military intervention in a new U.N.-sanctioned bottle"

These authors maintain that Britain, France and US intervened in Libya to secure regime change, not to protect civilian population as they professed. For example, they note that London, Paris and Washington had no trouble ignoring their professed values and turning a blind eye to Gaddafi's 'crimes' when it suited them to do so. They then decided that their interests would be best served by backing the Libyan iteration of the Arab Spring. In this

sense, regime change became the West's policy, and the civilian-protection mandate of the R2P was its cover.

It has been claimed that the doctrine of R2P decimated more human lives than it protected in Libya (Qayyum, 2011: 2). Libya is another example of selective international concern for civilian populations. The swift and unprecedented UN decision-making and robust NATO military action in oil-rich Libya highlights the disparities in international responses to threats to international security and peace. For example, "over 5,000 Syrians have been killed while thousands more remain in political detention since March 15, 2011" (Qayyum, 2011) when the uprising first emerged in the south-western city of Daraa. However, neither the UN nor NATO, used the R2P to intervene in Syria at the time and there appeared to be no prospect of future intervention. Eventually, China and Russia vetoed proposed military intervention in Syrian conflict in July 2012. This raises the question as to why military intervention was pursued in Libya.

It can thus be concluded that a doctrine of intervention that both claims the moral high ground and universality, but where the interveners are always from the global North and the targets always from the global South neither invokes the R2P nor the protection of civilians. Rather, it is real politik. In this sense, the UN-backed NATO intervention in Libya remains geopolitical business as usual. Rieff (2011) observes that while Paris, London, and Washington were congratulating one another for a job well done in Libya, in the UNSC, China and Russia were vetoing the imposition of far milder, nonmilitary sanctions against Syria. In his view, no R2P-based call or Libya-type interventions will be sanctioned by the UN in the foreseeable future because of the suffering caused to Libyans by UN and NATO actions.

4.4. NATO and the responsibility to protect in Libya

Those behind the 2011 Libyan conflict viewed NATO as part of the group of professional mercenaries, hired by Britain, France and the US to kill Gaddafi under the pretence of the R2P the civilian population. The Libyan people's euphoria and NATO's relief at the successful military campaign that removed Gaddafi and his eventual death clearly tempered criticisms of the manner in which NATO rode roughshod over UN authorisation to protect

civilians. The jury indeed is still out on whether international military action in Libya will promote consolidation or softening of the R2P norm. Resolution 1973 authorised military action to prevent civilian slaughter but did not authorise intervention in a civil war (any state has the right to use force to suppress armed uprisings), effect regime change, or target Gaddafi. To the extent that he was so targeted, NATO exceeded UN authority in breach of the Charter code.

By its very nature, including unpredictability, unintended consequences and the risk to innocent civilians caught in the crossfire, warfare is inherently brutal. This raises the question: under what circumstances is the use of force necessary, justified and required to provide effective international humanitarian protection to at-risk populations without the consent of their own government? In the absence of genuine R2P, the intervention is more likely to be *ad hoc*, unilateral, self-interested and deeply divisive.

Evans, G. and Sahnoun, M (2001) and Ramesh Thakur (2008) noted that the unilateralism and self-interestedness of NATO was a key difference between Kosovo in 1999 and Iraq in 2003. NATO's intervention in Libya in 2011 might be seen as a clear case of self-interestedness. The UN's failures in Africa and the Balkans in the 1990s reflected its structural, political and operational deficiencies that led to its inability to save people from a life of hell on earth. Thakur (2008) posits that R2P responds to the idealised UN as the symbol of an imagined and constructed community of strangers. While the implied UNSC claim that "we are our brothers' and sisters' keepers" is noble one, in Libya, the UNSC served as the killer of its brothers and sisters.

In the Balkans, it took NATO almost a full decade to intervene with air power. In Libya, it took one month to mobilise a broad coalition, secure a UN mandate, establish and enforce no-fly and no-drive zones and to stop Libya's advancing army from securing the security of the state. Adopted on 17 March 2011 by a 10-0-5 vote (with China, Russia, Brazil, Germany and India abstaining), Security Council Resolution 1973 was carefully crafted both to authorise and widen the scope of intervention. The African representatives in the UNSC also voted in support of the no-fly and no-rive zones. This suggests that not only did the African members not understand the implications of supporting such measures, but that, as noted in chapter three there was a lack of African leadership.

According to Veuthey, (2006) and Rieff (2011: 2), the "R2P is a doctrine born of good intentions, but one of its great drawbacks is that it turns war into a form of police work writ large, guided by fables of moral innocence and righteousness". War, even when it is waged for a just cause and with scrupulous respect for international humanitarian law, always involves a descent into barbarism (think of the way Gaddafi died). This is why even when the R2P is applied well, it carries moral risks. When it is distorted, as it was by NATO in Libya, the R2P is not a necessary reform to the international system, but a threat to its legitimacy Schraeder, (1994) and Martin and Edwards (1995: 15). When R2P supporters advocated the doctrine in the UN in the middle of the past decade, they emphasised its nonmilitary aspects and insisted that the use of force would be a rare, last resort. Yet in Libya, military force almost immediately followed the ultimatums issued to Gaddafi; to all intents and purposes, the R2P was NATO-ized. As a result, except in the NATO-led states, R2P has lost what little ethical credibility it ever commanded.

4.5. The AU and the Responsibility to Protect in Libya

The AU's objectives of preventing conflict from occurring and protecting civilians when it occurs, attainable as they might be, have been fraught with the security challenges that have confronted leadership in Africa since independence. After fair attempts in Togo, Sao Tome and Principe, it became difficult for the AU to gain full control of other conflicts in affected African states, from the Rwandan genocide, to Sudan-Darfur, to DRC, to Cote d'Ivoire, and especially the 2011 Libyan crisis. Thus, international organisations such as the UN and NATO have taken centre stage in these conflicts. This is despite the AU's introduction of the Constitutive Act which discusses the organisation's intervention plan and provides the AU with the legal backing to intervene in a conflict-ridden member state in order to curtail threats such as "war crimes, genocide, and crimes against humanity" (Kalu, 2009: 17).

The AU aims to: achieve greater unity and solidarity between African countries and peoples; to promote and defend African common positions on issues of interest to the continent and its peoples; to promote peace, security and stability on the continent; and to promote democratic principles and institution, popular participation and good governance. These are the foundation pillars of the peace initiative that was established with a view to enhancing the

cohesion, solidarity and integration of the peoples of Africa. Sadly, this creed was entirely absent in Libya and Gaddafi died as a result of the failure to invoke and implement it.

When 43 African heads of state met in Durban in July 2002, the transition from the OAU to AU was motivated by the need to make changes to the fundamental hubris in the pan-African peace and security schema (Yobo, 2009: 81). This has a deep-seated respect both for the parameters of sovereignty and for the need for intervention in order to protect human lives. Elements of the R2P were used to strengthen the AU's emerging peace and security regime. This is evident in the Constitutive Act of 2002, even before the R2P was globally accepted as an international norm for intervention in the 2005 World Summit Document. According to Kalu (2009:18), for example, "Article (4)h of the Constitutive Acts provides right to intervene, impose sanctions, and override sovereignty of the affected member state and follow up in terms of conflict prevention, issues of genocide, crime against humanity, human rights among others". Yobo (2009) adds that the necessary intervention should be conducted within the guiding rules and regulations of mediation and especially in accordance with the "African Charter on Human and People's Rights and other relevant human rights instruments" and (Yobo, 2009: 81). This is in order to guarantee human rights during intervention in any conflict.

With regards to the lessons drawn from AU's response to conflict situations as in Darfur 2003, it has entrusted its peace-keeping capabilities to the Peace and Security Council (PSC). According to Yobo (2009), the PSC is composed of an African Standby Force, a body of multidisciplinary military and civilian contingents for rapid response and deployment. In keeping with the principle of the Charter, part of the duties of the PSC is to ensure the signing of peace/ceasefire agreements and provide care to those who are in the midst of humanitarian crises as a result of conflict. She adds that, "the prevention-reaction-rebuilding field of protection" as articulated by the Responsibility to Protect Act, the emerging frameworks and the founding documents therefore underscore the importance of conflict prevention and sustainable post-conflict reconstruction through development and transformation as a means of achieving conflict-free states on the continent (Yobo, 2009:45).

4.5.1. African Union's capacity to respond to the Libyan crisis

Michael Doyle's (2006) assertion that "peace, law and order cannot be enforced on any resistant population" is pertinent in examining conflict-affected areas in Africa and beyond. Human-induced conflicts such as the 2011 Libyan conflict which some expert observers such as International Crisis Group (2011)blamed on the Western-led UN Security Council and NATO, are, on the one hand, a reflection of the AU's inability to assert itself and, on the other hand, a demonstration of the lack of unity on the continent. The AU through the New Partnership for Africa's Development (NEPAD) initiative and the PSC, developed its capacity by means of a "comprehensive continental plan and diplomatic strategy to marshal resources from both within and outside the continent" to provide African solution to African problems (Yobo, 2009: 94). This includes taking appropriate, collective decisions as a unit to intervene and take the lead in resolving African conflicts.

A few weeks after the uprising in Libya, the AU condemned the conflict in the strongest of terms and unanimously maintained that it would be resolved through the AU's conflict response mechanisms. The AU "reaffirm[ed] its strong commitment to the respect of the unity and territorial integrity of Libya, as well as its rejection of any foreign military intervention, whatever its form" (AUPSC/PR/COMM.2(CCLXV)). While this declaration presented the AU as an organisation that sought to instill peace in Libya, it did not take long for the organisation to crack. This first became apparent when NATO ignored the AU's calls for non-foreign military intervention and invaded Libya with the UNSC's support. NATO departed only after the Libyan leader, Colonel Muammar Gaddafi was killed.

The targeted killing of Gaddafi by the Western-led NATO and UNSC elements not only questioned the efficiency and the capacity of the AU to defend African leaders who found themselves in conflict with powerful Western states; it also leads to the question: asks, what does the AU's R2P doctrine entails in the current continental and international conflict resolution and transformation system? The selective application of intervention and the shift from civilian protection to regime change practiced by NATO and the UNSC in Libya also calls into question whether or not the AU enjoys decisive leadership and whether theR2P can become anything more than a tool for regime change or *ad hoc* responses to violence against civilians. The doctrine's major promise when it was unanimously adopted at the World Summit in 2005 was that it would become the needed corrective measure in episodes of mass

atrocities and that it would contribute to the broader transformation of global society. However, its application in Libya did not abide by this promise.

Before the death of Gaddafi in October 2011, the chain of command holding the AU together seemed to have broken. The member states became divided over Libya and could neither enforce the R2P principle nor military intervention as provided by the AUCA. According to *African Economic Outlook* (2012: 24) the two most powerful states in Africa, the Federal Republic of Nigeria and the Republic of South Africa were clearly divided on critical issues in Libya; as was in the case in Cote d'Ivoire other member states took sides with either Nigeria or South Africa. This crack in Africa's unity and the AU's lack of military capacity diminished the continent's capacity to protect civilians and may have allowed for the death of Gaddafi. The disunity regarding Libya was once again reflected when Nigeria and 34 other African countries recognised the leadership of the Transitional National Council (TNC) as the legitimate Libyan government. South Africa, Zimbabwe and Uganda did not recognise the TNC regime until they were bullied into doing so by the US, Britain and France and the majority of the African states.

4.6.   Who has the responsibility to protect the Libyan Population?

The international community has a contentious history when it comes to preventing and halting mass atrocities. According to Aidan Hehir (2011) throughout the 20th and early 21st centuries, states largely failed to act according to their responsibilities as signatories of the 1948 Genocide Convention, 'standing by' time after time while civilians were targeted by their leaders, despite their declarations that such crimes must "never again" be allowed to happen. It was only in 2001, under the shadow of shameful inaction during the Rwandan genocide and in the light of the perceived success of the 1999 Kosovo intervention, that the international community was finally able to produce a comprehensive framework of policy tools designed to guide states towards preventing mass atrocities. The R2P is a moral tool intended to halt atrocities as they occur and rebuild and reconstruct societies in the wake of such crimes.

However, according to Aidan Hehir (2011), it is the national duty of the Libyan government to protect Libyan citizens; Britain, France and the US should not protect Libyans as they are

not British, French and US citizens. In Hehir's view, the R2P contains structural barriers to effective action; until these barriers are removed, the use of force to subdue an enemy state will continue. Hehir (2011) argues that the laws governing the use of force and the structure of the UN are the same in 2011 as they were in 1991. For all the hype surrounding the R2P it constitutes no more than a slogan which has served to embolden those who are convinced that eloquent appeals to behave responsibly influence world politics.

Since the R2P was officially recognised at the World Summit a number of mass atrocities have occurred which undeniably warranted external intervention. Yet, in the face of "state-sponsored slaughter in Sri Lanka, Darfur and the DRC, the Security Council chose not to sanction effective action" (Hehir, 2011). If R2P meant something and had real influence, why was this so? Pro-R2P scholars argue that the R2P constitutes more than military intervention and that such action is not always prudent. A more accurate explanation, however, is that the response of the international community remains dependent on the interests of the P5; in the absence of a duty to act, the R2P constitutes no more than a 'discretionary entitlement'. Hence inconsistency and inertia are inevitable.

O'Connell (2011) supports this viewpoint, noting that just hours after Gaddafi's Benghazi threat, the UNSC responded with Resolution 1973 authorising military force to protect civilians; the bombing campaign began within hours of the UN vote. Only one month after the civil war began, in comparisons with Rwanda and Bosnia, and President's Obama's statement that the use of force would last only a few days, there were clear indications that neither the Security Council nor the states—Britain, France, and US—involved in the intervention were focused on the test based on the principle of necessity. The principle of necessity requires that even the use of force with a lawful basis in the UN Charter, such as Security Council authorisation, must nevertheless be a last resort and have the prospect of achieving more good than harm. The interveners failed at the outset to demonstrate either aspect of necessity.

Serious analysis prior to the intervention would have revealed the likelihood of high casualties resulting from the intervention, as well as alternatives to it. O'Connell (2011) argues that, due to NATO's intervention, a violent insurrection that might have been suppressed in a few days gained a new lease on life with fighting continuing for more than six months. Resolution 1973 authorised military action to prevent civilian slaughter, not

intervention in the civil war. Though it is generally accepted that one cannot kill a frog with a gun as response must be in line with the aggravation, Ramesh Thakur (2011:13) insists that any state has the right to use force to suppress armed uprisings within its borders. In light of the above the 2011 Libyan uprising would have been best managed if the NATO allies did not get involved, as was the case in Tunisia and Egypt. Thus, the mission that effected regime change and targeted and killed Gaddafi acted outside of the confines of the guiding principles of R2P and the principle of state sovereignty. This is why Thakur (2011) maintains that, to the extent that Gaddafi was targeted, NATO exceeded UN authority in breach of the Charter law.

In *The Responsibility to Protect and the Problem of Regime Change*, Alex Bellamy (2011) concurs with Thakur. He observes that the use of attack helicopters by the UN mission in Cote d'Ivoire to oust Laurent Gbagbo from power in April 2011 and NATO's decision to interpret UN Security Council Resolution 1973 as permission for the use of airpower to overthrow the Gaddafi regime and install the TNC provoked strong responses from several UN member states. Long-standing critics of the R2P, Nicaragua and Venezuela, for example, used particularly blunt language to criticise the UN-backed NATO intervention in Libya as complicity in neo-imperialist interventionism dressed up in humanitarian garb. Bellamy (2011) notes that Nicaragua and Venezuela complained thus:

> Once again we have witnessed the shameful manipulation of the slogan protection of civilians for dishonourable political purposes, seeking unequivocally and blatantly to impose regime change, attacking the sovereignty of a State Member of the United Nations [Libya] and violating the Organization's Charter. Once again, the logic of interventionism and hegemony has prevailed through a disastrous decision with incalculable potential consequences for tens of millions of individuals worldwide.

Furthermore, Venezuela added that:

> It is regrettable that certain countries are seeking regime change in Libya, in violation of the Charter of the United Nations. Those actions contravene resolution 1973 (2011), which calls for respect for the sovereignty and territorial integrity of Libya.

More worrying than these harsh criticisms from two of the half dozen or so opponents of the R2P, however, was the fact that three members of the emerging 'BRICS' (Brazil, Russia, India, China, South Africa) group – all of whom had moved over the past two years towards

an accommodation with the new principle – also spoke out strongly against the UN and NATO actions in Cote d'Ivoire and Libya. The Chinese Government—a permanent member of the Security Council—(Bellamy, 2011: 5) also argued that, "The responsibility to protect civilians lies first and foremost with the Government of the country concerned". The international community and external organizations can provide constructive assistance, but they must observe the principles of objectivity and neutrality and fully respect the independence, sovereignty, unity and territorial integrity of the country concerned. There must be no attempt at regime change or involvement in civil war.

4.7.   The lack of unity in Africa: the death of Gaddafi in Libya

Libyan leader Colonel Muammar Gaddafi would not have been killed by the NATO forces if the African leaders were truly united. The establishment of the AU's PSC and the development of the African Standby Force (ASF) recognised the political implications of Western powers mediating in the domestic affairs of African states. According to Nowrojee (2003), the AU's efforts to create a conflict-response system recognise that Africa, like any other continent, is not conflict-free. African leaders are aware of the possibilities of both low and high-profile conflict on the continent and have created institutions to help to resolve them. However, the internal divisions between and among the member states have become a conflict-stoking element in Africa's peace endeavour and have led to African leaders serving their own self-interests in their response to conflicts.

More precisely, Gaddafi died as a result of disunity in Africa and a lack of leadership from the African representatives in the UNSC -- the non-permanent members of Council who voted for the UNSC Resolution 1973 in Libya—Gabon, Nigeria and South Africa. Clearly, being a part of the Resolution 1973 would have helped the AU to intervene meaningfully to de-escalate the conflict and resolve it through diplomatic means. But the diplomatic route was hardly used to diffuse the unrest in Libya. It may be argued that the African representatives' vote for the Resolution 1973 was informed by factors such as Gaddafi's disruptive and active interference in the domestic politics of African states such as his call for the separation of Nigeria into two parts (*Vanguard Newspaper*, October, 2011). Similarly, one of AU documents notes that he had himself proclaimed "King of Kings" by a group of ethnic

leaders, a direct reference to Ethiopia's Haile Selassie, one of the last ruling monarchs on the continent.

As was the case in the Cote d'Ivoire, the AU's push for lasting peace with respect to regional conflicts are frequently unraveled by internal African bickering over strategic direction. Citing the Ivorian experience, the vice president for multilateral affairs at the International Crisis Group (2011) firmly holds that lack of cohesion is an obstacle to resolving major conflicts in Africa.

Whether to retain Gaddafi in power or to transfer leadership to another Libyan is a matter that the African states could have diplomatically mediated and resolved without any loss of lives or the human security conditions so sadly witnessed in Libya. According to Yusuf Alli (2011) "President Goodluck Jonathan had maintained a parallel position with President Zuma over Gaddafi's fate". While Nigeria's position on the TNC was supported by 34 African countries, South Africa, Uganda and Zimbabwe supported Gaddafi. This made it difficult for the continent to either set a common agenda or implement the provisions of the AU's Constitutive Act in conflict situations.

Indeed the division noticeably undermined Africa's strength and capacity for intervention in Libya and had also lent support to NATO's aggressive head-hunting of Gaddafi and the perpetuation of human insecurity in Libya. According to the United Nations Human Development Report of 1994:

> Human security is a child who did not die, a disease that did not spread, a job that was not cut, and ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons; it is a concern with human life and dignity.

It is against this backdrop that Bain (2001: 7) and Gray (2007) argue that human security presupposes that security consists of something more than the narrow Cold War agenda that focused on problems of nuclear deterrence, military balances, zero-sum games, competing power blocs, and interstate diplomacy and war. The African Union was entangled in competing power blocs in Libya and as a result was presented with a dilemma in leading the peace process. While the AU held to its rhetoric of the AU peace plan and a political solution, NATO was busy reducing Libya's infrastructure to dust through a bombing campaign in its

frantic search for Gaddafi. A united statement by the AU against the bombing campaign would have compelled NATO to resort to alternative means such as negotiations between the government and the TNC to resolve the Libyan conflict.

According to Cordesman and Vira (2011), during the NATO bombing campaign in Libya, both human and national securities were grossly violated. The moral foundation of human security which the AU embraces differs in several important ways from the doctrine of national security that has clearly dominated both the prevailing theoretical and practical understandings of security in contemporary global politics. Recognising that the principle difficulty of national security is that individual security does not necessarily follow from the security of the political community, the AU's lack of unity contributed to the lack of both human and national security in Libya. Bain (2001: 8) makes the following distinction: "whereas national security postulates states as moral communities worth preserving in their own right, human security confers moral priority on the security of individual human beings".

While it is clear that the AU was unable to protect the civilian population from NATO's bombing operation in Libya, the organization persisted in its claim that it had a political roadmap that would ensure the peaceful co-existence of all Libyan citizens until the death of Gaddafi put an end to the pogrom.

4.8. Lessons for Africa

The prospects for a mutual peaceful world environment helps bind states together and institutionalises cooperative political behaviour. Britain, France and the US's dual membership of the UNSC and NATO was an important condition that facilitated NATO's ability to attack with the blessing of the UNSC. The durability of the political space occupied by the West and US has been manifested not only in these organisations' continued existence but also in their concerted efforts to expand the scope of assignments targeting the national interests of dual members of the UNSC and NATO. Both the Council and NATO embarked on ambitious plans to secure a safe Libya, in their assumed responsibility to protect the Libyan government and citizens from destruction.

As an independent sovereign state, Libya has the primary responsibility to protect its civilian population in the best interests of citizens and the state(S/RES/1970(2011)). Clearly the application of the R2P in Libya was motivated by the domestic interests of Britain, France and the US. Taking into consideration that Libya had the highest Human Development Index on the continent after the Seychelles during the 2011 conflict, intervention by France, Britain and the US, ranked 10th, 12th and 15th respectively on their continents, makes no sense.

There is no doubt that, due to global interconnectedness and the multiple power blocs present in the Security Council, transformation will occur and the victimisation of states will certainly decrease. While Europe and North America might not wane, other power blocs such as Africa and the South America may rise. The veto power and the votes of the African and South American states will tilt the decision making process. If proposals by Britain, France and the US are not vetoed, usually to avert political scuffles between the three and China and Russia, a simple majority vote will ensure a UNSC outcome that Britain, France and the US did not propose.

Skeptics have also voiced concern that military interventions may be used to promote the parochial goals of global or regional powers in situations where there is no real humanitarian crisis. Hawkins (2003), Sambanis and Doyle (2006) and Cordesman and Vira (2011)have dismissed the principle as too narrow, arguing that anything short of a comprehensive framework focusing on the human security agenda is ill-suited in African circumstances. The campaign around the issue of the "responsibility to protect" is also seen in some quarters as diverting attention from the more "sustainable" goal of human security. However, Scanlon *et al.* (2007) have argued that applying broader frameworks to the doctrine would only serve to dilute its central theme: generating effective, consensual responses in humanitarian crises. The R2P is thus a mobilisation tool for timely action in worst-case scenarios, not a panacea for issues of human security. The principle gives new expression to old ideas in such a way that the international community has less scope to justify ill-conceived action or inaction in situations of egregious human rights abuses.

4.9. Lesson from the activities of the AU, NATO and the UN in Libya

The Council's insistent pursuit of the protection of civilian population in Libya as its part of R2P expressly declared in Resolution 1973(2011) is understood differently by different scholars. Scholars such as Amuwo, (2009); and Isike, Okeke-Uzodike and Gilbert (2008:34) have lucidly argued that the national geo-strategic, economic and political interests of Western powers, France and Britain and the US in resource-rich African states are aggressively pursued at all cost. They add that the important moral and political values that the West claims drives its foreign policies (for example, democracy and human rights) are ignored whenever it appears they may be counter-productive.

The use of NATO forces to conduct a series of targeted bombing of the Libyan citizens which it purportedly set to protect was a calculated British, French and US tactic to by-pass the use of the Security Council to sanction military action in Libya, which China and the Russian Federation may have vetoed. Furthermore, while the African leaders under the umbrella of the AU were still negotiating a political solution to the controllable Libyan uprising, the speed of Resolution 1973(2011) ensured that AU's mission was thwarted in order to exploit Libya's natural resources. France and Britain in dire need of economic leverage to avoid experiencing Spain, Greece and Italy's economic woes, were prepared to adopt all necessary measures to gain control over Libya's resources, including killing the Libyan leader.

According to Rieff (2011) the celebration of the death of the Colonel Gaddafi and the quick withdrawal of NATO forces from Libya by the UNSC members who are also NATO members also signals that the mission in Libya was to kill Gaddafi and change the regime. The marriage of convenience between the UNSC and NATO in Libya resulted in one (the UNSC) being the judge of the other (NATO's) case. The territorial integrity and human insecurity that the Council set out to preserve in Libya culminated in one of the most gruesome killings on the continent of Africa since independence. Libya's territory was overtaken by Britain, France and the US through the NATO bombing campaigns and the flow of arms into Libya which Resolution 2009(2011) provided indirect violation of international regulations for state sovereignty. The assault on Libya's territorial integrity and the movement of both deadly weapons and people in and out of the country's borders also illustrate the human insecurity paradigm that the state experienced.

4.10. Conclusion

This chapter has illustrated that R2P clause was instrumentally used by the UNSC to intervene in the domestic affairs of Libya. It also examined the functionalities of the R2P and attributes the recorded human deaths in the countries discussed in the literature review to the operational interpretation of this concept. This chapter has highlighted that the R2P intervention was not necessary in Libya and that it violated the territorial integrity and undermined the sovereignty of Libya. It was further noted that the reason why the Libyan conflict took became a sustained, violent conflict is that the UNSC and NATO willed the conflict.

Chapter Five

Conclusion and recommendations

5.1. Executive Summary

Having studied the UNSC resolutions adopted in Angola, Cote d'Ivoire, DRC, Libya and Rwanda, this study agrees with Paul Collier *(Economic Causes of Civil conflict and their Implications for Policy)* that, in civil wars where rebel organisations are financially viable, there is a systemic alliance with interested external donors and forces. The conflict in Angola, for example, was fuelled by the capitalist-led US and Communist-led USSR's attempts to lure the oil-rich Angola to their side. Angolans died in a bid to defend either capitalism or communism. Throughout the civil war, two permanent members of the UNSC—Russia and the US—stoked the conflict by providing funds and munitions to the warring factions. It is therefore of concern that neither the US nor Russia were mentioned in any of the resolutions adopted to restore peace in Angola. UNSC Resolution 696 of 1991 which stressed the importance of all states refraining from taking any action that would undermine the agreement to end the war in Angola is one of many instances of mis-targeted UNSC resolutions to deflate attention from the real problem—the US's proliferation of military hardware in Angola for economic gain.

Similarly, Resolutions: 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 of 28 August 1997, 1173 of 12 June 1998, 1237 of 7 May 1999, 1295 of 18 April 2000, 1336 of 23 January 2001, 1348 of 19 April 2001, 1374 of 19 October 2001, 1404 of 18 April 2002, 1412 of 17 May 2002, 1432 of 15 August 2002, 1433 of 15 August 2002 and 1439 of 18 October 2002 were solely concerned with the humanitarian effects of the use of arms in Angola, not the arms themselves. No call was made to identify the providers of the weaponry in Angola and no country has accounted for it to date. In order to root out the effect of weapons, the long term solution may be to deal with the sources of the availability of weaponry as a part of a permanent solution to the crisis.

5.2. Cote d'Ivoire: the behaviour of the United Nations Security Council

The pattern of stoking conflicts through misdirected UNSC resolutions continued in Cote d'Ivoire. While Resolution 1464 (2003)for example, endorses respect for territory and sovereignty, Resolution1479 (2003) established liaison with French forces, and Resolutions 1464(2003), 1479(2003) and 1498 (2003) authorised the deployment of the French forces in Cote d'Ivoire, Resolution 1514(2003) extended the lease of deployment, Resolution 1528 (2004)fully supported the actions of the UNSC and French forces, Resolution 1572(2004) admitted that military attack was not a solution to the Ivorian conflict and Resolution 1584(2005) encouraged France to provide appropriate security assistance.

Since Resolution 1584(2005) and subsequent resolutions up to Resolution 1946 of 2010regularly discussed the conflict in Cote d'Ivoire but did not end the conflict, this raises questions about the double-standard of stoking conflict by adopting more ineffectual resolutions. Ten years after the UN made its presence felt in Cote d'Ivoire, the RCI remains deeply troubled and influenced by problems that can be traced to its colonial governor— France, and the UNSC's 'invisible presence' in the state. The net effect of the societal tensions created by France and the UNSC in the RCI is such that scholars such as Uzodike (2004) argue that external intervention has resulted in the collective failure of the state to create and nurture the proper context for sustained development.

The persistent failures of the state, the interlocking nature and spillover of the UNSC resolutions from 2002, the armed conflict and its attendant multiple security threats and the mutual vulnerabilities created by the UNSC and French government in the RCI led to the state and human insecurity experienced during the 2010/2011 Ivorian conflict. It is important to note that although the relationship between resources, the economic agendas of the P5, civil wars and the UNSC may not be anything new in international politics, the UNSC resolutions during 2010/2011 conflict in the RCI undermined the argument that the UNSC is a neutral arbiter before, during and after interventions. For example, Resolutions 1479 (2003), 1464(2003), 1479(2003), 1498 (2003) and 1514(2003)… ordinarily authorised France to ride roughshod over the RCI. This explains why the develop mentalists perceive a negative correlation between the conflict and the UNSC's resolutions and authorisation of military intervention that is not only associated with the pathologies of crime and terrorism but the perpetuation of state and human insecurities.

5.3.   Democratic Republic of Congo: lessons from UNSC operations

Since the DRC's independence, the UNSC has engaged in humanitarian interventions to resolve intra-state conflict and the inter-state economic wars in DRC. It has been noted that the DRC conflict is one the biggest since World War II (WWII). The continuation of the conflict is largely the result of the lack of political will on the part of the UNSC to end it, rather than a lack of knowledge of the conflict's adverse impact on the nation and the region (Gebrewold, 2004: 7).It is for this reason that this study agrees with Virgil Hawkins (2003:64), who notes in *Measuring UN Security Council action and Inaction in the 1990s: lessons for Africa* that UNSC resolutions on major conflicts such as the DRC civil war merely served to help the Council pretend that it was making genuine efforts to end such conflicts..

According to the UNSC Resolution log table, presented in the chapter 2 of this study, in the decade from 2000 to 2010the UNSC adopted several resolutions pertaining to the conflict in the DRC. The conflict persisted, yet the UNSC is still present in the DRC, waging war against the population through one of the largest peace keeping operations in the world. The question that arises is why Libya was an 'overnight' intervention, unlike the DRC? This suggests that the lingering state and human insecurity in the DRC is economical beneficial to some Council members as with removing Gaddafi and ending the conflict in Libya. When compared with the speedy process in Libya the resolutions adopted on the DRC conflict since its inception reveal that the UNSC attaches different values to conflict situations based on the underlying economic outcome for the key members. It also illustrates that the inability of the AU to articulate and insist on an African position is due to leadership divisions and weakness among the African heads of state. The UNSC has used regular resolutions to foster the idea that it is committed to conflict resolution in the DRC while spending little money on military intervention. The DRC has substantial mineral resources and the UNSC's failure to regard the conflict as a real threat to regional peace is not only in stark contrast with the organisation's hurriedly imposed no-fly zone to avert the perceived threat to regional security in Libya but also confuses the reasons for interventions.

5.4. Rwanda: Lessons from the UNSC operations

Discussions on the performance of the UNSC in Rwanda tend to focus on the periods before, during and after the 1994 genocide. The inaction of the UNSC during the 1994 genocide in Rwanda shows that the Council intentionally allowed the deadly conflict to occur. It is generally agreed that the UNSC was unwilling to authorise the use of force or diplomacy to ensure peace in Rwanda. According to Hawkins (2003:69) for example, the UNSC's un/willingness to deploy force to settle disputes is the result of the major powers' interests in the conflict—Rwanda was abandoned by the UNSC due to its lack of economic resource.

The Rwandan genocide was abandoned due to a lack of natural mineral deposits which the P5 members could exploit after the intervention. The UNSC Resolutions and actions in 2003 and 2004 were deliberate. The lengthy paragraphs in several resolutions on the 2011 Libyan conflict beginning with Resolution 1970 on the doctrines of altruism, piety and the virtues of R2P are at best flimsy. This is because a resolution ordering an end to the violence and the deployment of NATO would have been adopted and pursued in Rwanda. No article regarding intervention as provided by the UN Charter has changed since 2003. Ignoring economic gain and guarding peace and providing security in Rwanda would not only have prevented the genocide and the attendant incarcerations, but would also have avoided the animosity that existed in post-genocide Rwanda.

5.5. The responsibility to protect in African conflicts: Lessons from Libya

According to Bellamy (2011: 20) the relationship between the R2P and interference in domestic politics such as striving for regime change has long been an uncomfortable one. This is why one of the principle objections to the 2001 report of the International Commission on Intervention and State Sovereignty concerned the widened potential for abuse that may accompany any relaxing of the general prohibition on force contained in Article 2(4) of the Charter. This view was most clearly expressed by Venezuela in the case of Libya; Venezuela argued that the R2P would merely serve the interests of the powerful by granting them more freedom to intervene in the affairs of the weak without necessarily increasing global cooperation in response to humanitarian emergencies. Most scholars on the

2011 Libyan conflict agree that the UN-backed NATO activities in Libya would not have been necessary were they not geared towards assassinating Gaddafi.

This explains why O'Connell (2011) asserts that the military intervention was a failure despite the outcome. While some regard the coalition intervention that began on 19 March 2011 in Libya as a success, she labels the tens of thousands of deaths and injuries a 'tragedy'. In her view, which this study shares, when such casualties occur owing to a military intervention that was not necessary, the intervention is a failure. The appraisal of the application of R2P in Libya in chapter Four of this study revealed that the UNSC was unable to establish any concrete reason why a military intervention should be imposed on Libya as the first resort; this says much about a global organisation that seeks to promote peace and lends credence to the claims of scholars who refer to the intervention as resource-driven and/or an imperialist intervention.

While the revolutions in Tunisia and Egypt succeeded in part because protestors claimed ownership of the uprisings and the regimes' opponents understood the importance of non-violence and self-reliance during confrontation with the state, the Libyan crisis was pre-determined by the Western allies. It is the opinion of this researcher that the call for democracy in Libya was one of the most demeaning things the UN allowed to be done under its umbrella. For many decades, the UN relied on authentic democratic ideals rather than resorting to the very means employed by the dictators to rule their people, such as the killing of more than 50,000 civilians by a UN-endorsed force within a period of two weeks. If killing the civilian population was the UN/NATO interest in Libya, in what way are the activities of these two global organisations better than the Gaddafi's threat to go house-to-house in Benghazi to end the rebellion unless fighters laid down their arms?

The interveners failed at the outset to demonstrate that the intervention would not involve high numbers of casualties. This was because bombing began within hours of the UNSC vote without any option for peaceful negotiations or diplomatic jockeying. These were clear indications that neither the Security Council nor the states involved in the intervention were focused on restoring peace and establishing democracy, but on destroying Gaddafi. The UN/NATO's morbid obsession to end the life of Gaddafi explains why no explanation was given of how a no-fly zone or bombing would protect civilians in Benghazi or elsewhere.

According to Weiss *et al*. (2011) and Bellamy (2011) the intervention in Libya was anything but a last resort. Sanctions, including an arms embargo, had hardly been put in place when the bombs began to drop. There was no attempt to use peaceful means to protect civilians such as gaining safe passage out of Benghazi. The coalition—NATO, UNSC and the rebels— became the fighting arm of the rebellion, installing a rebel group as a democratic regime amidst serious questions about their intentions and capabilities. This was the reason why the apostolic vicar of Tripoli called the decision to bomb and the failure to employ peaceful means 'immoral' (Weiss *et al*., 2011). The Arab League which changed its position and called for restraint, insisted that it was however, reprehensible for crusaders of democracy who invaded a sovereign state to ignore all calls for a peace process and instead remain hell bent on installing the rebels. The UN-backed enthronement of the rebels was a desperate move to dethrone Gaddafi and ensure the destabilisation of the national security of Libya, not to improve the level of security and peace, as the UN Charter authorised.

Despite the inadequacies of the UNSC Resolution 1973, the record of military intervention during the last several decades is one of almost unbroken failure if either the human costs or the political outcomes are taken into proper account. Such interventionary experiences in the Islamic world during the past 50 years have made it impossible to sustain the burden of persuasion that would be needed to justify an anti-regime intervention in Libya in ethically and legally persuasive ways. This is why Weiss *et al*.(2011) assert that the coalition's decision was focused on necessity. They ask: if the coalition's decision for war was not focused on necessity, what explains it? France's Sarkozy and Britain's Cameron for example, led the advocacy for intervention. Both faced tough political and economic situations at home. A focus on Libya and a call for humanitarianism could help to deflect attention from the home situation. In addition, Sarkozy had been badly embarrassed by his close ties to the ousted Tunisian Ben Ali. Support for a war in Libya was his image redeeming strategy.

Similarly, US UN Ambassador Susan Rice was part of the Clinton administration during the Rwanda genocide when the US supported the withdrawal of UN peacekeepers. Her references to Rwanda appear to be an attempt to remedy that past failure. Other members of the administration who joined Rice's call for intervention have long academic records supporting the R2P (Weiss *et al*., 2011: 15). The R2P as administered in Libya has been associated with promoting the resort to military force as an acceptable approach to extremely

serious problems, discouraging thinking about creative, peaceful alternatives with a better chance of success.

Another aspect of the failed intervention in Libya may well be the further undermining of the prohibition on force. Moreover, the coalition went beyond anything authorised by the Security Council likely undermining the authority of that body, too. This was due to its secret interest in oil gains flowing from intervention in Libya. Weiss *et al.* (2011) believe that protection of civilians is a humanitarian imperative but the intervention in Libya was always about controlling Libya's oil despite all the high-blown rhetoric surrounding it. In this sense, Gaddafi may have died but this cannot lead to the conclusion that the coalition-led pro-democracy revolution was a success. The successful revolutions of the Arab Spring and elsewhere have been non-violent ones free from R2P calamities.

5.6. The national security of states *versus* the UNSC responsibility to protect: lessons learned

For a concept that addresses central issues of the world order such as sovereignty, violent conflict and human rights, the R2P has had an astonishing career. Introduced by the International Commission on Intervention and State Sovereignty (ICISS) in the wake of the attacks of September 11, 2001, the concept survived divisive debates over the invasion of Iraq and was adopted by 150 heads of states in the Outcome Document of the 2005 UN World Summit.

While trying to guard the national security of state during the R2P discourse, the consensus that emerged in 2005 depended to a large extent on efforts to distinguish it from the concept of regime change. This was achieved in two principle ways. First, and most importantly, paragraph 139 of the World Summit Outcome Document stated quite categorically that any use of force must be expressly authorised by the UN Security Council acting under Chapter VII of the Charter. It reads:

> we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organisations as appropriate, should peacefully means be inadequate and national authorities are

manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This provision squarely closed the door to the use of force or other means of coercion without the authorisation of the UN Security Council. Second, the agreement was just as emphatic on the scope of R2P.

Whilst the ICISS had failed to pin down precisely what the R2P entails, the 2005 World Summit was absolutely clear that the principle referred to the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. Because each of these crimes was already prohibited and because states committed to exercise their "R2P through the UN Charter, the principle emerged not as a new legal principle but rather as a political commitment to implement already existing law" (*World Summit Outcome Document*, 2005: 139). Thus conceived, the R2P could only give rise to the use of force when the Security Council judged it necessary in order to prevent genocide, war crimes, ethnic cleansing and crimes against humanity or to protect populations from these four crimes.

Lessons were taught and learnt from the UNSC engagements in Cote d'Ivoire and Libya respectively. Neither the United Nations Operation in Cote d'Ivoire (URNOCI)'s activities in Cote d'Ivoire nor NATO's in Libya contravened the letter of this consensus. Both acted under Chapter VII resolutions which authorised the use of force to protect civilians. In the strictest sense, therefore, the problem was not so much the use of force to protect civilians from mass atrocities in both cases –this had been duly authorised by the Security Council – but the fact that this use of force resulted in regime change and that this result was intended by those responsible for implementing the Security Council's decisions even though the Council itself had not specifically authorised regime change.

Given the sensitivities identified in chapters three and four of this study, and following from Serano (2011) and Bellamy (2011) it is safe to suggest that it is not surprising that the Special Advisor to the Secretary-General on the R2P, Edward Luck, responded to questions about the link between the R2P and regime change by insisting that the two were distinct. Luck told the Council on Foreign Relations that "it is not the goal of the responsibility to protect to change regimes. The goal is to protect populations. It may be in some cases that the only way to protect populations is to change the regime but that certainly is not the goal of the R2P per se" (Bellamy, 2011:11). Luck's answer rightly points to a fundamental dilemma: in situations where a state is responsible for committing genocide, war crimes, ethnic cleansing and/or

crimes against humanity, how can the international community exercise its responsibility to protect populations without imposing regime change?

It may well be that Luck is right to argue that in some situations only regime change will do, this study finds a failure to clearly spell out how the R2P will transform the UNSC into a regime changing instrument. This is not only because of deep concern on the part of many member states that the R2P could give rise to a regime change agenda but also the equally deep global opposition to such an agenda. Bellamy (2011) asserts that it is incumbent on international actors to explore the relationship more in order to ascertain whether there are ways of maintaining a clear distinction between the R2P and regime change without sacrificing the protection of civilians. This is particularly urgent given the evidence that among other factors, the perception among the BRICS that the UN and NATO, for example, went too far in Cote d'Ivoire and Libya has encouraged them to block a timely, decisive and united response to the killing of civilians by both the government and rebels in Syria and Yemen. Under these circumstances, the R2P is useless, because the civilian population it guards and protects dies under the watchful eyes of the protectors but they cannot act, due to mischievous previous protection which has cast doubts on the current situation.

5.7. Setting the rules and criteria for interventions

UNSC Resolution 1973 approved military intervention in Libya but ostensibly did not develop criteria and modalities for the intervention to avoid the killing of defenceless civilians. In this regard, Saxer (2008: 6) argues that the development and codification of a set of criteria for international interventions with a clear model of decision-making should be discussed in an open and inclusive way. This will prevent actions such as the no-fly zone that ultimately decimated humanity in Libya from being hurriedly put in place. A set of codified criteria depoliticises the inherently political interest questions in any conflict state. In order to address the dictates of Resolution 1973, criteria need to be discussed in a historically sensitive way, keeping in mind that the discourse on military intervention legitimised the use of force and the perpetuation of the human insecurity paradigm. While internationally codified or at least widely accepted criteria, according to Amneus (2008: 18), will help to restrain the abuse of the R2P by the major powers and also appease the fears of 'Trojans', they will also provide a basis for a broad international consensus that enhances the crucial

legitimacy of interventions. The set of criteria proposed in the ICISS report (the just cause threshold, the precautionary principles, right authority, and the operational principle) although clearly abandoned in Libya, must be abided by before any intervention is made.

Recalling three UNSC resolutions, Golaszinsk and Steinhilber, noted in their paper titled: *New Ground Rules for Interventions, Dialogue on Globalization*, which UNSC Resolution 688 declares that no state may threaten minorities, Resolution 1203 further underscores that no country may carry out action of mass displacements, while Resolution 794 reads: or allow a human tragedy of inconceivable magnitude (Saxer, 2008: 16). Cordesman and Vira (2011) add that the R2P clause was abused in Libya as the concept was not used to provide humanitarian assistance for victims or relief corridors during the pogrom. Instead it was used to destroy human lives and decimate property. When the R2P mission in Libya is compared with UN non-intervention in the R2P-needing Rwanda before the genocide in 1994, it is clear that the UNSC intervention system lacks coherence and consistency (Cordesman and Vira, 2011). This lack of a coherent approach within the UN system of intervention in conflict areas under the R2P umbrella aggravate the anger of the intervened state and aid the escalation of the conflict.

Chandler (2004: 64) and Yamashita, (2005: 2) asserts that the R2P has to be properly implemented as part of an overall strategy to build international consensus on the issue. This will not only reduce doubts on the consistency of the UNSC as a neutral arbiter but also create a common knowledge of what offence necessitates an R2P action. A common understanding of what kinds of crisis qualify as a R2P case will not only allow for the UN's inaction over the British and US invasion of Iraq to be understood, but will also offer clarity on differences between cases such as Darfur, Kenya, Rwanda and most notably the 2011 Libyan crisis. Clearly, the lack of common practice and acting in one crisis while leaving another aside raised concerns over double standards and a hidden agenda in the UNSC's R2P humanitarian services. There is a danger that this will undermine the legitimacy of the concept on the one hand and the UN on the other.

5.8. National security of state *versus* the concept of sovereignty: lessons from Libya

Tom Bruneau cited in Max Manwaring (2007) identified five operational levels of national security challenges associated with the transnational gang phenomenon:

> He claims that gang phenomenon strains government capacity by overwhelming police and legal systems through sheer audacity, violence, and numbers. That, they challenge the legitimacy of the state, particularly in regions where the culture of democracy is challenged by corruption and reinforced by the inability of political systems to function well enough to provide public goods and services. That, they act as surrogate or alternate governments in so-called ungoverned areas. That the gang dominates the informal economic sector and establish small businesses and use violence and coercion, and co-optation of government authorities, to unfairly compete with legitimate businesses. They infiltrate police and nongovernmental organizations to further their goals and in doing so demonstrate latent political aims.

The gang challenge to national security, stability, and sovereignty and the attempt to neutralize, control, or depose governments, takes us to the strategic-level threat. In this context, crime, violence, and instability are only symptoms of the threat. The ultimate threat is either: (1) state failure or (2) the violent imposition of a radical socio-economic and political restructuring of the state and its governance in accordance with criminal value (Manwaring, 2007: 3).

In either case, Bellamy (2008) maintains that gangs contribute to the evolutionary state failure process by which the state loses the capacity and/or the will to perform its fundamental governance and security functions. Over time, the weaknesses inherent in its inability to perform the business of the state are likely to lead to the eventual erosion of its sovereignty, authority and legitimacy. In the end, the state cannot control its national territory or the people in it. These gangster activities are synonymous with those of the P5 – Britain, China, France, Russia and the US – in Libya.

Thus, going by the principle state sovereignty and non-intervention the UNSC Resolution 1973 and the fortified NATO attack on Libya not only violate the right to internal authority, border control, and policy autonomy but also the cardinal virtue of non-intervention in matters that are clearly within the domestic jurisdiction of a sovereign state. This further

suggests that the seal that guard against the invasion of sovereign states are still either loose or broken. As such, lessons learned from the DRC, Cote d'Ivoire, Rwanda, and Libya call for the regulation of the current approaches to peace making and the development of alternative measures that will curb elements such as the interpretation of theR2P and the use of the veto power in the UNSC to ensure global peace. Barbara Hinkson Craig (1988: 19) observes that that overturning the veto capacity is the principle instrument that can guarantee non-intervention in the veto-holding states. She notes that the veto-holding member states have never been intervened in. This could mean that the country is free from violence or has managed their conflicts in such a way that there was no need to intervene.

However, Deng and Lyons (1998: 16) contend that lack of intervention in veto-holding member states is not based on a lack of conflict but on the presence of nuclear weapons. Nonetheless, Deng and Lyons (1998: 16) andBarbara Hinkson Craig (1988: 19) agree on the use of the veto mechanism to strike a balance and manage global security and conflict. Tarik Kafala (2011) claims that the veto power of the permanent members has been widely criticised for its reckless use. He argues that its heavy use by the Soviet Union and the United States had gone a long way to discredit the veto system, adding that the threat to use the veto often sank a draft resolution. For example, the British Broadcasting Corporation (2011) reported that "in the run-up to the Iraq war in March 2003, France and Russia indicated that they would not support a new resolution sanctioning war". As a result the US, UK and Spain withdrew their draft resolution, and went to war without specific UN backing. During the Cold War the Soviet Union vetoed UN resolutions almost as a matter of course.

More recently, the US has used its veto regularly to shield the Israeli Government from international criticism or attempts to restrain the behaviour of its military. Saxer (2008) argues that the veto is therefore a source of conflict within the UN system. Having taken a closer look at the Libyan conflict, Kafala (2011) asserts that:

> [T]he world no longer needs the Security Council veto system. In his view, the P5 was given the veto privilege for two reasons that have no application in the post-Cold War world. Firstly, the Allied powers, with the addition of China, tried to bind themselves to the UN Security Council, which was designed to prevent events like World War II from repeating themselves. Secondly, the P5 held unrivaled strategic might through their possession of nuclear weapon technology or imminent nuclear capacity.

The UN is no longer in any danger of collapse and the veto system has become a tool to advance the national politics of the veto states. Considering the state of international politics and the symbolic meaning of the UN, the P5 can no longer abandon the UN or the cause of global peace simply because their veto power is taken away.

Kafala (2011) observes that the veto system has become a threat to global peace and security. He contends that the use of the veto is as powerful in preventing resolutions being passed as the actual veto itself. In this sense, "the veto-wielding countries often notify promoters of a resolution that they will veto it, subsequently causing those promoters to back down and to never actually bring legislation to the floor of the general assembly" (Kafala, 2011: 2). He adds that one of the ways to resolve this conflict is to reassert the fact that nations agreed to join the UN as equal members. In the light of this, as a global constitution, the UN charter must uphold sovereign equality to avoid the violation of the principle caused by the veto power.

In a fundamental sense, human and state insecurity paradigms, conflicts and civil wars in Africa have generally been a function of the interests of a combination of P5 "transnational capital/ class, state and global hegemonic states and social forces in search of lucrative but cheap commodity and resources on the African continent" (Amuwo, 2009:243). There is nothing fundamentally burdensome, let alone accursed, about Africa's rich human, natural and mineral resources. The real burden is the illicit coveting and exploitation of the continent's resources by Western and other powers operating within the confines of international organisations such as the UN, which they use to promote their interests. Foreign exploitation of Africa's resources is also a result of the stark lack of leadership on the part of African leaders and elites and the complicit attitude of African people. Gaddafi's death in October 2011 was a function this lack of unity.

Chapter one of this study examined Libya's historical antecedents; it noted that the 2011 Libyan crisis was not a war for democracy. Rather, it was a war waged by the UN-backed NATO to ensure regime change and a war over the control of resources between the Libyan government and the governments of Britain, France and the US, as well as retaliation for Gaddafi's actions. On the other hand, it could be said that for the Libyan government, it was a

war of survival, designed to free itself from decades of exploitation and imperialism at the hands of Western governments in the UN and NATO.The pogrom therefore, was a clear reflection of the risks involved in any attempt by a weak and disunited African state to defy the P5, take control of its own destiny and chart an autonomous path for itself and the continent within an international political and economic environment controlled by the superior military capacity. This is not to ignore some of the negative consequences of the Gaddafi regime which panicked in the face of continued violent resistance and adopted measures that also threatened the normal daily pattern of life of the Libyan population, deviated from the dictates of *The Green Book* and helped plunged Libya into crisis. However, the UNSC did not live up to its full potential as an instrument for peace in the state and human insecurity paradigm during the 2011Libyan conflict. This is antithetical to its vaunted role as the harbinger of social justice, peace, security, transformation and development.

The violent nationalist position assumed by Gaddafi and his loyalists was in sheer response to the fierce determination of the Western states – in the form of the UN or NATO – to shape the lives of other states without the consent of the people living in them. It is clear that there is room for further innovation *vis-à-vis* the imposition of resolutions on military intervention in sovereign states. A better understanding of the steps that need to be taken in terms of the R2P before any military intervention is undertaken to provide relief to the civilian population is indeed needed. In the areas where UNSC launched military interventions, the conflict became more entrenched, leading to untold human suffering, death and, in the aftermath, the proliferation of small arms and light weapons (SALW) which further militarises the state. As the UNDP (2005:165-166) notes, violent conflicts are neither automatic nor inevitable; however, the availability of weapons, although it may not cause conflict, makes conflict more likely and increases the likelihood that conflicts will take more violent forms. Libya has been infested with weaponry since 2011 and may not escape the consequences in decades to come.

The review of the literature on the UNSC resolutions and direct military interventions in Angola, Cote d'Ivoire, the DRC and Rwanda has revealed that the promise of a peaceful and prosperous post-Cold War world will collapse on the altar of weaponry and unguided R2P interventions by the powerful nations in weaker states. The real danger lies in the UNSC's imperial parlance in dictating global interventions and resolutions. An appraisal of Council's involvement in the aforementioned African states shows that the powerful Western states that constitute the P5 of the Security Council have fed on African conflicts since independence,

making it difficult for them to achieve development and growth. This was because the Council adopted a culture of violence which was a direct consequence of the drive for geopolitical hegemony in the New World Order (NWO), whose drivers glorify war for economic gain. Due to its weak position, Africa has become the victim (Amuwo, 2009:243).

Moreover, as observed in the literature review, the international arms trade is arguably one of the most lucrative industries in some states in the Council, notably the US. The perpetuation of conflicts in Angola, Cote d'Ivoire, DRC, Rwanda, Libya and elsewhere was dependent on the availability of weapons to the civilian populations; arms often supplied by Council members in their individual capacities. The US arms industry profited from human deaths in all the countries reviewed. According to Campbell cited by Amuwo (2009), Africa also witnessed the political assassinations of its most patriotic and nationalist leaders—Patrice Lumumba, Muammar Gaddafi—aided by easy access to arms (Campbell, 2000:13). The US has, wittingly or otherwise, created a global discourse of war that reinforces the armament industry and a culture of violence, the DRC and Angola being the worst cases in Africa.

This study concurs with the view that the lack of emphasis on the use of 'soft power' to promote people-friendly development, security and a governable environment and the creation of a "more balanced and equal partnership with Africa" raises fundamental questions about the true intentions of the P5 in Angola and the DRC (Amuwo, 2009: 23). The study noted that Africa is continually used by the P5 as litmus and acid tests for power and proxy Cold Wars. Scholars such as Amuwo (2009: 243) and Niquet (2003:3) and the UNDP (2005:173) assert that no fewer than half a million people in Africa are felled by extremely lethal small arms each year. Most of these deaths occur in oil-rich African states. Cyril Obi (2007:399) and Nicholas Shanson (2007) cited by Amuwo (2009: 242) argue the powerful states in the UNSC ambit and their multinationals, not African governments, should be blamed for the 'paradox of plenty' of oil-rich African states. They note that, "the real threat is not from oil, and other natural resources, it is from those hegemonic global forces—P5—to whom oil means everything whose supply at all times, must be guaranteed at any cost". Gaddafi may have died because he rejected this order of things, as shown in chapters three and four of this study.

5.9.   Recommendations for promoting peace and security in Africa

5.10.   Floating Veto System

An ultimate vision for the future is the construction of institutions that will provide member nations, especially the parties in conflict and the nations contributing troops, with a platform to timely attend formal consultation session/s to contribute to the process of decision making on any matter that may result in the invocation of intervention in terms of section of chapter VII of the Charter. In this regard, the UNSC should hold at least one open session - to be called the Floating Veto System (FVS) congress session - before a major resolution is adopted so that all interested and affected parties can express their views.

Further, it would be helpful to institutionalise this consultation forum between the permanent members and the affected regional organisations that would wield a Floating Veto Power (FVP). The FVP would automatically belong to the regional organisation to which the country in conflict belongs. Whether or not the country in conflict is a member of the organization, the regional organization with an FVP should have the right to take part in the UN global peace process. Under article 29 of the UN Charter, the regional organisation should establish a committee with broader representation to monitor the chapter VII intentions of the UNSC and make recommendations on intervention. At any stage in the application of the said resolution, the regional organisation with an FVP should be able to recall aspects of the resolution that were misinterpreted and have the power to halt the operation by issuing a statement. The adoption of such a strategy would satisfy demands for a more representative, democratic UNSC until the international community is ready to take on the challenges of restructuring the entire Council (Johnstone, 1994). The FVP is needed in the UNSC to overcome the superiority of the P5 veto power over the sovereignty of states that clearly destroyed any chance of dialogue and the peaceful resolution of the conflict in Libya.

To allay accusations of double standards, which have destroyed the credibility and image of the UNSC, the FVS should be adopted by the UN not only to mitigate the perceived bias but also to lend credence to UNSC interventions and resolutions. In the FVS model, when a region in conflict is vested with the FVP, it will prevent the domination of weaker states by stronger nations and human lives would be saved.

5.11. The Responsibility to Prevent Model (RTPM) and the Early Assessment Report System (EARS)

In terms of the R2P, the ideal approach to every crisis worldwide would be early preventive action at all political levels. This study recommends the Responsibility to Prevent Model (RTPM) of intervention. Apart from intervention in crisis situations, an RTPM will serve to ensure peace in a country. This RTPM would operate in the following manner: the UNSC and all regional organisations in the world should develop a peer review mechanism to appraise the level of peace and security of all member states. These reviews would be conducted regularly and independently of one another to ensure objectivity. The UNSC office should issue an assessment check list containing all the factors that lead to in/security and peace in a state. Such factors should include human security needs such as: housing, health, jobs, education, food, leadership, security, etc.

This will give the UNSC the opportunity to predict which countries are about to degenerate into conflict. The ability to compare objective reports and identify a country that is under threat of plunging into crisis and to develop modalities and support systems to assist such countries would be a more efficient way to take responsibility than taking up arms against defenceless populations. As an organ of the UN, the UNSC currently hugely remains relevant by intervening in conflicts; however, interventions by means of addressing a host of global security issues such as: the provision of food, healthcare, shelter, resource depletion and environmental hazards.

The UNSC should also create an Early Assessment Report System (EARS). The EARS would be responsible for compiling reports from the UNSC office and other relevant regional organisations and publishing them on the UN website as well as those of relevant regional organisations. A table should be created with percentages and categorisations such as: excellent = 90% and above, good = 70% to 89%, neutral = 50% to 69%, bad 30% to 49%, and poor = 1% to 29%. These would help the UNSC to determine which countries are veering towards crisis.

The responsibility to prevent will require that states either confirm or deny the observations based on the EARS. The affected nation should be given four weeks to respond during which

the regional organisation of the affected nation, in collaboration with the UNSC, would prepare the ground for the necessary reaction as well as the necessary means, ranging from the persuasive to the coercive, and respond with adequate financial and technical resources. Political will and neutrality in interventions to substantively address crises are said to be very scarce resources in the current international community. This has decreased even further recently due to increasing domestic opposition to the perceived, prejudiced worldwide engagement of Western powers in vulnerable states, Cote d'Ivoire and Libya representing examples in Africa. The UNSC EARS would validate the authenticity of intervening in sovereign states and would also enjoy global support based on the independent regional and UNSC reports. Where there are differences between the regional report and the UNSC report, a neutral five-country committee with membership from the affected region, the UNSC and three independent observers from three different continents should be tasked to redo the study and the findings of this neutral body should supersede the previous reports. This would not only decrease the number of interventions and the number of human deaths during the said intervention, but also would lend credence to the findings of the committee should intervention become necessary.

The bombing campaigns that ousted President Laurent Gbagbo from power and terminated Gaddafi's regime in the same year raise legitimate concerns around the meaning of the protection of civilians. The Libyan government was not a military regime, and Gaddafi and all the civilians killed were not members of the Libyan army. So who were the civilian population the intervention was protecting? It has been argued that the R2P has shortcomings and questions have been raised as to why it was deployed in Libya but not in Syria. This tarnished the value of the concept in Libya, delegitimised the UNSC system and highlighted the double standards that further delegitimise the R2P as a basis for intervention. Inconsistency and double standards could be addressed if the codes of interventions are within the reach of both the P5 and in the public domain.

While the R2P has theoretically enjoyed the support of both powerful and weaker states, there are certain shortcomings, as became evident in the 2011 Libyan pogrom that call into question the viability of the concept. The lack of any universally accepted criteria for military intervention is the main concern of "Trojans" and of those who believe in a Westphalian interpretation of sovereignty. According to Saxer (2008: 6), a set of codified criteria depoliticises the inherently political interest questions in any conflict state. In order to address

the dictates of Resolution 1973, the formulation of criteria needs to be discussed in a historically sensitive way, keeping in mind that the discourse on military intervention legitimised the use of force and the perpetuation of the human insecurity paradigm.

Amneus (2008: 18) is of the view that, while internationally codified or at least widely accepted criteria will help to restrain the abuse of the R2P by bigger powers and assuage the fears of 'Trojans', they will also provide a basis for a broad international consensus that enhances the legitimacy of interventions. The set of criteria proposed in the ICISS report (the just cause threshold, the precautionary principles, right authority, and the operational principle), although clearly abandoned in Libya, should be revisited before any intervention is made and followed to the letter during interventions.

The International Commission on Intervention and State Sovereignty (2001) is correct in arguing that crises and violent conflicts worldwide, combined with growing domestic resistance to international engagement in conjugal politics under the R2P, undermined the sovereignty of states. International engagements added human and state insecurity dimensions to the existing conflict in Libya. This was perpetrated by Western-owned media – the British Broadcasting Corporation (BBC) and the American owned Cable News Network (CNN) including their sister channels such as Sky News.

Western media coverage portraying shocking violence undermines political will for action, and pitches citizens against their governments. This kind of media coverage, which was a feature of the 2011 Libyan conflict, clearly closes the windows of opportunity for preventive dialogue and diplomatic negotiations. This implies that, in reality, the major strength of the R2P, its comprehensive approach with a strong emphasis on prevention, will rarely play out, unless interveners drum up public sympathy through the media to intervene against assumed mass atrocities. The 2011 Libyan conflict was one of the many instances in Africa where the Western media was deployed to create a conflict tone, and provoke aggressive military assaults on citizens under the umbrella of the R2P.

5.12. Stitching the holes in the R2P and external intervention

According to Saxer (2008: 15) and Amneus (2008: 12) to subsume a crisis under the R2P, one needs to project that genocide, ethnic cleansing, large scale war crimes or crimes against humanity will occur at a point in time where such crimes have not (yet) occurred. Unsurprisingly, most states (whether colonised or not, from the global North to the global South) resist being put on such a watch list, fearing damage to their international reputation. The internationalisation of supposedly domestic conflict such as the 2011 Libyan uprising and the 2010/2011 Ivorian calamities naturally prompted resistance from the national governments. Such resistance, in turn, makes intervention futile and it becomes impossible to implement preventive strategies at a time when such strategies still have the potential to make a difference. Following Sambanis and Doyle's (2006) observation that peace cannot be enforced on a resistant population, this study agrees that although the UN-backed NATO intervention in Libya achieved the interveners' desire for regime change, it did not allow Libyans to play a political role in the government and administration of their country. In this regard, this study further supports Busumtwi-Sam's (2002: 91) observations and recommends that action be taken to address the shortcomings of external intervention in sovereign statesin order to create the conditions conducive to durable peace. This is important because the current nature of such interventions engineers deep divisions during the post-conflict and post-intervention period.

5.13. Internationalisation of localised Conflicts

Establishing a moral or (eventually) legal obligation on the part of the international community to act on behalf of populations facing genocide, as was the claim in the 2011 Libyan pogrom, is not difficult, but implementation is hazardous. This is not only because such conduct raises expectations on the part of conflicting parties that the external powers will tip the balance of the internal conflict in their favour but also that, in terms of the logic of asymmetrical warfare, it could provoke overreactions from the opponent in order to drag the international community into the conflict (Hurd, 2007: 23 and Saxer, 2007: 220). However valid as such assumptions may be, the very existence of such logic could complicate peace negotiations. Under such circumstances, it is essential that the state must be supported and if necessary, compelled by means of sanctions to embrace certain conflict resolution initiatives

to protect the populace. If needs be, the regional organisation should be fortified to take certain disciplinary actions against the said state. Once a conflict situation is placed under the UNSC watch, the permutations and political jockeying that characterised the 2011 Libyan conflict not only hurt the state in question, but the international political order.

The UNSC resolutions involving the R2P in Africa—DRC, Cote d'Ivoire and Libya—and beyond have partially informed the criticism that the R2P continues to attract from proponents of Westphalianism. Scholars such as Jeff McCoy (2008: 14) and Leo Gross (1948: 3) contend that since the national interests of the P5 dictate the tone of international politics, the only strategy to address the R2P impasse is reconfirming the principle of sovereignty. Historically, sovereignty was "invented" to end a very similar situation that the R2P tried to tackle in Libya. Sovereignty has worked as a "buffer" between rival powers, and kept internal conditions out of international disputes, making it harder to declare war over questions under the domestic jurisdiction of a sovereign state. In areas where external interference has been deployed, such as supporting rebel groups in countries in conflict, the donor states have never wanted to be identified in order to avoid being accused of violating the sovereignty clause. For many new and weaker states of the global South, sovereignty and non-intervention have served – at least in theory – as a "firewall" against external interference. Underlining the commitment to the principle of sovereignty could help to assuage the fears of traditional "Westphalians" in subsequent UNSC interventions.

5.14.   Setting the rules and criteria for interventions

UNSC Resolution 1973 approved military intervention in Libya but did not develop criteria and modalities for the intervention to avert the killing of defenceless civilians. In this regard, the development and codification of a set of criteria for international interventions with a clear decision-making structure should be discussed in an open and inclusive way. This will without a doubt curb actions such as the hurriedly imposed no-fly zone that ultimately destroyed humanity in Libya.

References

Abayomi, A. (2011) "Interview with Abayomi Azikiwe, editor of Pan-African News Wire, Detroit". Available at: http://panafricannews.blogspot.com/2011/08/abayomi-azikiwe-panw-editor-interviewed.html. Date accessed: 15/08/2012.

Adebajo, A. (2011). *UN Peace keeping in Africa: From the Suez crisis to the Sudan conflicts. Sunnyside*: Fanele, an imprint of Jacana Media.

Adebayo, A. (2009). *From Global Apartheid to Global Village: Africa and the United Nations*. KwaZulu-Natal: University of KwaZulu-Natal Press.

Africa Report (2011). "On Life Support Africa Report N°170 – 21 February" Available at: http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/somalia/170%20Somalia%20The%20Transitional%20Government%20on%20Life%20Support.pdf Date accessed: 15/08/2011.

African Economic Outlook (2012). "Angola 2012" Available at: http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Angola%20Full%20PDF%20Country%20Note.pdf. Date accessed 26/08/2012

African Economic Outlook (2012). "Promoting Youth Employment". Available at: www.africaneconomicoutlook.org/en. Date accessed: 15/08/2012.

African Statistical Year Book(2010). African Statistical Year Book. Available at: http://www.uneca.org/statistics/docs/asyb2010/ADB_Yearbook_2010_web.pdf. Date accessed: 18/06/2012**.**

Al Qaddafi, M. (1975, 1978 and 1980). "The Green Book: Revolutionary Committees Movement: Parts: I, II and III". Available at: http://www.zadishefreeman.com/images/Muammar-Qaddafi-Green-Book-Eng.pdf Date accessed: 15/08/2012.

Alli, Y. (2011). "Libya: Nigeria, South Africa in cold war over Gaddafi's fate". Available at: http://www.thenationonlineng.net/2011/index.php/news/18342-libya:-nigeria,-south-africa-in-cold-war-over-gaddafi%E2%80%99s-fate.html Date accessed: 15/09/2012.

Alm, O. (2011). (eds) "Human Security Perspectives and Practical Examples" Civil Society Conflict Prevention Network.

Amneus, D. (2008). *Responsibility to Protect by Military Means: Emerging Norms on Humanitarian Intervention?*. Stockholm: Stockholm University Press.

Amuwo, A. (2009). "Capitalist Globalisation Role of the International Community in Resource Conflict Africa". *Council for the Development of Social Science Research in Africa.* Vol. 34, pp 227-266.

Amuwo, A. (2010). "Geo-Politics, Globalisation & Pan-Africanism: Towards an Understanding of Africa's Regional Integration Agenda in the 21st Century". Conference Paper presented at an International Conference on *Global Africans, Pan-Africanism, ecolonisation & Integration of Africa-Past, Present & Future*, co-organised by CBAAC &PANAFSTRAG, Abuja, Nigeria.

Arne, S. (1948). *United Nations Primer.* New York and Toronto: Pinehart & Company.

Bailey, S. (1994). *The UN Security Council and Human Rights*. London: Macmillan Press.

Bain, W. (2010). "The Tyranny of Benevolence: National Security, Human Security, and the Practice of Statecraft" *Global Society* Vol.15, pp 277 – 294.

Bearman, J. (1986). *Qadhafi's Libya.* London: Zed Books Ltd.

Bellamy, A. (2011). *Global politics and the Responsibility to Protect: From words to deeds*. New York: Routledge.

Benette, I. (2011). "AU Failure in Libya? May be not". Available at: http://blogs.cfr.org/patrick/2011/10/21/au-failure-in-libya-maybe-not Date accessed: 25/0920.

Berg-Andersson, R. (2013). "Research and commentary" Available at: http://www.thegreenpapers.com/ww/UNSecurityCouncil.phtml Date accessed: 10/02/2013.

Black, J. (2004). *War since 1945*. London: Reaktion Books Ltd.

Blackwell, C. (2003). *Athenian Democracy*: a brief overview. Available from: http://www.stoa.projects/demos/article_democracy_overview?page=all&greekEn... (Accessed 9 August 2010).

Blanchard, C. (2012). Libya: Transition and U.S. Policy: Congressional Research Service. Available at: http://www.fas.org/sgp/crs/row/RL33142.pdf. Date accessed: 29/9/2012.

Botchway, F. (2011). *Natural Resource Investment and Africa's Development.* Cheltanhan: Edward Elgar Publishing Limited.

Boyd, A. (1971). Fifteen men on a powder keg : a history of the UN Security Council**.** London: Methuen Publisher.

Burke, C. (2009). "Replacing the Responsibility to Protect: The Equitable Theory of Humanitarian Intervention". Available at: http://ojs.ubvu.vu.nl/alf/article/view/64/122 Date accessed: 4/19/2012.

Busumtwi-Sam, J. (2002). Sustainable Peace and Development in Africa. *Studies in Comparative International Development*. Vol, 37, pp 91-118.

Campos, I. and Vines, A. (2007). "Angola and China: A pragmatic partnership: Working Paper Presented at a CSIS Conference, Prospects for Improving U.S.-China-Africa Cooperation". Available at:http://csis.org/files/media/csis/pubs/080306_angolachina.pdf. Date accessed:08/09/2011.

Canuto, O. and Moghadam, R. (2010). "International Development Association And International Monetary Fund Heavily Indebted Poor Countries (HIPC) Initiative and Multilateral Debt Relief Initiative (MDRI)—Status of Implementation". Available at: http://www.imf.org/external/np/pp/eng/2010/091410.pdf Date accessed: 26/06/2012.

Chandler, D. (2004). "The Responsibility to Protect? Imposing the 'Liberal Peace'" *International Peacekeeping*, Vol.11, pp.59–81.

Chandler, D. (2004). *The responsibility to protect? Imposing the 'LiberalPeace'*. London: Routledge Publishers.

Clark, W. (2003). "Revisited - The Real Reasons for the Upcoming War With Iraq: A Macroeconomic and Geostrategic Analysis of the Unspoken Truth" Available at: http://www.ratical.org/ratville/CAH/RRiraqWar.html. Dare accessed 09/04/2012.

Compliance Campaign(2012). Sidestepping international obligations, Dems reiterate, 'torture ban' endorse 'universal values'. Available at: http://compliancecampaign.wordpress.com/ Date accessed: 26/06/2012.

Cook, N. (2011). "Cote d'Ivoire post-Gbagbo: Crisis Recovery" *Congressional Research service* paper. Available at: http://www.fas.org/sgp/crs/row/RS21989.pdf. Date accessed: 08/09/2011.

Cordesman, A. and Vira, V. (2011). "The Libyan Uprising: An Uncertain Trajectory" Centre for Strategic & International Studies, Draft. Available at: http://www.csic.org/publication/libyan-uprising-uncertain-trajectory Date accessed: 8/10/2011.

Cortright, D. and Lopez, G. (2000). *The Responsibility to Protect: Research, Bibliography, Background*. Ottawa: International Development Research Centre.

Craig, B. (1988).*Chadha: The Story of an Epic Constitutional Struggle*. Berkeley and Los Angeles: California University Press.

Crocker *et al* (2007). *Leashing the Dogs of War: Conflict Management in a Divided World.* Washington: US Institute of Peace Press.

Dannreuther, R. (2007). International Security: The Contemporary Agenda. Edinburgh: Edinburgh University.

Deng, F. and Lyons, T. (1998). *African Reckoning: A Quest for Good Governance.* Virginia: Donnelley and Sons.

Deng, F. and Lyons, T. (1998). *African reckoning: A quest for good governance.* Washington D.C: Brookings Institution.

Desforges, A. (1999). Leave None to Tell the Story Genocide in Rwanda, Available at http://addisvoice.com/Ethiopia%20under%20Meles/Rwanda.pdf Date accessed: 08/09/2011.

Diehl, P. and Greig, M. (2012). *International Mediation.* Cambridge: Polity Press.

Edward, A. (2009). "Human Security and the Rights of Refugees: Transcending territorial and disciplinary borders" *Michigan Journal of International Law*.Vol. 30, pp. 763-805.

Ekeus, R. (2003). "New Challenges for United Nations," in Crocker, Hampson and Aall, Chapter 31, pp 517 – 528.

Elbendak, E. (2008). "Urban Transformation and Social Change in a Libyan City: An Anthropological Study of Tripoli". Available at: http://eprints.nuim.ie/1332/1/Ph.D._Thesis.pdf . Date accessed: 20/10/2012.

Elden, S. (2006). *Terror and Territory: The Spatial Extent of Sovereignty.* Minneapolis: University of Minnesota Press.

Evans, G. and Sahnoun, M. (2001). Responsibility to Protect: Report of the International Commission on Intervention and Sovereignty of State. Available at: http://www.iciss.ca/report2-en.asp. Date accessed: 01/28/2009.

Fearn, R. (2003). *Amoral America: How the rest of the world learned to hate America.* Canada: Self Publish.

Fierke, K. (2007). *Critical Approaches to International Security*. Cambridge: Polity Press.

Floyd, R. (2007). Securitisation Theory and Securitisation Studies". Available at: http://wrap.warwick.ac.uk/1082/1/WRAP_Floyd_Securitization_theory_and_securitization_studies_WRAP.pdf Date accessed: 15/08/2011.

Garrigues, J. (2007). "The Responsibility to Protect: From an Ethical Principle to an Effective Policy"*Fundación para las Relaciones Internacionales y el Diálogo Exterior*. Vol, 33, pp. 13-34.

Gebrewold, B. (2004). *Anatomy of Violence, Understanding the Systems of Conflicts and Violence in Africa*. Farnham: Ashgate Publishing Limited.

Glaeser, E. (2006). "The Political Economy of Warfare" Retrieved from: http://www.nber.org/papers/w12738. Date accessed: 28/09/2011.

Global Solutions (2010). "Responsibility not to Veto: A way forward". Available at: http://globalsolutions.org/files/public/documents/RN2V_White_Paper_CGS.pdf   Date accessed: 26/09/2011.

Gray, C. (2007). War, Peace and International Relations: An Introduction to Strategic History. New York: Routledge.

Gross, L. (1948). *Essays on International Law and Organisation*. New York: Transitional Publishers Inc.

Gurr, T. (1970). *Why Men Rebel*. New Jersey: Princeton University Press.

Hahn, L. (1981). *Historical Dictionary of Libya.* London: The Scarecrow Press, Inc.

Hajjar, S. (1980). "The Jamahiriya Experiment in Libya: Qadhafi Rousseau". *The Journal of Modern African Studies.* Vol. 6, pp 55-64.

Hawkins, V. (2003). "Measuring United Nations Security Action and Inaction in the 1990s: Lessons for Africa," Africa Security Review. Vol. 12, pp. 61-71.

Hehir, A. (2011). "The Responsibility to Protect: 'Sound and Fury Signifying Nothing'?" available at: http://ire.sagepub.com/content/24/2/218.abstract Date accessed: 26/07/2012.

Held, D. (1987). *Models of Democracy.* Cambridge: Polity Press.

Human Development Index, (2011). Available at: http://en.wikipedia.org/wiki/List_of_countries_by_Human_Development_Index. Date accessed: 15/08/2012.

Human Rights Watch (2012). "World Reports: Events of 2012". Available at: http://www.hrw.org/sites/default/files/reports/wr2012.pdf Date accessed: 15/08/2012.

Hurd, I. (2007). *After Anarchy: Legitimacy & Power in the United Nations Security Council*. New Jersey: Princeton University Press.

International Crisis Group (2011) "Holding Libya Together: Security Challenges After Qadhafi" Middle East/North Africa Report N°115 – 14 December 2011. Available at: http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/115%20Holding%20Libya%20Together%20%20Security%20Challenges%20after%20Qadhafi.pdf date accessed: 15/08/2012.

Isike, C. Uzodike, U. and Gilbert, L. (2008). "The United States Africa Command: Enhancing American security or fostering African development? *African Security Review* Vol. 17, pp. 1-19.

Jacobson, R. (2012). Policy Brief: What Next for NATO. Available at: http://www.gmfus.org/wpcontent/blogs.dir/1/files_mf/1337860714NATOChicago.pdf Date accessed: 15/08/2012.

Jawaro, S. (2011). "Security: A paradigm Shift from Traditional State Centric Notions to New Dimensions of Human Security". Available from: http://sofawarrior.blog/2011/05/07/security-a-paradigm-shift-from-traditional-state. (Accessed 1 August 2011).

Jentleson, B. (2004). *Facing Ethnic Conflicts: Toward a New Realism* (eds) By Andreas Wimmer *et al*. Lanharm: Roman & Littlefield Publishers, Inc.

Johnstone, I. (1994). *Aftermath of Gulf War: An Assessment of UN Action.* London: Lynne Reinner Publishers.

Kafala, K. (2011). "The veto and how to use it" Available at: http://news.bbc.co.uk/2/hi/middle_east/2828985.stmDate accessed: 02/08/2012.

Kafala, T. (2011). "'Cleansed' Libyan Town Spills Its Terrible Secrets". Available at: http://thebrowser.com/articles/cleansed-libyan-town-spills-its-terrible-secrets Date accessed: 26/12/2011.

Kalu, K (2009). "Resolving African Crises: Leadership role for African States and the African Union in Darfur," African Journal of Conflict Resolution: Vol. 9, November, pp. 9 – 39.

Katzenstein, P. (1996). *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbian University Press.

KirwinZartman, Anstey and Meerts, (2006). *The Slippery Slope to Genocide: Reducing Identity Conflicts and Preventing Mass Murder*. Oxford: Oxford University Press.

Kiszti, D. (2012). "Responsibility to Protect: A Panacea in Theory Alone". Available at: http://fordhampoliticalreview.org/?p=285 Date accessed: 26/09/2012.

Kuznar, L. and Lutz, J. (2007). "Risk Sensitivity and Terrorism," *Political Studies*, Vol. 55, pp 341-361.

Lavender, L. (2012). *In Focus*: The Emerging Role of the Arab League: Mediterranean Review.

Lawless, R. (1987). *Libya*. *Worcester*: Clio Press Ltd.

Lee, R. (2011). "Time for a radically new African Union". Available at: http://www.osisa.org/openspace/regional/time-radically-new-african-union   Date accessed: 15/08/2011.

Luck, E. (2008). "UN Secretary-General Special Adviser on the Prevention of Genocide, Francis Deng, and Special Adviser on the Responsibility to Protect, Edward Luck, on the Situation in Libya". Available at: http://www.un.org/en/preventgenocide/adviser/country_situations.shtml   Date accessed: 15/06/2012.

Magnarella, P. (2002). 'Explaining Rwanda's Genocide" Human Rights and Human Welfare: *An International Review of Books.*

Mahalinga, R. (2003). "Essentialism, Culture, and Power: Representations of Social Class" *Journal of Social Issues*, Vol. 59, No. 4, pp. 733—749.

Mahalingam, R. (2003). *Cultural Psychology of Immigrants*. New Jersey: Lawrence Erlbaum Associates Inc, Publishers.

Martin, A. and Edwards, J. (1995). *The changing Charter: A study in the Reform of The United Nations.* London: Sylvan Press.

Mary Kaldor (2007). New and Old Wars: Organized Violence in a Global Era. Stanford: Stanford University Press.

McCoy, J. (2008). "Death of the Westphalia State System, Implications for Future Military Employment". Available at: http://www.dtic.mil/dtic/tr/fulltext/u2/a485565.pdf. Date accessed: 15/08/2012.

Mentan, T. (2007). *The State in Africa: An Analysis of Impacts of Historical Trajectories of Global Capitalist Expansion and Domination in the continent.* Bamenda: Langaa Research & Publishing Common Initiative Group.

Mertus, J. (1999). *Kosovo: How Myths and Truths Started a War*. California: University of California Press.

Metz, H. (1979). *Libya: A Country study*. Washington DC: Foreign Area Studies.

Metz, H. (2004). *Libya*. Whitefish: Kessinger Publishing, LLC.

Monti-Belkaoui, J. and Riahi-Belkaoui, (1996). *Qaddafi: The Man and His Policies.* Aldershot: Ashgate Publishing Ltd.

Murshed, S. and Tadjoeddin, M. (2007). "Reappraising the Greed and Grievance Explanations for Violent Internal Conflict", MICROCON Research Working Paper 2, Brighton: MICROCON.

Ndikumana, L. (2003). "The Economics of Civil War: The Case of the Democratic Republic of Congo" *Political economy Research Institute,* Working Paper Series, No 63. at: http://www.peri.umass.edu/fileadmin/pdf/working_papers/working_papers_51-100/WP63.pdf. Date accessed: 09/04/2012.

Ndlovu-Gatsheni, S. (2006). "The Nativist Revolution and Development Conundrums in Zimbabwe". *African Centre for the Constructive Resolution of Disputes*. Vol. 1, pp 1- 40.

North Atlantic Treaty Organisation (2012). Available at: http://www.nato.int/cps/en/natolive/72038.htm. Date accessed: 18/06/2012).

Nowrojee, B. (2003)."Africa on its Own: Regional Intervention and Human Rights". Available at: http://www.unhcr.org/refworld/pdfid/402ba4fbb.pdf. Date accessed: 15/08/2012.

Nyathi, K. (2012). "Zimbabwe to send troop to DRC". Available at:http://www.africareview.com/News/Zimbabwe-to-send-troops-to-DRC/-/979180/1643112/-/7u3me5/-/index.html Date accessed: 15/10/2012.

O'Connell, M. (2011). The Libyan Intervention: A Victory for War? Available at: http://peacepolicy.nd.edu/2011/10/05/the-libyan-intervention-a-victory-for-war/ Date accessed: 15/08/2012.

Office of the President of the General Assembly (2009) "Concept note on responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". Available at: http://www.un.org/ga/president/63/interactive/protect/conceptnote.pdf. Date accessed: 09/04/2012.

Owen, R. (2004). "State, Power and Politics in making of the Modern Middle East" 3rd Edition. New York: Routledge.

Patrnogic, J. (2006). International Institute of humanitarian law: Current problems of International Humanitarian Law. Available at: http://www.iihl.org/iihl/Documents/2002%20The%20two%20Additional%20Protocol%2025%20years%20later.pdf. Date accessed: 15/08/2012.

Podeh, E. (2004). "The Lie That Won't Die: Collusion, 1967".*Middle East Quarterly.* Vol. 11, pp 51-62.

Pougala, J. 2011. Why the West Wants the Fall of Gaddafi. Available at: http://www.rightsmonitoring.org/2011/04/why-the-west-wants-the-fall-of-gaddafi-an-analysis-in-defense-of-the-libyan-rais/ Accessed: 18/06/2012.

Rieff, D. (2012). "R2P, R.I.P NYTimes.com". Available at: http://www.currentintelligence.net/columns/2011/9/27/after-libya-and-syria-can-r2p-survive.html Date accessed: 11/27/2012.

Robert, A. and Kingsbury, B. (1988). *United Nations, Divided World: TheUN'S Roles in International Relations.* Oxford: Clarendon Press.

Roldan, J. (2011). "University of the District of Columbia Law Review" 15(1): 1-148.

Royal Institute of International Affairs, (1946). *United Nations Document 1941-1945.* London: Royal Institute of International Affairs.

Ryan, S. (1990). "Ethnic and Racial Studies" Routledge, Taylor and Francis group, Vol, 13, pp. 25-45.

Saija, M. (2006). "Sources of conflict and prospects for peace in the Mediterranean basin within the North-South relations: Acta from peace studies conference". Available at: http://books.google.co.za/books?idDate accessed: 15/08/2012.

Sambanis, N. and Doyle, M. (2006). "War Making and Peace Making: The United Nations Post Col-War Record" in Crocker, Hampson, and Aall Chapter 32, pp 529-560.

Saxer, M. (2008). Dialogue on Globalisation: The politics of Responsibility to Protect. *Friedrich Ebert Stiftung Briefing paper.* Available at: http://library.fes.de/pdf-files/iez/global/05313-20080414.pdf Date accessed: 15/08/2012.

Scanlon et al, (2007). Africa's Responsibility to Protect: Policy Advisory Group Seminar Report. Available at: http://www.responsibilitytoprotect.org/files/Vol-19_R2P_Report.pdf Date Accessed: 25/09/2011.

Schraeder, P. (1994). *United States Foreign Policy toward Africa : Incrementalism, Crisis and Change*. Cambridge: Cambridge University Press.

Security Council Special Research Report (2008). Security council action under chapter vii: myths and realities. Available at: http://www.un.org/documents Date accessed: 14/04/2012.

Serano, M. (2011). The Responsibility to Protect and its Critics: Explaining the Consensus" *Martinus Nijhoff Publishers* pp. 1-13. Available at: http://www.yale.edu/polisci/conferences/sovereignty/mserrano.pdf Date accessed: 15/08/2012.

Simms, B. and Trim, D. (2011).*Humanitarian Intervention: A history.* Cambridge: Cambridge University Press.

Small, M. (2006), "Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa" *African Centre for Constructive Resolution of Disputes.* Occasional Paper Series, Vol. 1, pp 10**.**

Thakur, R. (2008). "From Kosovo in 1999 to Iraq in 2003": Online edition of India's National Newspaper. Available at: http://www.hindu.com/2008/02/22/stories/2008022255691000.htm Date accessed: 26/08/2012.

Thakur, R. (2008). "R2P, Libya and International Politics as the Struggle for Competing Normative Architectures". Available at: http://www.e-ir.info/wp-content/uploads/R2P.pdf Date accessed: 03/30/2012.

The Washington Post, (2012) Available at:http://www.washingtonpost.com/wp-srv/world/countries/libya.htmlDate Accessed, 26/09/2012.

United Nations Development Programme (2005). *International Cooperation at a Crossroads: Aid, Trade and security in an unequal world*. New York: Hoechstetter Printing Company.

United Nations Development Programme, *Human Development Report, 1994* (New York: Oxford University Press, 1994) p. 22.

United Nations High Commissioner for Refugee, (2012).Country Operations Profile – Libya Working environment. Available at: http://www.unhcr.org/pages/49e485f36.html . Date accessed: 15/08/2012.

United Nations Juridical Yearbook, (1964). Available at: http://untreaty.un.org/cod/UNJuridicalYearbook/pdfs/english/ByVolume/1964/chpIX.pdfDate accessed: 15/08/2012.

United Nations, (1989). *Basic Facts about the United Nations*. New York: United Nations Publications.

United States Foreign Policy, (2012). "U.S Department of State Diplomacy in Action". Available at: http://www.state.gov/r/pa/ei/bgn/6619.htm Date accessed: 12/06/2012.

Uzodike, U. (2004). "Cultural Diversity, Conflict and Sustainable peace in Africa: Consociational Democracy Re-visited," in J.M.Mbaku and S.C. Saxena (eds.), *Africa at the Crossroads: Between regionalism and Globalistion,* Praeger, pp 287-313.

Vasile, A. (2007). "Bringing Peace to a troubled continent: Peace Keeping, Mediation and other forms of intervention in African Conflicts: Case studies: Angola and Rwanda. Available at: http://www.ie-ei.eu/bibliotheque/memoires/MemoireVASILE.pdf Date accessed: 15/08/2011.

Veuthey, M. (2006). "Implementing International Humanitarian Law : Old and New Ways » in : RAMCHARAN, Bertrand G. (Ed.) *Human Rights Protection in the Field.*

Leiden/Boston, Martinus Nijhoff" Available at: http://evenium.com/uploads/contents/100000796002/File/71498//mvimplementingihlramcharan.pdf Date accessed: 26/09/2011.

Wadel, J. (2009). *How the World's New Power Brokers undermined Democracy, Government and the Free Market.* New York: Basic Books.

Waver, O. (2004) 'Aberystwyth, Paris, Copenhagen New 'Schools' in Security Theory and their Origins between Core and Periphery. Available at: www.polsci.ku.dk/people/faculty/~Waever_Ole.htm. Date accessed: 15/08/2011.

Weiss et al, (2001). *The United Nations and nuclear orders.* Tokyo, New York, Paris: United Nations University Press.

Weiss, *et al* (2011). Responsibility to Protect: Challenges and opportunities in light of the Libyan intervention. Available at: http://www.e-ir.info/wp-content/uploads/R2P.pdf Date accessed: 15/08/2012.

Weiss, T. (2009). *What's Wrong with the United Nations and How to Fix It.* Cambridge: Polity Press.

Western, J. (2011) *After Libya and Syria: Can R2P Survive?* Available at: http://www.currentintelligence.net/columns/2011/9/27/after-libya-and-syria-can-r2p-survive.html. Date accessed: 18/06/2012.

Western, J. (2011). "After Libya and Syria: Can R2P Survive?: The Quiet American". Available at: http://www.currentintelligence.net/columns/2011/9/27/after-libya-and-syria-can-r2p-survive.html Date accessed: 26/09/2011.

Wheeler, N. (2000) *Saving Strangers: Humanitarian Intervention in International Society.* Oxford: Oxford University Press.

Wheelus Air Base, Libya, Weapons of mass destruction (2012), Available at: (http://www.globalsecurity.org/wmd/facility/wheelus.htm Date accessed: 18/06/2012).

World Bank (2011). *Conflict, Security, and Development.* Washington DC: World Bank.

World Bank publications, (2005). available at: http://siteresources.worldbank.org/INTSOMALIA/Resources/conflictinsomalia.pdf) Date accessed: 28/09/2011.

Wright, J. (1982). *Libya: A Modern History*. London: Croom Helm.

Yamashita, H. (2005). "The Iraq War, the United Nations Security Council, and the Legitimacy of the Use of Force" Available at: http://www.nids.go.jp/english/publication/kiyo/pdf/bulletin_e2005_2.pdf. Date accessed 09/04/2012.

Yobo, D. (2009). "The Human Security Paradigm As A Challenge For The African Union In Promoting Peace And Security In Africa: A Case Study Of The Sudan/Darfur Conflict". Available at: http://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/942/DORCAS_ADJELEY_YOBO.pdf?sequence=1. Date accessed: 26/9/2012.

Yoweri, M. (2011). "The Libyan leader was no saint. But the West was wrong to intervene in African affairs". Available at: http://www.foreignpolicy.com/articles/2011/03/24/the_qaddafi_I_know Date accessed: 26/9/2012.