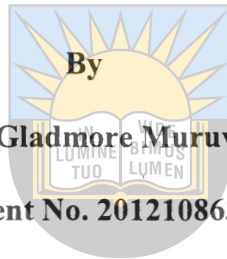




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**HUMANITARIAN INTERVENTION IN CONFLICT MANAGEMENT IN  
AFRICA: SELECTED CASE STUDY ANALYSIS OF SUDAN AND LIBYA.**



**By**  
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**University of Fort Hare**  
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**A Dissertation Submitted in Fulfilment of the Requirements for the Degree of  
Master of Social Science in Political Studies.**

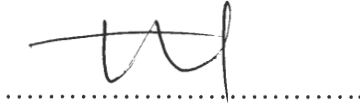
**Faculty of Humanities and Social Sciences**

**SUPERVISOR: MR V. FERIM**

**2015**

## DECLARATION

I declare that this research is my original intellectual work. It is submitted for the fulfilment of the degree of Master's in Political Studies at the University of Fort Hare.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a dotted line.

Candidate signature

Date.....*24/04/15*.....



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## DEDICATION

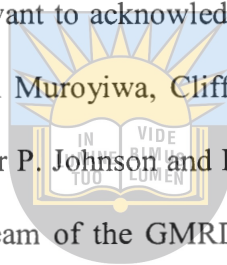
I dedicate this work to my family: my parents Mr. and Mrs. Muruviwa and my young sister Faith Muruviwa. Your invaluable support, guidance and continuous encouragement throughout my academic life have kept me going.



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## ACKNOWLEDGEMENTS

First and foremost, I thank the Lord for granting me strength, wisdom and health to pursue this research to the end. I am equally thankful to my supervisor Mr. V Ferim, the Head of Department of Political Science and International Relations at Fort Hare University for the moral and intellectual support he afforded me during the course of my research. To my family Mr. and Mrs. S.A Muruviwa, Rejoice, Addmore, Tendai Faith and Memory Ranga, I say thank you very much for physically and spiritually supporting me. I also want to thank the Man of God Pastor Mr and Mrs W. Otaung for guiding me through prayers. I also want to acknowledge the support of my loved ones and friends, Asesethu Mbane, Brian Muroyiwa, Clifford, Litsoanelo Dee Mphahama Trinity Dlamini, Dennyford Mafa, Dr P. Johnson and Dr B. Magure and Mrs Kangune. Lastly, I want to thank the entire team of the GMRDC for covering my tuition fees during the course of my studies.



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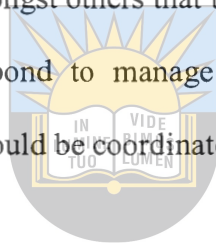
## LIST OF ACRONYMS

ACB	African Central Bank
AHSG	African Union Heads of State and Government
AI	Amnesty International
AMID	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
APRM	African Peer Review Mechanism
AUPSC	African Union Peace and Security Council
ASF	African Standby-force
AUCA	African Union Constitutive Act
AU	African Union
BBC	British Broadcasting Corporation
CAR	Central African Republic
DLF	Darfur Liberation Front
DPA	Darfur Peace Agreement
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
EUCR	European Union Commission Report
GCC	Gulf Cooperation Council
HCFA	Humanitarian Ceasefire Agreement
HRW	Human Rights Watch
HRC	Human Rights Commission
ICC	International Criminal Court
ICG	International Crisis Group
ICISS	International Commission on Intervention and State Sovereignty

IDP	Internally Displaced People
IMF	International Monetary Fund
IR	International Relations
JEM	Justice and Equality Movement
LAS	League of Arab States
NATO	North Atlantic Treaty Organization
OAU	Organization of African Unity
OUP	Operation Unified Protector
R2P	Responsibility to Protect
ROE	Rules of Engagement
SADC	Southern African Development Community
SLA	Sudanese Liberation Army
TNC	Transitional National Council
UNAMID	United Nations African Union Mission in Darfur
UNC	United Nations Charter
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
USA	United States of America
USSR	Union of Soviet Socialist Republic
UN	United Nations
WMD	Weapons of Mass Destruction
WT	World Trade Organization

## ABSTRACT

The study investigates the effectiveness of humanitarian intervention as a strategy in conflict management in Africa drawing from case studies in Sudan and Libya. The research utilized an interaction of both primary and secondary data sources. Primary sources used are African Union (AU) official reports, United Nations Security Council (UNSC) official reports as well as official International Commission on Intervention and State Sovereignty (ICISS) reports. Secondary sources used include journal articles, newspapers, books and other online publications. Among others, the study found out that humanitarian intervention in Sudan by the AU from 2004 until 2006 lacked the capacity and political will to effectively manage the conflict. At the same time, an analysis of the North Atlantic Treaty Organization's (NATO) military intervention in Libya in 2011 reveals that western-led interventions in Africa are often driven by geostrategic interests rather than the need to save people in danger. Against this backdrop, the study recommends amongst others that the AU should have a capacitated standby-force that will rapidly respond to manage conflicts in Africa. Also, UN peacekeeping operations in Africa should be coordinated by the African Union.



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## CHAPTER ONE: INTRODUCTION

### 1.1 Background to the Study

The continent of Africa has been and continues to be plagued by numerous conflicts. From the genocide in Rwanda, rebel movements in the Democratic Republic of the Congo, piracy in Somalia, military coup in the Central African Republic, to the Arab spring that blew across countries like Egypt, Tunisia and Libya. The disastrous effects of these conflicts have prompted the formulation of conflict prevention, management and resolution strategies. However, the persistent conflicts experienced by the continent indicate that some of these strategies are either ineffective or incomprehensive in addressing African conflicts. As a result of this, numerous contestations with regards to conflict prevention, management and resolution strategies in Africa are evident. Perhaps one of the most controversial and contested conflict management strategies in Africa and in the world at large is that of humanitarian intervention. Lepard (2002: 11) states that “Humanitarian intervention is the use of military aimed at ending human rights violations. Military power is used by a nation or group of nations to end systematic human rights abuses inside the sovereign territory of another nation”. This study will focus on two countries in Africa where humanitarian intervention has been used; Sudan and Libya.

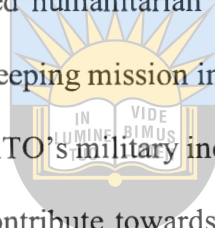
Conflict escalated in Sudan in 2003, when the Khartoum government under the leadership of President Omar al Bashir and the rebels from the Sudanese Liberation Army (SLA) clashed over natural resources and marginalisation in connection with political participation (Eltigani, 2007). According to Al de Waal (2005), the Sudanese government and its notorious Janjaweed militia conducted brutal campaigns of mass

killings and ethnic cleansing in response to an uprising by the SLA and the Justice and Equality Movement (JEM). Noting assaults by the government-sponsored Janjaweed militia on the civilian population of Darfur, the African Union (AU) created the African Union Mission in Sudan (AMIS) to carry out peacekeeping operations and protect civilians (Deen, 2005). Logistical and financial constraints caused the AMIS to be an ineffective measure in terms of controlling the atrocities committed in Darfur. The mission was replaced by the African Union/United Nations Hybrid operation in Darfur (UNAMID) in 2007.

In early 2011, inspired by the uprisings in Tunisia and Egypt commonly known as the 'Arab Spring', Libya also experienced mass protests starting in the Benghazi region. This was sparked by the arrests of human rights activists who mobilised against what they claimed to be a dictatorial rule of the government under President Muammar Gaddafi (France24, 2011). The use of lethal and indiscriminate force by the Gaddafi units on un-armed protesters led the United Nations Security Council (UNSC) to pass Resolution 1973. This allowed for the authorisation of, among other things, the imposition of a no-fly zone over Libya. This formed the basis for the North Atlantic Treaty Organization (NATO)'s intervention in Libya. To implement the UNSC's Resolution 1973, NATO carried out air strikes against the Libyan army and the mission was terminated following the death of Gaddafi on the 20<sup>th</sup> of October 2011 (France 24, 2011). The 2011 Libyan intervention was condemned by some African leaders such as Zimbabwean President Robert Mugabe in his address to the 67<sup>th</sup> United Nations General Assembly (UNGA). He argued that "Libya has been made equally unstable, following NATO's intervention which was guided by the principle of the Responsibility to Protect" (Nehandaradio, 2012:2). In spite of the reasons for the

intervention, Bellamy (2008) argues that nations only engage in humanitarian interventions when it is in their interest to do so. To this, there have been concerns by African leaders who perceive western humanitarian intervention as an instrument used by superpowers to legitimise their interference in African politics.

It is against this backdrop that African leaders have reiterated that issues in Africa should be resolved by Africans. The counter argument however, is that African countries often lack the capacity and the political will to tackle conflict on the continent, hence the need for western-led humanitarian interventions. Therefore, it is imperative to analyse the African peacekeeping mission in Sudan from 2004 until 2006, as well as the contestations regarding NATO's military incursion in Libya in 2011. This engagement is undertaken in order to contribute towards the identification of the best possible approach to conflict management in Africa.



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## **1.2 Problem Statement**

There is a dilemma regarding who, when and how should humanitarian intervention be conducted in Africa. This dilemma has been particularly evident in the cases of Sudan and Libya. Conflict escalated in Sudan in 2003 between the government of Sudan and the SLA over concerns about the marginalisation and the distribution of oil wealth. The Khartoum government under the leadership of President Omar al-Bashir worked hand in glove with the Janjaweed militia group to commit ethnic cleansing and mass killings against the rebels also known as the SLA (Eltinagani, 2007). In early 2004, Mukesh Kapila, the UN's coordinator for Sudan, accused government-backed Arab militia of 'ethnic cleansing' and warned that, if left unchecked the humanitarian catastrophe in Sudan would be comparable to that in Rwanda in 1994 (BBC News World Edition,

2004). In response to this, the AU intervened by deploying African peacekeeping troops to Sudan. The Mission lasted from 2004 until 2006 as it was replaced by UNAMID in 2007.

The start of 2011 saw popular uprisings in Libya mobilising for change and an end to decades of dictatorship. Libya experienced mass protests in Benghazi against the dictatorial rule of President Muammar Gaddafi. Subsequently this resulted in the suppression of protesters by the government (France 24,2011). When the crisis in Libya escalated, the UNSC issued Resolution 1973 on the 17<sup>th</sup> of March 2011 authorising the protection of civilians, arms embargo and the imposition of a no-fly zone over Libya (United Nations Security Council, 2011). The no-fly zone was monitored by NATO, which eventually carried out numerous aerial bombardments on military establishments in the country. The military incursions were terminated following the death of Muammar Gaddafi. NATO's military intervention in Libya was widely criticised by African leaders who considered it as undermining the sovereignty of an African country and overlooking the AU's initiatives to manage conflict in Africa (Nehandaradio, 2012). Though the intervention was swift and expedient, post-Gaddafi Libya continues to be plagued by civil unrest and institutional instability (United Nations Security Council, 2012). Kinsman (2011) and Reef (2011) affirm that the western humanitarian intervention in Libya destabilised the North African nation compared to when it was under the Gaddafi regime.

It is important to investigate the strengths and weaknesses of AMIS from 2004-2006, as well as equally analyse the strengths and drawbacks of NATO's military incursions in Libya in 2011, so as to better advance effective and sustainable conflict management

strategies in Africa. Based on this, the problem is stated in the following research questions:

- a. What were the strengths and drawbacks of African Union Mission in Sudan?
- b. What were the strengths and drawbacks of NATO's military incursions in Libya?
- c. What lessons can be learnt from both AU mission in Sudan and NATO's military incursion in Libya so as to advance a more effective conflict management strategy in Africa?

### **1.3 Aim of the Study**

The aim of the study is to examine the effectiveness of humanitarian intervention in conflict management with specific reference to Sudan (2004-2006) and Libya (2011).



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### **1.4 Objectives of the Study**

The study will be guided by the following three objectives:

1. To examine the strengths and drawbacks of the African Union peacekeeping mission in Sudan.
2. To analyze the strengths and drawbacks of NATO's military incursions in Libya.
3. To highlight what lessons can be learnt from both the AU mission in Sudan and NATO's military incursion in Libya so as to advance a more effective conflict management strategy in Africa.

## 1.5 Definition of key concepts

Various definitions of humanitarian intervention have been postulated by a plethora of scholars of International Relations. However, none had reached the consensus to what the term entails. Scholars, commentators, political analysts and policy makers have at length given different views in attempt to clearly define what humanitarian intervention, non-intervention, conflict management, sovereignty and responsibility to protect means within the discourse of International Relations and Political Science.

### (a) Humanitarian intervention

According to Holzgrefe and Keohane (2003) humanitarian intervention is the threat or use of force across state borders by a state or a group of states aimed at preventing or ending widespread and grave violation of fundamental human rights. Concurring with Holzgrefe and Keohane (2003), Lepard (2002) opined that humanitarian intervention is the use of military force to protect the victims of human rights violations. Military power is used by a nation or a group of nations to end or prevent extensive systematic human rights abuses inside the sovereign territory of another nation. More so, military incursion as a concept tantamount to humanitarian intervention is used interchangeably in the study.

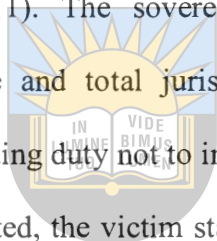
### (b) Non-intervention

The norm of non-intervention is enshrined in Article 2.7 of the United Nations Charter. It implies that states have no right to unilaterally interfere by force, threat or other coercive means in the internal affairs of other states (Acharya, 2005). Based on this, one can argue that the norm of non-intervention literally gives states the right to sovereignty. The most intriguing part about non-intervention is that it gives the citizens

the supremacy to determine their own way of life without any foreign intrusion or interference.

### **(c) Sovereignty**

The concept of sovereignty was essential to the Westphalia Treaty of 1648, which ended the Thirty Years War in Europe and recognised a system of sovereign entities. Sovereignty is the principle that within its territorial boundaries, the state is the supreme political authority and that outside those boundaries; the state recognises no higher political authority (Baylis, 2011). The sovereign state is empowered in international law to exercise exclusive and total jurisdiction within its territorial borders. Other states have the corresponding duty not to intervene in the internal affairs of a sovereign state. If that duty is violated, the victim state has the right to defend its territorial integrity and political independence (Evans, 2001).



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### **(d) Responsibility to Protect**

The principle of Responsibility to Protect commonly known as R2P was endorsed by the United Nations General Assembly (UNGA) in 2005 (Baylis, 2011). The International Commission on Intervention and State Sovereignty (ICISS) report of 2001, outlines that the international community has a duty to jointly protect civilian population from certain categories of atrocities as the basic premise of the R2P (ICISS, 2001). The R2P principle enshrines that the state has the primary responsibility to protect their citizens from genocide, war crimes and crimes against humanity. However, when the state is unable or unwilling to do so or when it deliberately terrorises or victimises its own citizens, the principle yields to the international responsibility to protect (Evans, 2008).

### **(e) Conflict Management**

The concept of conflict management is of high significance in this study. Be that as it may, conflict management is defined differently by many writers in the field of International Relations and Political Science. When defining the concept, Tanner (2000) puts forward the notion that conflict management can be seen as a limitation due to the practice of lessening and containing conflict without necessarily solving it. On a similar note, Swanstrom (2002) believes that conflict management should imply a change from destructive to constructive, in the mode of interaction. Nevertheless, the definitions have limitations of not clearly explaining the parties that should manage the conflict. However, for the purpose of this study, Swanstrom (2002) provides a relevant argument around conflict management, by attesting that as soon a structural problem is defined or a direct conflict manifests, without materialisation, it can and should be addressed by the active parties and the international community. Thus, Swanstrom's argument is the most applicable since it highlights the relevant concepts that are to be addressed, and that not all conflict must be approached with military force.

#### **(f) Non-interference**

According to Katanyuu (2006), the essence of the principle of non-interference is the belief that each nation's domestic affairs are no-one else's concern. The principle is of much importance in the study of humanitarian for it justifies mutual respect for the independence, sovereignty, territorial integrity and the right of every state to lead its national existence free from external interference.

## 1.6 Research Methodology

The research is primarily a literature based analysis of humanitarian intervention in conflict management in Africa. The study uses both secondary and primary sources of data. The secondary sources that are used include journal articles, newspaper articles, books, conference papers and online sources. This material is utilised to conceptualise and contextualise the research questions in relation to the literature that is already available. As a measure of balancing originality with validity, the research also employs a review of primary sources. These primary sources include the African Union (AU) and the United Nations (UN) official reports, the International Commission on Intervention and State Sovereignty (ICISS) official reports and United Nations Security Council (UNSC) resolutions.

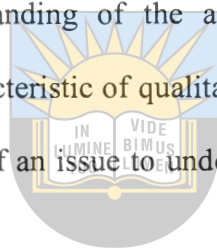


## 1.7 Methods of Data Collection and Analysis

In the context of this study, the rationale of using both secondary and primary sources is that it enables the researcher to gain a broader understanding of the dilemma of humanitarian intervention in African politics. Henderson (1999) argues that the use of primary sources is significant as it allows the researcher to gather information specifically for the purpose of the research. Primary sources also enable the researcher to have first-hand information that can be interpreted directly, instead of the researcher relying on past interpretations provided by other researchers. Primary sources enable the researcher to attain first-hand knowledge instead of distorted information surrounding the issue of humanitarian intervention in conflict management in Africa. However, the utilisation of secondary sources is crucial in this study for the data is readily available. Secondary sources give a wide range of understandings concerning

background data about humanitarian intervention and also enable the researcher to acquire perspectives and interpretations from others scholars (Henderson, 1999).

This research employs qualitative methods of analysis and includes the technique of content analysis more specifically. Content analysis explores various sources such as journal articles, books, and conference papers amongst others. The use of qualitative methods has been based on the sentiments of Marshall and Rossman (1999), who propose that qualitative research is a broad approach that seeks to study social phenomena to gain a deeper understanding of the activities and perceptions of organisations of people. The chief characteristic of qualitative research is that it strives to identify the focal point or epicentre of an issue to understand it (Mouton & Marais, 1990).



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### **1.8 Significance of the study**

The study uses Sudan and Libya as case studies because these are two countries that have experienced humanitarian intervention in Africa. The significance of this study is that it allows for best practice when dealing with conflict management in Africa. The study is important as it contributes valuable information as a result of investigating the necessity and effectiveness of humanitarian intervention in conflict management in Africa by drawing insights from Sudan and Libya. Such analysis is valuable and could contribute to literature on conflict management strategies within the field of Political Studies. More so, perhaps in the event of publication, the findings and the recommendations from this study will benefit students of Political Studies and International Relations as well as policy makers in government institutions with an understanding of conflict management strategies in Africa. The study thus, provides a

bench mark to best practice to humanitarian intervention in conflict management in Africa.

### **1.9 Scope of the study**

The study focuses on the time period of 2004 to 2006 in the case of Sudan. This period is significant in the sense that it reflects the start and the end of the AMIS humanitarian intervention in Sudan before it was replaced by UNAMID in 2007. More so, with respect to Libya, the study focuses on the year of 2011 as this is when NATO's military incursion in Libya started under the guise of humanitarian intervention following the passing of UNSC Resolution 1973.



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### **1.10 Ethical considerations**

In this research, it is important that ethical guidelines and considerations are stipulated and adhered to. Since it is the responsibility of the researcher to observe all the relevant ethical principles, all the sources have been cited and acknowledged to avoid falsification and plagiarism.

### **1.11 Chapter Outline**

#### **Chapter One-Introduction**

This research is divided into five chapters. The introductory chapter covers the introduction of the study, literature review, statement of the problem, aims and objectives, theoretical framework, methodology, data analysis, significance of the study as well as ethical considerations.

**Chapter Two:** Literature Review and Theoretical Framework.

**Chapter Three:** An Examination of the Strengths and Drawbacks of the African Union Peacekeeping Mission in Sudan.

**Chapter Four:** An Analysis of the Strengths and Drawbacks of NATO's Military Incursions in Libya.

**Chapter Five:** Conclusion, Recommendations and Summary of the Study with an Investigation into the Lessons Learnt from both the AU Mission in Sudan and NATO's Military Incursion in Libya.



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## CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### 2.1 Introduction

The issue of humanitarian intervention as a strategy to conflict management has ignited a series of discussions amongst various scholars. The issue of how effective humanitarian intervention is in conflict management seems to be a debatable issue between both Eurocentric and Afrocentric schools of thought. Notably, humanitarian intervention is one of conflict management strategies that have been used in interstate relations to manage conflict in post-Cold war epoch. Writers such as Wheeler and Morris (2006) have described humanitarian intervention as hope to quite a number of states that have benefited from it. Humanitarian intervention has saved many people in Iraq, Kosovo and Liberia just to mention but a few. Firstly, the chapter highlights the historical evolution of the principle of humanitarian intervention. Justifications for humanitarian intervention are based on its moral significance to protect human rights and its legality in line with international law that the international community has the prerogative to intervene if the government fails to do so. This can be espoused by the just war theory which explains humanitarian intervention as an action that is primarily executed on humanitarian grounds in order to protect civilians. However, there are contestations regarding the principle of humanitarian intervention. Arguably, within the context of realist theory some scholars perceive humanitarian intervention as more often driven by national interest than the sole purpose of saving civilians who are prone to harm.

The chapter will also touch on the multilateral interventions in African conflicts. In so doing, there is a discussion of the Organisation of African Unity (OAU) regarding conflict management in Africa and the transition to the AU. More so, the chapter explores the background of the North Atlantic Treaty Organisation (NATO). On a similar note, the chapter will explore the concerns raised by Africans regarding the concept of humanitarian intervention. African leaders have consistently condemned western interference in the domestic affairs of African states by putting forth the idea that these forces are often motivated by national interest agendas. Lastly, the chapter gives a theoretical frame work, with the discussion utilising the realist and the just war theory as the main theories of the research.



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## **2.2 The evolution of the principle of humanitarian intervention**

The principle of humanitarian intervention has been explained at length by various authors. Those that subscribe to this principle argue that humanitarian intervention evolved from the just wars and can be traced back to sixteenth and seventeenth century classical writers (Knudsen, 1997). The arguments around the evolution of humanitarian intervention are anchored on the fact that states are entitled to exercise the rights vested in human society on behalf of oppressed civilians (Knudsen, 1997). Sharing the same sentiment of the evolution of humanitarian intervention, Parekh (1998) opines that philosophers of political liberalism such as Stewart Mill throughout the eighteenth and nineteenth century have related the principle of humanitarian intervention to the concept of human rights. In contrast to the past, the modern principle of humanitarian

intervention is linked with the state practice of the nineteenth century, when nations started to evoke humanitarian reasons to justify their humanitarian interventions (Finnemore, 1996). Though controversy surrounds the method of humanitarian intervention in the modern world, it can be argued that the principle evolved with the primary motive of eliminating the gross human rights violations and crimes against humanity among other factors.

Bellamy (2010) asserts that armed intervention based on humanitarian principles has long been a mark of international relations. Notoriously, Hitler even suggested that the 1939 invasion of Czechoslovakia was to protect the life and liberty of Czechoslovakian citizens from their government. The above sentiment shows the use of intervention that was meant to halt human rights atrocities (Bellamy, 2010). More importantly, Kelly (2008) noted that the principle of humanitarian intervention came to light as a consequence of an increase in the awareness of human rights norms. Therefore, it could be that the need for the protection of human rights has necessitated the United Nations Security Council (UNSC) to oversee the need for humanitarian interventions in global politics. More so, the International Commission on Intervention and State Sovereignty (ICISS) of 2001 forwards that even the UN had provisions of banning gross human rights violations of civilians in any country (ICISS, 2001).

Casting more light on the principle of humanitarian intervention, Baylis (2011) argues that humanitarian intervention poses a difficult challenge for an international society built on principles of sovereignty, non-intervention and the exercising of power. Baylis (2011) further claims that military intervention was not a justifiable practice during the Cold war because nations placed more value on state sovereignty than on the

enforcement of human rights. However, there was a significant shift in these particular attitudes during the 1990's, especially among liberal democratic states, which led the way in pressing new humanitarian claims within international society. When defining humanitarian intervention, Bellamy and Wheeler (2008) state that as a result of the emphasis placed on sovereignty during the Cold war, armed humanitarian intervention was not seen as a lawful measure. However, during the 1990's, a number of actions led liberal democratic states to push forward the idea that a state sovereignty involves more than territorial integrity and entailed a responsibility to protect the human rights of citizens. The adoption of the principle of the Responsibility to Protect (R2P) in the 2005 UN World Summit was of late affirmed by Orford (2011), who suggested that international community had a responsibility to protect and ensure that states live up to this norm of protecting civilians against human rights violations. Wheeler (2000) puts forward the notion that humanitarian intervention became important after the end of the Cold war in 1989. In April 1991 the UNSC adopted Resolution 688 for the safety of Kurds in northern Iraq following the Gulf war. Significantly, this was the initial step towards the first humanitarian intervention attempt of the post-Cold war era. Furthermore, this resolution was distinguished as one of the first incidents when the UNSC connected the internal abuse of human rights with a danger to global peace and security (Wheeler, 2000).

Bellamy (2010) forwards that, events such as the Rwandan genocide in 1994, the slaughter of over seven thousand men and boys by Serb forces in Srebrenica in 1995 and the non-UN sanctioned North Atlantic Treaty Organisation (NATO) bombing of the Federal Republic of Yugoslavia to force its leader, Slobodan Milosevic to cease violence against Kosovo Albanians in 1999, all incited the then UN Secretary-General

Kofi Annan to enter the debate. Ultimately, it can be noted that the disastrous effects, gross human rights abuse and mass killings of the aforementioned conflicts had necessitated the United Nations General Assembly (UNGA) in 1999 to realign the concept of sovereignty. Subsequently the adoption of the principle of R2P was seen during the UN World Summit in 2005. The inconsistencies surrounding the practice of humanitarian intervention and arguments for non-intervention in African politics still remain contested issues.

### 2.3 Justification for Humanitarian Intervention

The principle humanitarian intervention has raised hope for many civilians who lived under despotic regimes and subjected to gross human rights violations. Humanitarian intervention is significant as it entails that sovereign states have the responsibility to protect their own citizens from war crimes, crimes against humanity and human rights violations. However, in the event that the state is unable or unwilling to protect its own citizens, it becomes the responsibility of the international community to carry out humanitarian intervention for human defence reasons. (Bellamy, 2008). More so, the principle of humanitarian intervention also laid down a number of criteria that the international society should stick to when contemplating intervention but also that the international community has the responsibility to stop suffering where crisis occurs as well as rebuilding societies after these events (Bellamy, 2008). Humanitarian intervention is needed in order to manage the behaviour of various states and to uphold their commitment to human rights For some, the need for humanitarian intervention is rightfully accepted and should be backed by those with the capacity to do so (Hehir, 2008).

Similarly, the justification of humanitarian intervention is based on its need to protect human rights. Gross human rights abuse, genocide and mass killing among other detrimental practices meet the threshold criteria for evoking humanitarian intervention. To reinforce this argument, the intervention experienced by Iraq is a clear resemblance of how justified humanitarian interventions can be intertwined with international politics. As the government of Iraq turned against its own people in many cities, many people were killed, tortured and displaced from their homes. In the eyes of the UN and Human Rights Charter, these events warranted humanitarian intervention for the purpose of putting an end to the carnage displayed in these areas and to rescue those Iraqians in danger (UNSC, 2011). Even though a great deal has been said about the Weapons of Mass Destruction (WMD) in Iraq, there was a moral duty of the international community to carry out humanitarian intervention and save civilians from the perceived tyrannical government of President Saddam Hussein. Human rights violations and mass killings in the case of Iraq were evident, and against this backdrop, the situation warranted humanitarian intervention from the international community as a moral exercise to save and protect civilians from atrocities unleashed by the government (United Nations Security Report, 2005).

According to Dowty and Loescher (1996) the increase in the refugee burden placed on neighbouring states has led humanitarian interventions to be a legitimate necessity in global politics. This underpins a right in customary universal law, and under Chapter VII of the UN Charter of intervention or enforcement action is not subject to the limits of purely humanitarian intervention. Adding to the same sentiment, Druke (1990:137) points out that with due respect to internal or domestic conflict that cause a massive flow of refugees, “there is an emerging consensus on the legitimacy of taking action in

the country of origin so that people would not have to flee”. Based on the above assertion, it can be argued that humanitarian intervention is a legitimate necessity in international politics and that it has the ability to minimise the emergence of refugees. The argument in favour of humanitarian intervention is related to the on-going globalisation of world politics.

The principle of humanitarian intervention has been built on the premise that this practice is meant to end the loss of lives and suffering of civilians. According to ICISS (2001), the correct intention requires an intervention that should be actuated primarily by the need to lessen human affliction. Although this need not be the only motive, it is clear that military intervention staged ostensibly for humanitarian reasons should not be primarily motivated by military, economic, political, strategic or other parochial or extraneous considerations. Concurrently, the primary purpose of humanitarian intervention, whatever other motives certain states may have, must be to stop or avoid human suffering (ICISS, 2001).

Arguments for who should authorise the intervention have been left with several uncertainties. Thus, the principle of humanitarian intervention has remained a contested principle. However, Ayoob (2002) argues that the approval of the United Nations Security Council (UNSC) is imperative as the UNSC is the locus of decisions for humanitarian intervention, which suggests that the council has the authority to endorse humanitarian intervention on behalf of a state that is in need of such measures. There are legitimate justifications concerning the principle of humanitarian intervention. One of such justifications includes the legal right argument of the international community to protect human rights via the authorisation of the UNSC. Chandler (2004) argues that,

through the entire process of ICISS and the implementation of R2P at the World Summit in 2005, the idea of liberal internationalism is evident. The idea suggests that the support of liberal human rights and democracy through humanitarian intervention is justified in what is termed liberal peace. Chandler (2004) supports the notion that humanitarian interventions based on the ideology that democratic and peaceful nations are the best measure in creating peace and human rights as well as ensuring humanity's common interests.

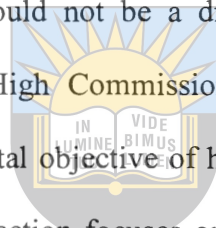
The case for the legal rights of an individual and the concept of collective humanitarian intervention rest on two claims. These are that the United Nations Charter on human rights ensures that states commit to protecting fundamental human rights, and secondly, there is right of humanitarian intervention in customary international law. Holzgrefe and Keohane (2003) argue that human rights are as significant as peace and security in the UN Charter. The UN Charter's preamble and Articles 1(3), 55 and 56 all highlight the importance of human rights. Indeed, Article 1(3) identifies the protection of human rights as one of the principal purposes of the UN system. Humanitarian intervention justification comes from the International Commission on Intervention and State Sovereignty (ICISS) which claims that "Sovereign states have responsibility to protect their own citizen from preventable disasters, but when they are reluctant or incapable to do so, that responsibility must be borne by the broader community of states" (ICISS, 2001:43).

Characteristically, humanitarian intervention is the thrust behind the principle of R2P. The 2001 report of the ICISS claims a consensus around the principles that should govern the protection of vulnerable people. Therefore, the vital reasoning behind

humanitarian intervention is totally based on the right to protect civilians from gross human rights violations and crimes against humanity (ICISS, 2001). The second justification under the principle of legality is customary international law which proposes that states must actually engage in the practice claimed to have the status of law, and that they must do so because they believe that the law permits this. International lawyers contend that the customary right to humanitarian intervention preceded the UN Charter, this is evident in the legal arguments provided to justify the British, French and Russian intervention in Greece 1872 aimed at protecting civilians from gross human rights violations (Bagnoli, 2006). According to Caney (1997), the justification for humanitarian intervention rests primarily with the argument that there is a decent duty to defend civilians from human rights abuses and that moral duty is from natural law, be it determined through religion or political philosophy. The right to life is an important concept of natural law, and it provides the foundation for the justification of humanitarian intervention, because the right to life is a universally accepted norm. Caney (1997:145) also mentions that “all cultures, be they Islamic, Hindu, Buddhist, secular Christian, value the sanctity of human life. Similarly, it is difficult to think of any culture that welcomes drought, famine, disease, murder and malnutrition”.

According to Shimko (2011:23) “arguments for humanitarian intervention rest on a thoughtful liberal vision of a common humanity, a world in which the moral obligations of people and states are not limited by artificial and transitory lines on a map”. Krylov (1995) argues that, if a state is unwilling to protect its citizens from gross human rights violations and war crimes, the international community will have the responsibility to intervene for the purpose of convincing such a state to establish a legal order within its

boundaries sufficient to guarantee that its citizens have an existence that is more appropriate to the ideals of modern civilisation. Furthermore, Owen (2003:34) argues that “humanitarian intervention is a reaction to acts that shock moral principles of mankind”. Therefore, the existence of a supreme humanitarian emergency is the prerequisite for intervention, for example, humanitarian intervention has to be demonstrated primarily for humanitarian purposes of saving civilians from suffering. The legitimacy of humanitarian intervention derives from its unselfish nature, namely the concern with defending human rights. Therefore, both from a humanitarian and legal perspective, political interests should not be a driving force of humanitarian intervention. Former United Nations High Commissioner for Refugees (UNHCR) Sadako Ogata states that “the fundamental objective of humanitarian action is to ease suffering and save lives. Humanitarian action focuses on people and is rights based” (UNSC, 2011:5).



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Humanitarian intervention may be morally desirable insofar that it is the only way to rescue innocent individuals from the mistreatment orchestrated by abusive authorities. Although intervention in the affairs of states is normally forbidden by international law, the international community may undertake collective intervention in a sovereign state on humanitarian grounds of protecting citizens from imminent danger. Collective interventions are those undertaken by the international community under the support of the UNSC. When the government of a state commits acts of brutality and persecution against its own people in such a manner as to shock the conscience of mankind, the international community will be entitled to undertake a joint intervention in order to provide relief to suffering citizens (Owen, 2003). Casting more light on this issue, Maogoto (2008) argues that current consensus indicates that a states defiance of its

citizen's most basic rights may allow intervention into its affairs. Rulers who provoke their countries citizens to despair and resistance by unprecedented cruelties have abandoned all the laws of nature, lost rights of independent sovereigns and can no longer claim the privilege of the nations. Indeed international law today recognises, as a matter of practice, the legitimacy of a collective forcible humanitarian intervention for the purpose of remedying serious human rights violations. According to Teson (2003) a major function of states and governments is to look after and secure human rights, that is, rights that all persons have by virtue of personhood alone. Governments and others in power, who seriously violate those rights, undermine the one reason that justifies their political power, and thus should be protected by international law.



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Many writers argue that irrespective of what the laws says, there is a moral duty to intervene to protect civilians from genocide and mass killing. They argue that sovereignty derives from a state's liability to protect its people and that when a state fails in its duty, it loses its sovereign rights (Teson, 2003). Similarly, there is a moral justification for humanitarian intervention. Bellamy (2010) shared the same sentiment with Teson, when he argued that when states fail to keep their sovereignty responsibilities, they lose out on a moral right of non-interference. The above assertion acts as a restraint for state leaders to hide under the banner of sovereignty. A further variety of this argument insists that there is moral agreement between the world's major religions and ethical systems and insists that genocide and mass killing are grave wrongs. Furthermore it states that others have a duty to stop them and rebuke the perpetrators (Ramsey, 2002). Humanitarian intervention aims to establish grounds under which warfare is a permissible response and whether it can be morally required, "There is strict moral duty to get involved when fundamental human rights are violated,

and there are moral reasons to protect the sufferers of serious violations of human rights. Therefore, human rights are ways to express our humanity and the duty to intervene proceeds from respect to humanity” (Bagnoli, 2006:234). Caney (1997) argues of ordinary humanity to the idea that all individuals have vital human rights and a duty to uphold the rights of others. In addition to the justifications of humanitarian intervention there is also an argument based on the issue of legitimacy. More importantly there is also the right to humanitarian intervention. Bellamy and Wheeler (2011) provide arguments supporting humanitarian intervention and cite legitimacy in their reasoning. To begin with, the recent humanitarian intervention in Iraq was unprecedented insofar as there was authorization of the use of force by the Security Council to prevent an expected massacre. The legitimacy of the humanitarian intervention was also justified on the basis of international law. The Gulf Cooperation Council (GCC) called on the United Nations to protect citizens (Bellamy and Williams, 2011). On analysis, the fact that the UNSC authorized and regional organizations called for the intervention based on international law and the protection of civilians provides justification of legitimacy that humanitarian intervention is moral and prudent necessity aimed at ending the suffering of innocent civilians from gross human rights violations.

Concurring with Bellamy and Wheeler (2011) on the legitimacy of humanitarian intervention is Teson (2003) who attests that the people of Iraq approved the humanitarian intervention as an important source of legitimacy. It is against this background that one can justify humanitarian intervention as a moral necessity aimed at saving people in danger from imminent carnage. Humanitarian intervention can be justified based on the argument of human protection. There was a humanitarian intervention in Libya which was legitimized by the Security Council when it passed

Resolution 1973. The Libyan intervention was perhaps legitimate in the sense that it was undertaken in order to end the loss of life and suffering of civilians in Libya. The intervention in Liberia in 1990, although undertaken by the Economic Community of West African States (ECOWAS), was legitimised by the Security Council and was taken with the aim to end the protracted civil war and suffering of civilians in that country (UNSC, 2011). The above assertions thus justify the use of humanitarian intervention as an international political ploy. The arguments form the bedrock on which the exercise of humanitarian intervention is anchored and executed. The exercise of humanitarian intervention has liberated many civilians from the jaws of despotic regimes in many countries such as Iraq, Kosovo, Libya, and Liberia to mention but a few. However, besides aforementioned justifications of the principle of humanitarian intervention there are also contestations regarding this same principle.

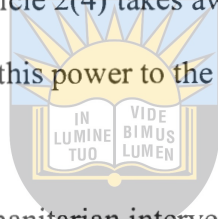


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#### **2.4 Contestations Regarding the Principle of Humanitarian Intervention**

Despite the well-founded moral and legal justifications for humanitarian intervention, the practice has traditionally been subject to criticism. In as much as humanitarian intervention is a moral necessity, the principle is controversial. Arguments against humanitarian intervention are largely based on the notion that it breaches or violates state sovereignty. Suffice to say some schools of thoughts have argued that humanitarian intervention conflicts with the idea of state sovereignty and thus, it amounts to an act of aggression and destabilisation of a sovereign state (UNSC, 2011). Anderson (2012) attests that there is no agreement yet on the principle of R2P, particularly with respect to the circumstances under which it might be evoked. It is argued that it undermines and compromises the basic principles of the sovereignty of states and the United Nations Charter on principles of territorial integrity and non-

interference in the domestic affairs of states. Moreover, the UN Charter Article 2 (7) is fairly explicit on states jurisdiction and states “Nothing contained in the present Charter shall authorise the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit matters to settlement under the present Charter VII” (UNSC, 2011:5). Some realist scholars also argue that the international community has no legal authority over the people of another state. The citizens of that state should be able to establish their own future without outside interference (Burgess, 2002). In addition, humanitarian intervention also seems to disagree with the UN Charter because article 2(4) takes away the legal right of states to use force. Articles 24, 39 and 42 provide this power to the Security Council.



Be that as it may, Von Hippel (1995) humanitarian intervention by states in the territory of a sovereign state is generally proscribed by international law in the doctrine of non-intervention. According to State University of New York Press (2009) state rights are violated by humanitarian intervention because it is the right of people to live uninterrupted by foreigners in a political society of their own. Pluralist scholars such as Howard and Anderson (1999) argue that humanitarian intervention should not be permitted in the face of disagreement over what constitutes extreme human rights violations. Therefore, the concern is that in the absence of agreement on what principles should govern the right of humanitarian intervention, the most dominant states would be free to impose their own culturally determined moral values on weaker members of international society (Chesterman, 2004).

Scholars such as Wheeler and Morris (2006), argue that it is impossible for outsiders to impose human rights on other individuals and thus, humanitarian intervention does not

work and should be avoided. This can be affirmed by liberals who argue that states are established by the informed consent of their citizens. Casting more light on this topic, Mill (1973) posits that democracy could only be recognised by a domestic struggle for liberty and that human rights cannot take root if they are imposed or enforced by outsiders. Thus, oppressed people should themselves overthrow tyrannical government. Based on the above arguments, it can be noted that the whole essence of humanitarian intervention is contested as human rights cannot be imposed by foreigners. Therefore, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the country in question.

Despite this, Bellamy (2003) asserts that based on the realist discretionary association argument, realism strongly opposes the use of a state's financial and military possessions for advancing anything other than the interests of the state's citizens. Due to the fact that realism is grounded on the pessimistic world view of an international system that is characterised by actors trying to capitalize on their utility at the expense of others, realists find themselves in a constant perpetual security dilemma. Therefore, each state has to try to maximise its own control in relation to other powers, while primarily protecting the security and welfare of its own people. Furthermore, the powerful states only intervene when it suits them to do so and that strategies of intervention are most likely to be guided by calculations of national interest rather than by what is best for the victims whose name the intervention is supposedly carried out in (Bellamy, 2003). Concurring with the above sentiments, Walling (2008) argued that Western states particularly the United States of America (USA), use military force to inflict their values and press forward their national interests on weaker states.

The lack of consistency in the authorisation of humanitarian intervention by the UN Security Council is explained by the national interests of its five permanent members, who only engage in humanitarian intervention when their national interests are at stake and not primarily for humanitarian intervention reasons. For instance, the failure of the UNSC to respond to genocide in Rwanda, despite explicit knowledge of its perpetration is a paradigmatic example of the power and national interest reasoning behind selective humanitarian intervention. No vital interests were at stake for UNSC members in Rwanda. Humanitarian intervention is then explained according to traditional conceptions of vital national interests, the presence of a threat or actual or perceived opportunities to maximise power. According to McKenna (2011), the realist perspective points out that states do not engage in genuine humanitarian intervention as that would be against their national interests.



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Based on this realist assertion, perhaps world superpowers are mainly concerned by what they gain from executing humanitarian intervention rather than saving lives and assisting other nations in turmoil. The case of intervention in Iraq has been argued by McKenna (2011) as a situation wherein states do not intervene for humanitarian motives but to maximise their self-interests. Perhaps, the subject of oil in Iraq dominated the reason why the West expediently executed humanitarian intervention in Iraq in 2003. Given the availability of vast oil reserves in Iraq, it can be argued that the West used the issue of WMD as a justification to go to Iraq. Though there were human rights abuses, NATO carried out humanitarian intervention that did not fully focus on addressing the carnage but focused more on oil interests. Arguably, the situation in Iraq did not improve and was coupled with civil conflicts and security instabilities. Thus, humanitarian intervention is a tool for superpowers to achieve their self-interests rather

than saving people's lives (UN Security Report, 2012). The above sentiment was also shared by Nardin (2005) who attested that humanitarian intervention is justified if it aims to save people's lives rather than escalating levels of harm. In the absence of an impartial mechanism for deciding when humanitarian intervention is allowed, states might take up humanitarian motives as a pretext to cover the quest of national self-interest (Frank and Rodley, 1974). Creating a right of humanitarian intervention would only make it easier for the dominant party to justify prying in the affairs of the weak. However, it would make the world a more unsafe place by giving states more ways of justifying force (Chesterman, 2001). Notably, humanitarian intervention costs money and lives, and often goes wrong. For example, intervening in Somalia to fix a humanitarian issue, does not usually work if the problem is not clearly understood by those intervening or if the citizens of the country do not wish international aid. Krieg (2012) goes further, explaining that citizens are the exclusive liability of their state and that their country is entirely their own business. Therefore, there is no justification in risking your own citizen's lives on behalf of those suffering abroad. This argument can be seen as limited, as the short-term benefits of successful humanitarian intervention are often outweighed by the long-term costs of non-intervention.

Another contestation associated with the principle of humanitarian intervention is the argument on selectivity. The principle of humanitarian intervention had been criticized by a plethora of scholars, policy makers and law makers for selectivity as it is driven by national interest. In the opinion of Baylis (2008) states always apply principles of humanitarian intervention selectively, resulting in inconsistency in policy. Because state behaviour is governed by what government's judge to be in their interest, they are selective about when they choose to intervene. On the same note, Holland (2005)

affirms that humanitarian interventions are perhaps not executed purely for humanitarian motives. Suffice to say in humanitarian intervention, geopolitics takes precedence over the interests of humans. Thus, self-interest is a leverage factor governing the drives of the intervening nations (Holland, 2005)

Furthermore, states always apply principles of humanitarian intervention selectively, resulting in inconsistency in policy. The problem of selectivity arises when an approved moral principle is at stake in more than one situation, but a national interest dictates a divergence of responses. For example the selectivity of response by NATO's intervention in Kosovo was not driven by humanitarian concerns because it did nothing to deal with the very much larger humanitarian disaster in Darfur (Heir, 2008). On the same note, the issue of selectivity has been argued by realist scholars such as Chesterman (2001), among others, to have led to inconsistencies on the principle of humanitarian intervention in international politics. The application of selectivity in intervening can be reinforced by the case of Rwanda and Libya. The 1994 Rwandan genocide warranted a humanitarian intervention from the global community but this was unfortunate because the intervention provided lacked substance in terms of national interests, as defined by the realist school of thought.

However, in 2011 Gaddafi government unleashed gross human rights abuses against its people. The UNSC and the international community were expedient in response, issuing Resolution 1973 calling for a military intervention. Perhaps, this was motivated by the availability of oil in the North African state (UNSC, 2012). Arguably, the above clearly shows the abuse of the norm of humanitarian intervention by the powerful states, as this exercise is based on national interests, not on moral grounds of saving the

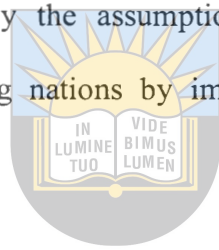
lives of the people in danger. On the other hand, Cilliers and Sturman (2002), argue that sovereignty has often been used to protect leaders at the cost of citizens. The Constitutive Act of the African Union (AU) allows for intervention without the approval of the target state in a way that the Organisation of African Unity (OAU) system of absolute consensus never did. Guaranteeing that intervention is effective is as vital as the decision of why and when to intervene. Sanctions, criminal prosecutions and military interventions are the broad options available to the AU. To be effective though, the AU will need to agree on how intervention will be authorised as well as on the mechanisms for its operation (Cilliers and Sturman, 2002). Still on that note, in an article, *African Perspective on Intervention and Sovereignty*, Samkange (2002) posits that humanitarian intervention which violates sovereignty is often justified by its humanitarian goals and considers intervention when collapsed states threaten regional security. Samkange (2002) argues that humanitarian intervention should be action of the last resort but should remain a preference while states are unwilling or unable to protect their own citizens. The norm of humanitarian intervention also came under the spot light when Wheeler (2000) provided a theoretically informed account of seven interventions, three in the 1970's and four in the 1990's. The author suggests that the failure of the UN to prevent and stop the Rwandan genocide of 1994 established the limits of the evolving norm of humanitarian intervention.

According to Recchia (2007) intervention might also be linked with hidden and unseen agendas. Some of the intervening states had self-serving and imperialistic motives behind the decision to intervene. Intervention may result in short term desired results but cannot ensure sustainable peace. The consequences of intervention may well be a weak and fragile government and a population which has been achieved freedom

through tyranny. Also the interveners could continue to send foreign support. So rather than having set free a government that reflects the participation of citizens of the state, the intervention could have set up a puppet government, one that would reflect wills and interests of those intervening, (Thakuh, 2006). The ICISS Report (2001) posits that humanitarian intervention should be actuated primarily with the aim of alleviating human catastrophes. Furthermore the report explains that the sole purpose of humanitarian intervention, whatever other motives intervening states may have, must be to end and avert human sufferings (ICISS, 2001). However, this literature supports some schools of thought which are sceptical of humanitarian intervention in global politics. Nevertheless, some scholars subscribe to the belief that interventions do more harm than good. Those who subscribe to this view pivot their argument on the fact that intervening states, by putting boots on the ground, fight to win the battle. It is amidst this process that humanitarian casualties are experienced. (Anderson, 2012). This argument was reinforced by the ICISS Report (2011) which showed that the NATO's intervention in Libya resulted in the bombardment of the town of Sirte though no fighting was reported there and the gruesome killing of Gaddafi's family (ICISS, 2011). Bearing this in mind, one could argue that there is an abuse of the norm of humanitarian intervention by powerful states against those who are weaker than them.

More so, Aloyo (2012) argued that humanitarian intervention can be seen as a form of cultural imperialism, in that it is based on a fundamentally western notion of human rights that may not be applicable in other parts of the world. This has been happening more especially in Africa where westerners feel the need to intervene in the internal politics of African states. They do so without even waiting for AU intervention. Western countries will pose their ideas on how things should be done or handled on

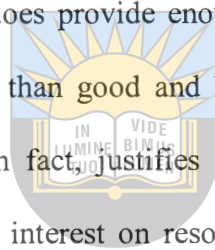
other states, cultural and religious differences may therefore, make it impossible to establish common guidelines for the behaviour of governments. In addition, humanitarian intervention can be seen as a tool of neo-colonialism by the powerful states on the developing nations. According to Agency France-Press (2011) Muammar Gaddafi had claimed the revolt against his rule was a result of a colonialist plot by foreign states particularly France, USA, Canada and Britain to control the oil reserves and enslave Libyan people. Therefore, basing on this one can pin-point that western intervention in Africa has ushered an era of neo-colonialism. This can be supported by the assumptions of neo-colonialism that powerful states dominate in developing nations by imposing puppet governments (Pearson, 2011).



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Furthermore, Bellamy and Wheeler (2008) attest that R2P aims to impose Western liberal ideas into states that do not need them. Though R2P can be relevant to any legitimate society, the discourse of democracy, human rights and ideas of the Western society do not apply in some spheres of the world. In the same essence, Reif (2011) argued that there is a notion of re-colonising the world by the human rights movements and it is by no surprise that humanitarian intervention through R2P may just be a tool in the imperialist's tool box (Institute of International Studies, UC Berkeley, 2011). This was also reinforced by Ayoob (2000) who voiced that humanitarian intervention has the attributes of becoming a tool used by the powerful to interfere in the affairs of the weak nations. Furthermore, some schools of thought argue that the Iraq and Afghanistan intervention clearly shows that humanitarian intervention is more of a Trojan horse for the West imperialism. Arguably, with insights from the Middle East nations, humanitarian interventions were far from humanitarian interests (Ayoob, 2000).

Brownlie (2000) asserts that the principle of humanitarian intervention is inherently vague and open to abuse by powerful nations. It is against these realities that humanitarian intervention can be labelled as a tool of the west to re-colonize the developing nations rather than saving civilians. It is against these contestations that the principle of humanitarian intervention has up to date generated intense debates on the scholarly platforms with some schools of thought saying the principle should not be sanctioned in contemporary democracy. Cases of humanitarian intervention in Libya, Iraq and Kosovo among other nations does provide enough ammunition to the claim that humanitarian intervention do harm than good and has left marks of destruction wherever it has been executed. This in fact, justifies the notion that humanitarian interventions are driven by the national interest on resources to be gained and other strategic financial interests than the need to save the people in danger.



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## **2.5 Multilateral Interventions in African Conflicts**

Global statistical analysis of the onset of civil wars suggests that Africa has experienced more civil wars mainly because the economic circumstances, low income, low growth and high dependence on natural resources have made war feasible. In addition the wars in Africa have also resulted in making the continent poorer and preventing development in many countries (Collier and Hoeffler, 2002). Civil strife, drought, poverty, diseases, illiteracy, corruption and bad governance remain rife in the continent. All these fuel a precarious movement of non-state combatants across national borders and create havens for international terrorist and criminal syndicates within failed and failing states (Thompson, 2004). Be that as it may, Bujra (2002) claims, the

most type of political conflict in most African states are by rebel groups outside the military establishment of a country and which aim to overthrow the government.

These rebellions are generally initiated by urban elites who are dissatisfied with the way the government had treated them and their region or ethnic group. More so, outside power and neighbouring countries usually supports these groups to acquire arms clandestinely (Bujra, 2002). Currently, the continent is in dire wars state, hatred, anger and resentment among Africans. For instance civil wars in DRC between the government forces with the M23 rebels who are fighting for a change of government and clashes between the Islamist Boko-Haram and the Christians in Nigeria all shows the instabilities in the continent (The Human Security-Africa, 2012). Added to these conflicts is the proliferation of violent attacks from Al-Shabab militia group in Somalia with its recent attacks in Kenya wherein dozens of civilians were killed by the militants. The rise tide of violence in Central African Republic (CAR) is another dent to continents peace and stability and this has impacted on the rise of rebel conflict in African states. The Seleka rebels have toppled the government in CAR, and up to date there are sectarian violence's wherein hundreds of people have been killed and thousands displaced to neighbouring countries (News24, 2013).

The paradigm shift from the OAU's non-interference to non-indifference has enabled the African Union to intervene in the internal conflicts of its member states. A case at hand was when the African Union intervened in Burundi for peacekeeping missions. According to Murithi (2005) in 2003 there was a launch of the African Union Mission in Burundi (AMIB) which was the first humanitarian intervention to be carried by the African Union (AU). Murithi further argues that mission largely resembled a milestone

from the continental in line with Africa's independence in implementing peacekeeping operation. As Lepard (2002) argues that humanitarian intervention aims to save civilians in danger, the mission in Burundi had the mandate of protecting civilians and curbs the recurrence of the conflict.

This was undertaken in 2003 when AU deployed more than 3000 troops drawn from its member states to perform peacekeeping missions and provide security to civilians. Thus, AU was effecting a responsibility to protect mission (Murithi, 2005). The above sentiments can be reinforced by the notion that if a state fails to protect their citizens from atrocities the international community has the right to intervene and protect. More so, the vital reasons for humanitarian intervention are totally based on the right to protect the civilians from gross human rights violations and crimes against humanity (ICISS, 2001). The entire period had seen the AMIB succeeding in de-escalating a potentially volatile situation and in February 2004, the United Nations recommended for the establishment of a UN peacekeeping operation in Burundi (Murithi, 2005). Ultimately, the issue of internal and external support through channelling of arms and financial aid has enabled some of the continent conflicts to go a long way with any peaceful closure. However, as conflicts proliferated in African continent, it is of much importance to note that regional, continental and international conflict management strategies have also intensified. In 1963, the Organisation of African Unity (OAU) was formed in Addis Ababa on signature of OAU Charter by the representatives 32 governments. It is of significant importance to note that OAU was formed with an effort to advance social solidarity, self-determination and independence of African states (Chabal, 2006). The formation of the organisation became crucial as it was formed during the height of colonialism. This was based on the notion that the Pan-

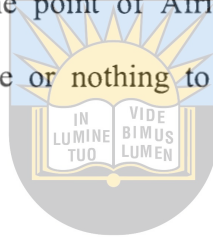
Africanist leaders the likes of Kwame Nkrumah, Julius Nyerere and Jomo Kenyatta among others dedicated the organisation to establish political and economic independence of Africa (Chabal, 2006). Notably, the intended purpose of OAU was to promote unity, solidarity of the African states and to ensure all Africans enjoyed human rights. The emergence of OAU was a milestone in the decolonisation of the continent. It gave a new socio-economic and political impetus to the African people's struggle to rid the continent of all vestiges of economic subjugation. Furthermore, the leader's vision of prioritising peace and unity among Africans was a high alert in Africa (Chabal, 2006).



According to Gomes (2005) OAU Charter of 1963 among all other things explained the commitment by the organization member states to preserve, establish and withstand the human conditions for Africa's peace and security. Despite the need for economic development, the continental body OAU committed itself to the principle of non-intervention regarding African conflicts. According to Acharya (2005) non-intervention principle implies that states have no right unilaterally to interfere by force, threat or other coercive means in the internal affairs of other states. The OAU Charter enclosed the principle of state sovereignty and territorial integrity of African states. Consequently, this principle was later interpreted into the norm of non-intervention (OAU, 1963). Though the issue of sovereignty was central in accordance to OAU Charter, the adopted principle of non-intervention was catastrophic and a recipe for disaster for it gave the organisation no rights to intervene in African conflicts only to intervene when invited by the parties to a conflict. On this note, it can be argued that OAU member states were operating under the cover of self-determination and this enabled the states to be prone from interventions. It can be argued that the principle of

non-intervention as given by OAU was going to be a stop sign and it highly made the organisation to be an observer of the atrocities and human rights abuses in the continent.

This argument was reinforced by Murithi (2009) who weighed that, OAU became a silent observer to the atrocities committed by some of its member states and eventually a culture of impunity and indifference became entrenched in the international relations of African countries. Odinkalu (2003) like Murithi, opines that OAU's principle of non-intervention was applied to the extreme point of African leaders oppressing their civilians with impunity, and doing little or nothing to prevent gross human rights abuses in their neighbouring countries.



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The Cairo Summit of June 1993 saw the creation of a mechanism for conflict prevention, management and resolution. Though the 1993 Cairo summit saw the establishment of a mechanism to prevent, manage and resolve conflicts in the continent by the African Heads of State and Government (AHSAG), the persistence of conflicts on the continent suggested that the OAU had failed to build, let alone maintain peace in Africa (Murithi, 2007). According to OAU Report (2000), the 1994 Rwandan genocide was characterised by unrelenting ruthlessness and brutality despite the existence of the OAU's mechanisms for conflict management and prevention. Surprisingly, this continental body looked aside when genocide occurred in Rwanda and this demonstrated the virtual impotence of OAU in the face of violent conflict within its member states (OAU Report, 2000). Despite the Rwanda genocide many inhumane atrocities were committed in the face of OAU in Angola, the Democratic Republic of

Congo, Sierra Leone and Liberia. Notably, until the demise of OAU in 2000, the organisation had a snail pace on the issues regarding conflict in Africa.

This sentiment was affirmed by Nyong'o (1995) who pin pointed that the organization focused primarily on the sovereignty and territorial integrity but paid little attention on conflicts. Within its operations, the organisation theoretically professed the respect of human rights but some governments remained immune to good governance principles. The principle of non-intervention barred OAU from interfering in the domestic affairs of its member states. Ultimately, egregious human rights violations were committed by the some African leaders on the excuse that the continental body was barred from meddling in the internal affairs. A case at hand is the regime of Jerry Rawlings of Ghana who in 1979 staged a public execution of senior military officials who opposed his rule and thousands of civilians were detained and killed for denouncing the regime. More so, Arap Moi of Kenya had in 1982 made Kenya to be one party state thereby he used the military and police to torture and kill civilians who opposed and criticised his regime (Nyong'o, 1995).

Furthermore, Nyong'o (1995) explains that the organization was widely shunned for not taking action to shocking human rights violations by dreadful despots such as Uganda Idi Amin, Zaire's Mobutu Sese Seko, Central Africa Republic Jean-Bedel Bokassa and Equatorial Guinea's Marcias Nguema. The report asserts that the atrocities were committed on the pretext that the OAU was barred by principle of non-intervention in the internal affairs of its member states (Nyong'o, 1995). In analysis the OAU's principle of non-intervention regarding African conflicts made the continental body not to achieve its goals, to be a shallow body that had no comprehensive impact on the

daily lives of Africans. Ultimately, the OAU can be tallied to a talking shop, a spectator watching from the terrace as it was a silent observer to the atrocities committed by member states during its reign. Perhaps the failures of OAU to address conflicts in the continent through its policy of non-interference gave impetus for a more interventionist organisation to emerge that is the transition from OAU to AU.

According to the OAU (1999), the decision to establish the African Union (AU) was taken in 1999 at the fourth extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte, Libya and the Assembly adopted a declaration calling for the establishment of the AU to replace OAU. More importantly, AU aimed to usher new dynamics of continental integration, leading to a deeper unity and a resolution of the continents challenges (Murithi, 2008). More so, AU has to accelerate the unification process of Africa both to promote socio-economic development and to deal with the challenges of globalisation was underlying motivation behind the launching of AU (OAU, 2000). Having these arguments at hand, significantly the prime objective of AU is to achieve greater unity and solidarity between African states and the peoples of Africa (OAU, 2000). More importantly, the formation of the African Union (AU) gave the impetus for the reinforcement of the ideology of pan-Africanism. Murithi (2009) argues that AU Constitutive Act of 2002 alludes to the right to intervene and hence African states have agreed to pool their sovereignty to enable the organisation to act as the ultimate guarantor and protector of the rights and well-being of African people. Cilliers and Sturman (2002) argue that through the Article 4 of the AU Constitutive Act, the AU has the right to intervene in a member state, pursuant to a decision of the Assembly in respect of grave circumstances namely, war crimes, genocide and crimes against humanity. Still on the same note, the Article did not only

create the legal basis for intervention nevertheless, it also improves an obligation on the AU to intervene to prevent or stops the perpetration of such heinous international crimes anywhere on the continent (Cilliers and Sturman, 2002). It is amidst these provisions that the AU has the right to intervene in internal conflicts of its member states to protect civilians from atrocities. Ultimately, as enshrined in the Constitutive Act and based on the principle of non-indifference AU unlike OAU has the right and the responsibility to protect (African Union, 2003).

The AU in its operations has roped in a more interventionist approach and has embraced a spirit of non-indifference towards war crimes and crimes against humanity in the continent. This was reinforced by the Chair of AU Commission and former President of Mali Alpha Oumar Konare who argued that it was no longer tenable for African countries to remain silent in the face of atrocities being committed in neighbouring countries (Murithi, 2009). In essence to AU, the principle of non-difference regarding African conflicts can highly be in line with the philosophy of Pan-Africanism, continental solidarity and collective security. Casting light on the same note is Mwanasali (2004) who opines that pan-Africanism has manifested itself as the desire for greater solidarity and collaboration in order to address the domestic and global challenges that confront the continent. Based on this assertion one can argue that the pan-Africanism epitome is in relative with the principle of non-indifference that enable Africans to work collectively and have common goal to challenges facing the continent. Arguably, holding all other things constant, solidarity within the AU's framework of the pan-Africanism has been implemented by addressing conflict in the continent.

Furthermore, Mwanasali (2004) argues that for pan-Africanism to be achieved AU's member states should regard the peace security and well-being of their neighbour's as fundamentally intertwined with theirs. In accordance to Mwanasali, the above assertion can be cemented by AU Commission Strategic Plan and Vision 2004-2007, which explained the significance of intervening by the continental organisation to promote peace and security as a necessary prerequisite for governance and development (Mwanasali, 2004). More so, African Renaissance became the lead on the vision of the African Union (AU). Mbeki (2010) views African renaissance as social, political, economic solidarity among Africans. Arguably, this assertion gave the impetus for the emergence of the African solutions to African problems.

There are concerns by African leaders regarding the principle of humanitarian intervention. Notably, African leaders have perceived western-led humanitarian interventions as an instrument used by superpowers to legitimize their interference in the domestic affairs of African nations. Therefore, to overcome this challenge there was need for Africa to craft its own fabric and hence, the approach of African solutions to African problems. Remarkably, this approach is to discourage the continued interference of the west in African matters as the continent the African Union (AU) is committed to solve its own predicaments. In light of this, the chorus for African solutions to African problems can be termed as a resurgence of African renaissance and the desire for Africans to shun foreign powers of neo-colonialism in the African soil. (Murithi, 2009). Concurring with the above sentiment is Dersso (2012) who argued that African solutions to African problems is a pan-African ideal that seeks to accord Africa both ownership of and a high stake over the process for resolving the problems facing the continent. He further argues that the whole essence of African solutions to African problems is an issue of self-determination in the continent. Logically, the political ideal

of African solutions to African problems resembles the endeavour by African leaders to be in charge of Africa's destiny and the essence of Africa soiling the meddling of foreigners when it comes to conflict in the continent. Besides the notion that Africans should solve their own problems, the ideal of African solutions to African problems is to shun and reject the often disastrous foreign interference which has engulfed the political landscape of Africa. It is to these realities that the idea is meant to dodge the reappearance of the abuse, neglect and violence that such foreign interference actions brought on the continent (Dersso, 2012). Against this background African leaders have rallied behind home grown solutions as a more viable and preferable sustainable solutions in addressing Africa's predicaments.



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Arguably, Bellamy and Wheeler (2008) argue that states do not engage in genuine humanitarian intervention, as this would be against their national interests. Against this backdrop, African leaders have not been consistently in support of continued western interference in domestic affairs of African states as they perceive western-led humanitarian interventions in the continent as a tool for imperialism. This assertion can be supported by the words of United States (US) President Barrack Obama, when showing his support for US intervention in Libya, he stated, "America cannot use our military wherever repression occurs. And given the costs and risks of intervention we must always measure our interests against the need for action" (Chesterman, 2011:13). In this regard, African leaders argue that NATO's interventions in Africa are often driven by national interests of the tapping of resources rather than that of humanitarian purposes as stated by the just war theory. It is against these realities that humanitarian interventions in Africa are labelled as neo-imperialist agendas. Perhaps, this can be the reason why the US rejected the notion of establishing criteria for intervention in the

ICISS report, because it could not commit to intervention where it had no national interests.

The above sentiment therefore gave impetus for condemnation of western humanitarian intervention on African soil by the Zimbabwean President Robert Mugabe in his address to the 2012, 67<sup>th</sup> United Nations General Assembly (UNGA). President Mugabe stated that “Libya has been made equally unstable, following NATO’s deceitful intervention under the cover of Chapter VII of the Charter of the United Nations and the principle of Responsibility to Protect (R2P)”. More so, President Mugabe noted that the continental organisation African Union (AU) was defied, ignored and dishonoured by the western humanitarian intervention in Libya (Nehandaradio, 2012:2). On the same note, a plethora of African leaders, diplomats and law makers have been consistent in condemning the meddling of foreigners in African politics.

However, there are shortcomings that are associated with the African concerns about humanitarian intervention. The study argues that the call for African solutions to African problems is just a talk show as the African leaders seem to do the opposite. A case at hand to fully show the limitations of African solutions was when South African President Jacob Zuma supported North Atlantic Treaty Organisation (NATO) intervention in Libya that killed Muammar Gaddafi (Chesterman, 2011). South Africa as Africa’s hegemony and the leader of the AU by supporting the United Nations Security Council Resolution (UNSC) 1973 for a military intervention in Libya was totally against the vision, efforts and achievements of African solution to African problems and the idea of pan-Africanism. This debacle clearly shows that the

organisation leaders are not unified in achieving AU's initiatives. Furthermore, the recent conflict in Mali has torn the fabric of African solutions to African problems. The African leaders sought help from France to militarily intervene in Mali to combat the Al-Qaeda linked Jihadist rebels. The role of France in Mali has resulted in human rights abuses and reprisal killings of the innocent African people (News24, 2013).

Notably, as one calls for the African solutions to African problems, the call for intervention in Libya and Mali conflict is a clear indication that African leaders are at the same time unable to adequately address or respond to conflict in the continent. While there is no consensus regarding what form intervention should take, it is clear that Africa is beset with a myriad of challenges that often require some form of intervention. The African stance via AU is driven by the idea that Africans should solve African problems and despite a clear dearth of capacity to do so. With the realities of Somalia still lingering in the minds of those endowed with the resources to intervene, especially the West and the subsequent reluctance by the West to intervene in areas of less strategic importance, Africans find themselves at the crossroads of those advocating intervention and those averse to intervention (Cilliers and Sturman, 2002). It is argued that the financial costs of AU-led peace support operations have largely been funded by the international society while Africa has provided troops and considerable political leadership in the management and resolution of conflict (African Partnership Forum Support Unit, 2007). Furthermore, drawing insights from the civil wars in the Democratic Republic of Congo (DRC), rising tide of terrorism in Nigeria, coups in the Central African Republic and recurrence of conflict in Sudan, the future of Africans remain uncertain within the cloud of African solutions. Of course, the African

solutions to African problems mantra seem to have lost track and perhaps it is better classed as an unrealistic aspiration.

## **2.6 The emergence of NATO**

In the past years, there have been an increase of western involvement in the domestic affairs of African nations. Notably, the historical background of NATO can be traced back to time of the Cold war, which was an ideological war between the western bloc and the eastern bloc commonly known as the Soviet Union. According to Zbigniew (2009) NATO coalition was crafted in response to the security threat posed by the Soviet Union. The Cold war was not a direct confrontation but the blocs used proxies to fight against each other. The need for a western coalition was anchored on the following reasons namely to deter Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent and the need for European political integration (Zbigniew, 2009). With the need of comprehensive military cooperation and security, several western European democracies came together to implement various projects for greater military cooperation and collective defence. Accordingly, the Brussels Treaty of 1948 became the first step in the post-war reconstruction of Western European security and bought into being the Western Union and the Brussels Treaty Organization. This treaty was crucial for it also gave birth to the formation of the North Atlantic Treaty Organization (NATO) in 1949 (UNSC, 2011).

The alliance comprises of United States of America (USA), Britain, France, Italy, Canada, Australia, Spain, Turkey, Romania and Norway just to mention but a few. In the post-Cold war NATO member states have been active in military involvement in

African states. Cases at hand are France's military involvement in the conflict in Ivory Coast in 2011 helped the depose of President Laurent Gbagbo, military intervention in Mali that combated Al-Qaeda linked Jihadist and NATO's military intervention in Libya that saw the overthrow of President Muammar Gaddafi (News24,2013). Against this backdrop, the inference of western nations in African affairs has been condemned by African leaders who perceived the interference as neo-colonialism of Africa and hence there is need to explore on African concerns regarding humanitarian intervention.

## 2.7 Theoretical Framework

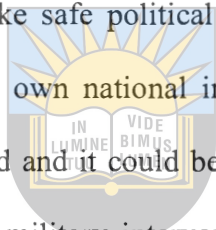
The purpose of this chapter is to give an overview of the theories that offer contextualization to humanitarian intervention in African conflict. Two theories were reviewed and these are realist theory and just war theory. The research will make use of these two theories in discussing AMIS humanitarian intervention in Sudan from 2004 until 2006 and NATO's military intervention in Libya in 2011.

The use of the realist approach to the International Relations theory is critical in this study as it speaks volume in locating the sovereignty of state at the centre and views the national interest, guided by military means, as the driving force in relations between actors (Daddow, 2009). The realist theory is justified in this study because it reflects self-interests of states when carrying out humanitarian intervention. Be that as it may, there is a vast amount of literature demonstrating how global politics and humanitarian intervention have been driven by realist perspectives. The preponderance of the realist theory, within the confines of power and politics, has made it easy for statesmen to overlook realism as the sole or traditional approach to international affairs. Though some political commentators and law makers cast doubt on the theory due to its denial

of morality, realism has changed the face of global politics since the end of the Second World War. Realists teach leaders to focus on interests rather than ideology, to seek peace through strength and to recognise that great powers can coexist even if they have antithetical values and beliefs. The fact that realism offers something of a manual for maximising the interests of the state in a hostile environment explains in part why it remains the dominant and traditional approach to the study of world politics (Baylis, 2008). The fundamental aspect regarding the ability of states achieving their national security objectives through power is the core of realism. This is affirmed by Morgenthau (1955), who argues that, realism tells the statesman what he must do to preserve the health and strength of the state. More so, Morgenthau (1955) opines that realist are sceptical of the idea that universal moral principles exist and therefore warn state leaders against sacrificing their own self-interests in order to adhere to some indeterminate notion of ethical conduct. It is no doubt that these arguments gather support for the need to use realist theory when discussing humanitarian intervention in Libya and Sudan.

Realists argue that since states are always driven by the motive of national self-interest, their claim that military action is motivated by humanitarian consideration is invariably an example of political mendacity (Aloyo, 2012). This indicates that if an intervention were truly humanitarian, the state would be putting its own citizens at risk in order to 'save strangers', thus violating its national interests. So, there are always ulterior motives involved when it comes to humanitarian intervention. The state that would be so eager to intervene would always have something to gain. Recalling the principle of state sovereignty, which prohibits any outside interference in internal affairs of state, the realist theory argues that humanitarian intervention represents a breach of state

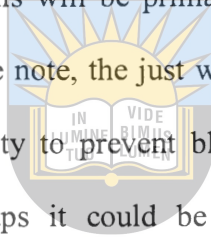
sovereignty. Any humanitarian intervention, according to the realist perspective, will be perceived as being driven by national interest and strategic behaviour rather than that of saving and rebuilding the nation (Enabulele, 2010). More so, as realist perspective points out, states do not engage in genuine humanitarian intervention as this would go against national interest (Bellamy and Wheeler, 2008). It is against this backdrop that the NATO's intervention in Libya might have been driven by national interest. This notion holds water considering the availability of oil in this North African nation. Lyons and Mastanduno (1995) argue that when states carry out humanitarian intervention they do so not only to make safe political and diplomatic support and consensus, but also to camouflage their own national interests. Libya is one of the leading oil exporting nations in the world and it could be argued, that this has led the western nations to have an appetite for military intervention in Libya. The research underscores realist theory as a possible theory to explain humanitarian intervention in Libya in 2011.



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In opposition to the realist theory is the just war theory. Authors associated with this theoretical perspective such as Krieg (2012) suggest that humanitarian intervention is solely carried out for humanitarian purposes. It is important to use this theory because it justifies the use of humanitarian intervention from a moral perspective of solely saving civilians facing gross human rights violations. Krieg (2012) further attests that humanitarian intervention is commonly understood as a disinterested, rather unselfish, form of intervention with the primary purpose of protecting or rescuing people from gross human rights abuses. The theory is best known as a cluster of injunctions as to what is permissible, and what is not. The specifications provide the terms under which a war or intervention may be waged and also establish the norms which apply to the

conduction of intervention. The criteria would include just cause, legitimate authority, last resort measures, right intention, just ends, probability of success, proportionality and discrimination (Coates, 1997). This theory is useful in this research for it justifies the moral intentions of humanitarian interventions in interstate relations. Realist theory views humanitarian intervention as driven by national interest, however, the just war theory dismisses the realist theory as it explains the morality of humanitarian interventions only for humanitarian grounds and to protect civilians who are suffering. Affirmative to this assertion Lyons and Mastanduno (1995) argue that when states undertake humanitarian interventions, this will be primarily to curb and stop human suffering in the target state. On the same note, the just war theory clearly underscores the need for the international community to prevent bloodshed by all means at its disposal. Against this backdrop, perhaps it could be seen that the humanitarian intervention in Sudan was based on moral grounds of saving civilians in danger.



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# CHAPTER THREE: AN EXAMINATION OF THE STRENGTHS AND DRAWBACKS OF THE AFRICAN UNION PEACEKEEPING MISSION IN SUDAN

## 3.1 Introduction

This chapter gives an examination of the strengths and drawbacks of African Union mission in Sudan (AMIS) from 2004 until 2006. The purpose of this is to have insights into the effectiveness of humanitarian intervention in conflict management in Africa. The first section gives an overview of the conflict in Darfur. Here the chapter focuses on the causes of the conflict between the Khartoum government and the rebel groups; the Sudanese Liberation Army (SLA) and the Justice Equality Movement (JEM). Secondly, the chapter highlights African Union (AU's) humanitarian intervention in response to the conflict in Darfur as well as the strengths of the humanitarian intervention. Finally, the chapter analyses the drawbacks of AU's mission in Sudan from 2004 until 2006. This is undertaken to address the issue that in spite of the fact that African solutions are a more preferable sustainable solution to conflict, such an approach is heavily constrained by capacity and political will. The chapter concludes that AU is incapacitated to manage conflict in Darfur as the African-led humanitarian intervention mission was marred by enormous challenges such as the lack of financial back-up, a lack of political will and the deployment of ill-equipped brigades to mention a few.

## 3.2 An overview of the conflict in Darfur

According to the European Union Commission Report (2005), Sudan is the largest country in Africa covering a total surface area of 2.5 million square kilometres. Besides

being the largest nation in Africa, Sudan is enriched with a wealth of resources ranging from oil, mineral resources and it has a vast agricultural resource base. However, in spite of all the riches, there is widespread poverty and inadequate delivery of social services. There is a noticeable recurrence of crises compounded by patterns of socio-economic and political failures that threaten the country's peace and stability (EUCR, 2005). Against this backdrop, Sudan has been, for a number of years, experiencing the occurrence and relapse of violent conflicts that have resulted in the deaths of thousands of civilians. Though there are quite a number of vigorous allegories and approaches to the causes of the conflict in Sudan, the concern of ethnic marginalisation of non-Arabs by the Khartoum government seems to be the major cause of the crisis (Human Rights Watch, 2006). Noticeably, the issue of ethnicity is explained at length by Rone (1998) who opines that Sudan is a diversified nation that has a population of 31, 7 million with Arabs comprising 40-50 percent of the population and black Africans 60-50 percent. The Sudanese government in Khartoum is dominated by Arabs who inhabit the northern region, while the southern region and Darfur, in the western region, are mainly dominated by black Africans. Furthermore, the Darfur region is home to ethnic groups such as the Fur, Masalit and Zaghawa tribes who since 1985 to date, have been accusing the Khartoum government of failing to address the marginalisation and underdevelopment of the region (Human Rights Watch, 2006).

The conflict in Darfur is the snowballing upshot of ages of conflict and battles between the Sudanese government and the ethnic groups of Darfur. While there is a long history of conflict in Darfur spanning back to the 1980's, there was a notable escalation of conflict in 2003, following the insurgences by the Sudanese Liberation Army (SLA) and the Justice Equality Movement (JEM) rebel groups. The crisis emerged in early

2003, when non-Arab Darfur rebels took up arms against government forces as they alleged that the Khartoum government was economically and politically marginalising Darfur and concerned primarily with the Arab Sudanese to the detriment of non-Arabs (Eltinagani, 2007). Some scholars argue that the Darfur conflict was possibly fuelled by the Khartoum government denying developmental services and support to non-Arabs for over thirty years (Human Rights Watch, 2005). Therefore, it could be established that the prevalence of developmental inequalities and the constant marginalisation of the Darfur ethnic groups by the government of Sudan had perhaps gave the impetus for the conflict. It is against this backdrop that the political and economic marginalization of non-Arabs by the Arab government led to the formation of the aforementioned rebel groups the SLA and JEM to fight against the Khartoum government. According to International Crisis Group (2005) in 2003, the SLM rebel group emerged as a transformation of the Darfur Liberation Front (DLF) in response to the failures of the Arab government to develop the region. The SLM also accused the Khartoum government of creating ethnic strife in the region and thus, it called all the tribes of non-Arabs to rise up against the government. Not surprisingly, the JEM led by Dr Khalil libra-him Mohammed was formed as a rebel group that opposed the Arab government and it eventually allied with the SLA in the struggle against the Sudanese government (ICG, 2005).

Notably, after a year of attacks by the rebel movements, the Khartoum government sent troops and allied Arabs tribes to suppress the insurgency and this let loose a wave of violence (Alex de Waal, 2005). Surprisingly, this government response was conducted by means of brutal campaigns of mass killings and ethnic cleansing. Particularly, the Khartoum government embarked on the attacks with the backing of the Janjaweed

which was an armed militia mobilised by the government to carry insurgency assaults on all perceived rebel movements (ICG, 2005). In the wake of the Darfur conflict, Eltigani (2007) argues that the atrocities by the government-sponsored militia group culminated in the most appalling humanitarian catastrophe in the history of Sudan. Flint and De Waal (2005) maintain that there was a standard alteration as the Janjaweed shifted their attacks from the rebels to the civilians so as to weaken the support of the rebel groups. Characteristically, the Janjaweed committed slaughters in Darfur they entered the villages riding horses and camels and burning down civilian settlements to ensure that the civilians did not return. Moreover, they carried out massive looting, rape of women and children and massacres of all civilians perceived to be non-Arabs (O'Neil and Cassis, 2005). As a result of the conflict, more than two million civilians have been displaced as 2500 villages were completely destroyed. This resulted in a refugee spill over into neighbouring countries, particularly Chad and over two hundred thousand civilians dead (Udombana, 2005). Arguably, with the focus on these atrocities demonstrated against non-Arab civilians such as the Fur, Zaghawa, Masalit, Berti, Tama and Tunjur groups, these acts can possibly be referred to as a project of ethnic cleansing by government militias (International Crisis Group, 2007). Against this backdrop, the chapter notes that the events in Sudan were disastrous and put forth the idea that the government possibly failed to perform its duty of protecting its citizens from danger as thousands of civilians were left to take care of their own safety.

The turmoil in Sudan is explained by Powell (2004:6), who states that “violence carried out in that area was orchestrated with great coordination, intensity and focus on particular ethnic groups that the US government, though reluctant to commit itself to action, declared in 2004, that ‘genocide has been committed in Darfur’”. This notion

was mirrored in 2004, by Mukesh Kapila, the United Nations Coordinator for Sudan who accused government-backed Arab militia of 'ethnic cleansing' and warned that if unchecked, the humanitarian catastrophe in Sudan would be comparable to that in Rwanda (BBC News, 2004). Furthermore, Evans (2004) notes that the intensity of the atrocities in Sudan warranted a humanitarian intervention in accordance to the principle of R2P, adding that there is a need for the international community to respond and save the people from suffering. Noting assaults by both the government-sponsored Janjaweed militia and rebel groups alike on the civilian population of Darfur, AU in implementing its principle of non-indifference created African Union Mission in Sudan (AMIS) to intervene and perform peacekeeping operations from 2004 until 2006.



Murithi (2009) argues that the African Union Constitutive Act (AUCA) of 2002 alludes the right to intervene thus, African states have to agree to pull back their sovereignty to enable AU to act as the ultimate guarantor and protector of the rights and well-being of African people. Murithi (2009) further proclaim that through Article 4 of the AUCA, the AU has the right to intervene in a member state, pursuant to a decision of the Assembly in respect to grave circumstances namely, war crimes, genocide and crimes against humanity. It is amidst these provisions that AU has the right to intervene in the internal conflicts of its member states to protect civilians from atrocities. Ultimately, as enshrined in the Constitutive Act and based on the principle of non-indifference the AU unlike the OAU has the right and the responsibility to protect (AU, 2003). Based on the above assertions, it is of high importance that AU's humanitarian intervention in Sudan is highlighted.

### 3.3 Humanitarian intervention by African Union Mission in Sudan (AMIS)

The need to respond to conflict and socio-economic development had fuelled the establishment of the African Union. Nsongurua (2002) argues that in 2000 when African leaders adopted the AUCA, they believed that the protracted nature and the continuous confrontations experienced by the continent are detrimental to the socio-economic development of Africa. Nsongurua (2002) further argues that there is a need to promote peace, security and stability as it is a pre-requisite for development. The AUCA's objectives include the promotion of peace, security and the establishment of the necessary conditions that allow the continent to play its rightful role in the global economy (Nsongurua, 2002). Drawing humanitarian insights from the failures of the OAU, the AU's former Chair of the African Union Commission President Alpha Oumar Konare affirmed the need to move from a non-intervention approach to non-indifference. This move was to herald the need for the continental body of AU to respond to conflict in the continent (Murithi, 2009). According to the African Union (2000), the African Union Peace and Security Council (AUPSC) were established in 2004 by the Protocol Relating to the Peace and Security Council of 2002. The thrust of the Security Council comprising of 15 members was mandated to conduct peace-making, peacekeeping and peace building operations in continent (Murithi, 2009).


As the turmoil in Darfur and its spill-over to neighbouring states such as Chad became a humanitarian catastrophe, it prompted AU to make contingency plans as a way to manage the conflict. The first phase to address the conflict was carried out by the Chadian President Idriss Deby who initiated the first foreign-led negotiations over Darfur. These negotiations heralded the signing of the Abeche Agreement of September

3<sup>rd</sup> in 2003 by the Khartoum regime and the rebel groups the SLA and the JEM. More importantly, the Abeche Agreement allowed for a 45 day ceasefire and a comprehensive peace negotiation platform. Nonetheless, the negotiations were subsequently controlled by the AU and the agreement became flawed as the rebel groups lacked commitment (Toga, 2007)

With understandings from the Darfur peace agreement, Toga (2007) alluded that the AU initiated the negotiations with the sole aim of averting the conflict in Darfur from spreading to neighbouring countries. However, other critics stress the importance of the continental body ability to address the conflict rather than just being preoccupied with it spilling-over to other nations. Ekengard (2008) argues that from Toga's view, the AU had visibly shown limited success when addressing the Darfur conflict. Perhaps, there was much of an imperative for the AU to prioritise the management of the conflict in Darfur and protect the civilians in danger which would have possibly prevented the conflict from spreading to neighbouring nations. Noticeably, the birth of the AMIS came as a result of the Humanitarian Ceasefire Agreement (HCFA). The HCFA was overseen by the AU Chairperson Alpha Konare and was signed on the 8<sup>th</sup> of April in 2004, between the Khartoum government and the rebel groups comprising of the JEM and SLA. It was in this agreement that the conflicting parties agreed to a ceasefire, the facilitation of the delivery of humanitarian aid and the creation of a peacekeeping mission. Eventually, the HCFA led to the formation of AMIS that carried out humanitarian intervention in Sudan from 2004 until 2006 (Ekengard, 2008). AMIS had the mandate of protecting civilians from the atrocities equally committed by the Khartoum government and rebel movements. More so, the mission was mandated to monitor the implementation of the ceasefire in Darfur. The African Union Report

(2004) argues that the Assembly of Heads of States and Governments of the African Union (AHSAG) had approved the deployment of the AMIS to perform peacekeeping duties in Darfur. More importantly, Appiah-Mensah (2005) opines that AMIS was comprised of brigades from South Africa, Nigeria, Senegal and Rwanda.

From this, the research notes that perhaps South Africa and Nigeria had to take a crucial role in providing troops as they are the continents hegemons. Nonetheless, in accordance with Chapter VIII, Article 53 of the UN Charter, the authority for the deployment of regional troops for humanitarian intervention purposes falls under the United Nations Security Council (UNSC). To reinforce this notion, Ress (2007) argues that Chapter VIII, Article 53 of the UN Charter entails the notion that all regional engagements should be authorised by the UNSC. However, critics say that Article 53 of the UN Charter with all the complexities of veto powers undermines the capacity of the AU to act on its own and to expediently respond to its own conflicts. It is against this backdrop that AMIS as an African-led humanitarian intervention had the blessings of the UNSC to intervene in Darfur with the aim of protecting civilians from sufferings at the hands of the government militia group and the rebel movements.



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### **3.4 Strengths of AMIS Humanitarian Intervention in Darfur**

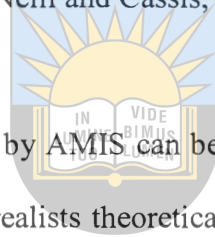
This chapter notes that existing literature measures the success of the mission in terms of the effectiveness of African solutions to African problems in conflict management within the continent. Nonetheless, changes in security situations and initiatives to curb rape of women and children are all extremely important indicators of the success of the AMIS mission in Sudan. Arguably, such changes have the ability to reduce even the

flow of refugees from Darfur to neighbouring nations such as Chad. Notably, the African-led humanitarian intervention in Sudan had perhaps invoked traumatic reminiscences of massacres in which thousands of mostly unarmed civilians including women and children were killed on the advent of the conflict in Darfur (Murithi, 2005).

With regard to its mandate of protecting civilians, it can be noted that the presence of AMIS in Darfur had propelled an improvement in human security. According to the UN Security Council Report (2008) upon its deployment in Darfur in 2004, AMIS managed to effectively protect civilians in demilitarised camps. The mission made remarkable strides that had deterred the most ardent of both the government militias and the rebel movements. According to O'Neill and Cassis (2005), AMIS had a visible presence in the most affected communities in such a way that its appearance deterred any planned attacks on civilians. To reinforce this, the peacekeepers thwarted the eminent attack on the town of Labado in south of Darfur by the government-sponsored Janjaweed militias (O'Neill and Cassis, 2005). Regardless of the atrocities that were committed in Darfur, the magnanimous and practical presence of AMIS allowed the region to develop an atmosphere of protection and freedom from strife as well as fraternity.

Secondly, the Janjaweed militias and the rebel movements alike used the rape of women and children as an instrument of war. However, in the course of unfolding its mandate of civilian protection, AMIS implemented quite a number of measures to protect women and children in all forms of rape as well as sexual violence (O'Neill and Cassis, 2005). On such measures, women were escorted and guarded by AMIS personnel on their expeditions to gather firewood. Though this was not an instant

manifestation, the firewood patrols achieved a number of positive elements across various communities of Darfur that were known for their prevalence of rape. Arguably, there were high cases of women and children being raped by the militias, however the advent of AMIS made headway as it initiated measures to bolster the protection of civilians in danger. Furthermore, AMIS peacekeepers managed to protect the civilians who relocated to the Internally Displaced People's (IDP) camps. Thousands of civilians sought refuge in these camps and the presence of the AMIS troops was credited as it deterred any further attacks of civilians from government militia groups and rebel movements. (O'Neill and Cassis, 2005).



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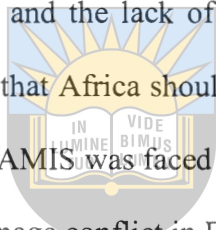
The humanitarian intervention in Darfur by AMIS can be supported using the just war theoretical perspective. Contrary to the realists theoretical perspective that places self-interest as the essential aspect of interstate relations, the just war theory claims that when humanitarian intervention is undertaken, it will be primarily to curb and stop human suffering in the target state (Lyons and Mastandumo, 1995). This theoretical perspective could largely be used to justify the legality of the AU's humanitarian intervention in Darfur as only aimed for humanitarian purposes of saving civilians from suffering. Furthermore, according to the International Commission on Intervention and State Sovereignty (2001), a right objective requires that the intervention should be actuated chiefly by the need to ease human suffering. Although this need not be the only motive, it is clear that military intervention staged ostensibly for humanitarian reasons should not be primarily motivated by military, economic, political, strategic or other parochial or extraneous considerations. Still on the same note, the primary purpose of humanitarian intervention, whatever other motives interested states may have, must be to halt or avert human suffering (ICISS, 2001). Having all these

arguments at hand, the chapter notes that the AU's humanitarian intervention in Darfur was chiefly anchored on the moral grounds of saving civilians from gross human rights violations and easing their suffering. Arguably, it is by no surprise that the occurrence and recurrence of the atrocities in Darfur had set the tone for the AU to operationalize humanitarian intervention as a viable way to manage the conflict. It was moral and prudent for the AU to intervene and save civilians in need.

Remarkably, AU's mission in Sudan came at a time when African statesmen voiced concerns over the continued involvement of the Western entities in African politics, perceiving it as an attempt at neo-colonialism. However, from an African perspective, it can be deduced that the manner in which AU intervened in the Darfur conflict, resembles how the continent has embraced primary responsibility and operationalized its mechanisms to halt the requirement of foreign intervention in Africa's conflict. This in essence is the driving force to the wave of African solutions to African problems that have currently been used in relation to Africa's self-determination. Arguably, African solutions to African problems can be termed as a resurgence of African renaissance and the desire for Africans to shun powers of neo-colonialism in African politics (Murithi, 2009). This can be supported by the former President of South Africa Thabo Mbeki who opined that, "We have not asked for anybody outside the African continent to deploy troops in Sudan, it's an African responsibility and we can do it" (Rice, 2005, 6). Despite all the noticeable successes of AMIS in protecting civilians in Darfur, the chapter also gives an analysis to some of the challenges faced by the mission. Drawing insights from AMIS intervention in Darfur between 2004 and 2006, the chapter notes that AU was incapacitated and seemed to lack the indispensable political will to effectively manage conflict in the continent.

### 3.5 Drawbacks of AMIS in Sudan from 2004 until 2006

One of the motives for the birth of AU was the understanding of its need to promote peace, security and stability as a recipe for Africa's socio-economic development. The presence of AMIS in Darfur can be argued to have had a preventive effect in terms of the number of atrocities committed on civilians and possibly reduced the level of human suffering. Nonetheless, the mission represents the need to capacitate AU's peacekeeping engagements. When considering this, AMIS mission in Darfur faced a plethora of deficiencies such as poor coordination, logistics, an insufficient number of troops, dispatching unequipped brigades and the lack of political will to manage the conflicts. African leaders have reiterated that Africa should solve its own problems but this call is perhaps a bit too ambitious as AMIS was faced with astronomical challenges which limited its ability to effectively manage conflict in Darfur.



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To begin with, deficient planning was the crucial challenge that the AMIS peacekeeping mission had faced. From the evaluation seminar of AMIS in 2007, Pillard a former AMIS official indicated that "AMIS was never planned, it just happened" (Guicherd, 2007:4). From this, the chapter notes that the lack of proper strategic planning had set the tone for the myriad of challenges faced by the AMIS in Darfur. The challenge of an insufficient number of troops had persisted from the initial deployment of troops to Darfur. According to Appiah-Mensah (2005) the deployment of the AMIS peacekeepers was far behind schedule and was even delayed as only 2, 200 of the mandated 3, 320 soldiers were deployed by April 2005. More so, even when the mandate was increased to 7000, AMIS lacked adequate soldiers for deployment into the centre of the conflict. With regards to the size and population of Darfur, insufficient

deployment of troops suggests that quite a number of civilians in peripheral rural areas were left unprotected against the widespread human rights violations and crimes against humanity equally from the government troops and rebel groups alike. The insufficient deployment of troops had raised many criticisms regarding the effectiveness of African solutions to African problems and the capacity of AU to tackle conflict in Darfur. The Brahimi Report of 2000 argues that, regional organisations had the responsibility to equip peacekeeping missions with credible and possible mandates. Respectively, the available troops deployed by AU were perhaps far from adequate in achieving peacekeeping operations in the whole region of Darfur (UNSC, 2008). Therefore, it is by no surprise that the deployment of inadequate troops had seen more casualties in the presence of AMIS peacekeepers. Despite the presence of AMIS in Darfur, human suffering had increased and escalated as thousands of civilians were still subjected to attacks from government troops and rebels. With the complexity of the atrocities committed in Darfur both by the Khartoum government and rebel groups, the deployment of only a handful troops clearly showed how incapacitated the AU was in addressing conflict in the continent (Guicherd, 2007). Possibly, in such conflict wherein genocide is perceived, expediency for peacekeeping missions seems to be imperative for the deployment of an inclusive force. Furthermore, the protracted nature of the Darfur conflict and the geographical landscape possibly required a comprehensive deployment of a high powered mission with the capacity to cover all the areas. Against these realities, the chapter argues that the role of AMIS in managing conflict in Darfur perhaps eliminated any doubt that home grown solutions as recommended by African leaders are anachronistic.

To complicate matters, AMIS not only lacked deficiency in the deployment of troops but also lacked resources such as vehicles to conduct patrols. The mobility of AMIS personnel had kept on compromising the effectiveness of the mission in managing conflict. Appiah-Mensah (2005) opines that, donations from foreign nations were of much value throughout the entire AMIS operation in Darfur. The mission heavily depended on vehicles donated by the British government and the British Crown Agents who donated over 400 all-terrain vehicles for land mobility by AMIS peacekeepers in 2005 (Appiah-Mensah, 2005). Still on the same issue of mobility, AMIS mostly relied on contracted civilian helicopters. According to the International Crisis Group (2005) the government of Canada and the Netherlands had paid for the use of AMIS eighteen Mi-8 medium transport helicopters. Unfortunately, they were unarmed airplanes, with no strategic communications apparatus and could only fly during the day. Therefore, these deficiencies had limited AMIS to conduct air patrols during the night and hence, compromising the safety of civilians from imminent attacks by government forces and rebel militias alike (ICG, 2005).

With regards to airplanes, some schools of thought have criticised the AU for failing to even airlift its troops into Darfur during deployments. To reinforce this assertion, Piiparinen (2007) added that the North Atlantic Treaty Organisation (NATO) had its first operation on African soil when it decided to airlift AMIS troops into Darfur on the 8<sup>th</sup> of June 2005. Thus, some communities remained rife as covering adequate ground for operations was limited due to the lack of vehicles to conduct patrols. It is against this backdrop that one can argue that AU is perchance incapacitated and often lacks the resources to efficiently deal with conflict on the continent as much of the resources used by AMIS were funded by western nations. Arguably, all of these dynamics in

connection with the insufficient resources of AMIS have conceivably dented the methodology of African solutions to African problems. With this at hand, the chapter contends that the wildly acclaimed chorus of Africans solving their own problems is possibly just rhetorical as it lacks active and comprehensive implementation to effectively manage conflict.

Another challenge faced by AMIS was the lack of intelligence and communication apparatus. Ekengard (2008) proposes that intelligence gathering was likely to work as a force multiplier for AMIS in its peacekeeping mission. Nonetheless, the opposite was in fact true as AMIS lacked intelligence apparatus to adequately execute its peacekeeping mission and only relied on information from military observers. As a result, Ekengard (2008) cemented the fact that human intelligence apparatus together with modern aerial scouting would have been predominantly advantageous as it would have given AMIS data about the plans of parties as well as the movements of troops (Ekengard, 2008). Further, AMIS had insufficient modern communication equipment's and the British Crown Agents Company had to come on board and fund the mission. The company sponsored communication assets to AMIS, in particular the Thuraya satellite phones and satellite data systems (Appiah-Mensah, 2005). More so, the Human Rights Watch (2006) doubted the effectiveness of the AMIS Rules of Engagement (ROE) attributed by the lack of communication equipment. When coming across civilians in danger, the ROE did not allow the use of deadly force. Therefore, with regard to the lack of communication apparatus, acquiring the authority to use force by peacekeepers from their superiors often took extended amounts of time, possibly compromising operations (Human Rights Watch, 2006). All in all, the lack of

intelligence and communication apparatus was a major drawback on the success of the operations of AMIS in conjunction with the management conflict in Darfur.

Other challenges included that AMIS troops were ill-equipped to effectively manage conflict and this deficiency even compromised the safety of peacekeepers (Human Rights Watch, 2005). With the mandate of protecting civilians in danger, AMIS peacekeepers also suffered combat deaths as they came under increasing attacks from state backed militias and rebel groups. Janjaweed militias attacked an AMIS patrol which was deployed to investigate attacks on the Harafa area where ten civilians were killed and 700 others displaced (Human Rights Watch, 2005). Similarly, on October 9<sup>th</sup> 2005, AMIS personnel were taken hostage by JEM rebels as they tried to rescue some of the peacekeepers who had been kidnapped. Adding to this, the AMIS camp in Haskanita in southern Darfur was attacked by the Janjaweed militia group resulting in the deaths of ten soldiers and dozens of others pronounced missing (Aboagye & Boshoff, 2007). Respectively, these attacks were a clear sign of AMIS being incapacitated to its own security besides even mentioning the protection of civilians. The attacks also caused certain diplomatic fears as the Senegalese President vowed to withdraw troops if the matter of force protection was not addressed (Aboagye & Boshoff, 2007).

Shedding light on this is Murithi (2008) who opines that the series of attacks on AMIS troops had also led the people of Darfur to lose trust in AU and question the effectiveness of the mission in restoring security. From this, the chapter notes that perchance a well-equipped and a robust peacekeeping force is a promising start for managing conflict in Africa. Having this challenge at hand, the presence of AMIS in

Darfur was just an amateur measure as it failed to lessen or limit the prevalence of atrocities being committed by the government and rebel forces on innocent civilians. Notably, there was nothing that AMIS could have done to effectively protect the civilians in danger as the mission was ill-equipped to effectively manage conflict in Darfur. Finance constrain was another main challenge faced by the AMIS peacekeeping force in Darfur. Murithi (2005) argues that to tackle a peacekeeping mission the issue of funding should be a prerequisite. Therefore, for AU to achieve its peacekeeping operations the issue of funding needs to be addressed before hand. The AMIS mission was funded by the government of Canada and Britain with both countries pledging US\$ 248 million for logistical purposes (Kasaija, 2011). Faced with a high velocity of underdevelopment reality, one would not expect AU to fully fund its own peacekeeping operations without extending its finance bowl to western nations. All the same, the challenge of financing Africa's peacekeeping missions can be attributed to lack of political will from African countries to fund these conflict management mechanisms. Holding all other things constant, the lack of funds had delayed the deployment of AMIS troops into Darfur, the purchasing of aviation fuel and the construction of camps for the AU's peacekeepers (Human Rights Watch, 2006).

More so, the mission was faced with the challenge of funding the welfare of the troops performing peacekeeping duties and this was argued to have also affected the morale of the brigades in terms of them to fully execute their mandates (Murithi, 2005). All in all, this clearly showed the incompetence of AU to expediently respond to conflict in the continent and these delays had conversely widened the reach of human suffering in Darfur (Ekengard, 2008). From this, the chapter argues that given the abundance of rich mineral resources in the continent, perhaps effective and comprehensive utilisation of

these resources can place AU on a pedestal for robust funding of its peacekeeping operations. Arguably, various financing mechanisms for African-led interventions are supposed to be in place. It is against this background, that in spite of the fact that African solutions are preferable approaches to conflict, such a procedure is constrained by funding. In as much as African leaders pride themselves in advocating home grown solutions, maybe that ideal is unrealistic as much of AU's mission in Sudan was funded by western nations.

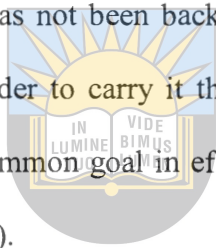
Remarkably, AMIS peacekeeping mission had been bedevilled by dramatic logistical problems, capacity difficulties and delays. Casting more light on the challenges, Murithi (2009) opines that AU's mission in Darfur was inadequate and ineffective and a more robust peacekeeping force was required to effectively discourage the silent genocide that had been unfolding in that region. The troops lacked military expertise to effectively manage the deadly conflict in Darfur. Murithi (2009) further argues that the troops had dramatic challenges to operate modern armoured vehicles and airplanes donated by the western nations thus, proving that the contingent lacked military drills and expertise (Murithi, 2009). Notably, the lack of military expertise had left AMIS peacekeepers powerless, eventually subjecting civilians to continued killings and human rights violations from the government militias and rebel groups. In this essence, it can be argued that AMIS was a toothless bull dog that failed to halt the sufferings and killings in Sudan due to lack of comprehensive military expertise. The predominate purpose of preventing, reducing and halting on-going grievous suffering of people is the best efficacy for humanitarian intervention (Pattison, 2010). Based on this assertion, it can be argued that AU's humanitarian intervention in Sudan was perhaps far from credited as an effective mission in peacekeeping. With growing calls for Africa solving

its own problems, such a concept should be approached with extra caution based on the literature above. In spite of the presence of AMIS, there was an occurrence and recurrence of onslaughts in Darfur as the mission proved to be incapacitated and lacked military expertise to effectively protect civilians from attacks.

Lastly, there was a lack of political will which is the commitment from other African leaders to work hand in hand when making decisions and condemning human rights abuses and atrocities in Sudan. Of late, the lack of political will from African leaders poses as a possible cause of concern regarding AU's effectiveness in tackling conflict in the continent. Arguably, there is a tendency by African leaders to hide behind sovereignty and yet they fail to meet their domestic responsibilities. According to O'Neill and Cassis (2005) the Khartoum government under the leadership of President Omar al Bashir had maintained that Sudanese sovereignty must be respected. This was in contrast to Rwanda President Paul Kagame when he sent troops to be part of AMIS and emphasised the need to protect civilians in Darfur. Unpredictably, Libya and Egypt as fellow Arab nations supported the Khartoum government in refusing to allow the AU Peace and Security Council (PSC) to deploy a strong mandate into Sudan. Arguably Sudan having vast oil reserves and relative wealth was in a position to also influence decisions made by AU on the concern over the conflict (Kagwanja & Mutahi, 2007).

Keith (2005) argues that African nations can contribute to AU peacekeeping efforts only in relation to what their people will tolerate and what their other priorities accommodate. This argument can better be explained by realist theorists, who position self-interest as the essential thread in interstate relations. Amidst the occurrence of

gross human violations and crimes against humanity in Sudan, African leaders alike lacked the political will to condemn and confront President Omar-al Bashir and end the carnage. Gottschalk and Schmidt (2004) state that South Africa and Rwanda seemed to lose interest in Sudan, with Rwanda warning that its peacekeeping contribution to AU was likely to make it miss its spending targets as per arrangement with the International Monetary Fund (IMF). In analysis, it can be argued that the lack of political will among African countries seem to have an impact on the effective functioning of AU peacekeeping operations. On the same note, the rhetorical talk linked to the notion of African solutions to African problems has not been backed with serious resources or political will by African countries in order to carry it through. The AU and African leaders alike were reluctant to have a common goal in effecting Desmond Tutu's plea to apply sanctions on Sudan (Keith, 2005).



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According to Prunier (2005) while AMIS presence occasionally deterred violence against civilians it did not entirely eliminate the prevalence of it across the Darfur region. Indeed, it was incapable of achieving such a feat which was largely due to its limited and inadequate resources. Prunier (2005) further argues that AU's mission left much to be desired and more of a robust peacekeeping force was required to effectively dissuade the silent genocide that was unfolding in Darfur (Prunier, 2005). The occurrence, recurrence and persistence of the conflict in spite of the presence of AMIS prompted the creation of a more robust hybrid mission to take over the peacekeeping mission. This came as a result of AU becoming incapacitated and facing a myriad of challenges from finance, insufficient logistics and resources to effectively manage conflict in Darfur. Ultimately, AMIS was replaced by the African Union-United Nations Hybrid operation in Darfur (UNAMID) in 2007.

### 3.6 Conclusion

Since its establishment in 2002 to replace its non-operational precursor the OAU, AU has taken the military interventionist position to tackle the scourge of conflicts in the continent. Noticeably, AU's humanitarian intervention in Darfur resembles the organisation's capability and efficiency in managing conflict in Africa and its ability to operationalize the approach of African solutions to African problems. Clearly, the continent took the responsibility to manage its own problems without the interference of foreign powers. Remarkably, this was a resemblance of pan-Africanism and African renaissance for the continent to be responsible for its own destiny. The chapter notes that there was a noticeable event indicating that AMIS had managed to lessen levels of casualties in Darfur. The humanitarian intervention achieved credits in providing protection to civilians in its first year of deployment in which women and children were shielded from mass rapes and torture by government militia's and rebel movements.

This chapter notes that AMIS humanitarian intervention in Darfur was prudent and moral for it aimed to save the people of Darfur from suffering at the hands of government militias and rebel movements alike. In this essence, the chapter adopted the just war theoretical perspective in justifying the rightfulness of AU's humanitarian intervention in Darfur. The theory maintains the morality of humanitarian intervention as aimed to rescue innocent people from gross human rights violations. Nevertheless, AU's humanitarian intervention in Darfur provides insights into the practical reality of humanitarian intervention regarding conflict management in Africa. The AU experiences in Darfur highlight the challenges facing Africa as it attempts to brew its own solutions to conflict management. This notion is visible in literature in that the AU

mission in Darfur was marred by lack of funding, logistical delays, lack of expertise from the troops and lack of political will from African leaders to call an end to the conflict. All these challenges have enfeebled the organisation's trustworthiness and legality to enforce its agenda of managing conflict in the continent. Despite the fact that AU has de-linked itself from the principles of the OAU which failed to protect African citizens from abuse by their leaders, AU's model of non-indifference still needs to be approached with caution. In as much as African leaders call for home grown solutions as a more viable solution in managing Africa's conflict, the occurrence and recurrence of the conflict in Sudan despite the presence of AMIS clearly points that AU is incapacitated to effectively manage conflict in the continent.



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## CHAPTER FOUR: AN ANALYSIS OF THE STRENGTHS AND DRAWBACKS OF NATO'S 2011 MILITARY INCURSION IN LIBYA

### 4.1 Introduction

This chapter gives an analysis of the strengths and drawbacks of North Atlantic Treaty Organisation's (NATO) military incursion in Libya in 2011 in order to gain insight into the western-led humanitarian intervention approach to conflict management in Africa. As such, the first section touches on the overview of the 2011 uprisings in Libya. More specifically, this section looks at the causes of the conflict which are perceived to have been motivated by the uprisings in Tunisia and Egypt commonly known as the 'Arab Spring'. Secondly, the chapter explores the possible justifications for humanitarian intervention in Libya. Arguably, the use of lethal force by Gaddafi's regime indicates unwillingness to protect citizens and hence, justifies NATO's military intervention in Libya. Thirdly, the chapter highlights the strengths of NATO's humanitarian intervention in Libya. The escalation of the conflict in Libya led the United Nations Security Council (UNSC) to expediently pass Resolution 1973, authorising the imposition of a no-fly zone, arms embargo and protection of civilians in Libya. Therefore, this formed the basis for NATO's humanitarian intervention in Libya in 2011.

Finally, the chapter highlights the drawbacks of NATO's humanitarian intervention in Libya. On this subject, the chapter contends that NATO's humanitarian intervention had brought more harm than good to the people of Libya. In this context, the chapter adopts the realist theoretical perspective which claims that humanitarian intervention is often perceived to be driven by national interest and strategic behaviour rather than on

the moral grounds of saving peoples' lives. From this, the chapter argues that NATO's humanitarian intervention in Libya can be perceived to have been driven by the national interests of western countries given the availability of resources in Libya. However, in balancing the validity of this chapter, the chapter critiques the realist theory as it implores the just war theory when arguing for NATO's humanitarian intervention measures in Libya. In essence the just war theory explains that humanitarian intervention is designed for humanitarian purposes and as a moral necessity to solely save people in danger. Lastly, the chapter concludes that, despite the fact that peacekeeping missions require expediency, western-interventions in Africa seem to lack sustainable solutions to Africa's peace and security. The chapter further maintains that western-led humanitarian interventions are often politically motivated and driven by self-interest rather than by the need to save civilians in harm's way.



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#### **4.2 Overview of the 2011 Uprisings in Libya**

It is imperative before exploring the 2011 Libyan conflict, to first have a brief background of Libya's history. Libya is located in the North African coast of the Mediterranean Sea. It is bordered by Egypt and Tunisia. An intriguing incident took place in Libya in 1969. In 1969, King Idris was toppled from power by Muammar Gaddafi in a bloodless military coup. Arguably, this coup led by Muammar Gaddafi, was a turning point for Libya to move from a monarchy to a Republic. For almost four decades, Libyans were ruled by President Muammar Gaddafi who also foiled a potential revolution against his regime in 1987. President Muammar Gaddafi as the commander-in-chief of the military had maintained absolute power. Thus, some schools of thought labelled him as a despotic ruler. In summation, in 2011 the Tunisians and Egyptians took to the streets revolting against what they perceived as their dictatorial

regimes. Against this backdrop, the uprisings in Tunisia and Egypt, commonly known as the “Arab Spring” also inspired the Libyans to protests against what they professed to be the repressive regime of Muammar Gaddafi (BBC News, 2012).

In early 2011, inspired by the uprisings in Tunisia and Egypt commonly known as the ‘Arab Spring’ Libya also experienced what can be perceived as mass protests in the Benghazi region. According to Amnesty International Report (2011) the Libyan debacle was influenced by uprisings in Tunisia and Egypt, where the demonstrations ousted President Hosni Mubarak and Zine al-Abidine Ben Ali in early January and February respectively. The wave of anti-government uprisings in Egypt and Tunisia calling for the overthrow of what was perceived to be long-time despotic and dictatorial regimes stimulated the Libyans to follow ensemble in calling for the removal of the tyrannical regime of Muammar Gaddafi. In spite of the revolts in Tunisia and Egypt, the anti- government demonstrations took shape in Libya on the 1<sup>st</sup> of February 2011, after the arrest of a web-based political activist. The activist was accused of making an online appeal for Libyans to demonstrate and overthrow the government of Muammar Gaddafi from power (Amnesty International Report, 2011).

Arguably, the events surrounding the arrests of the political activist sparked the spread of demonstrations and the arrests of anti-government protesters who mobilised against what they claimed to be the despotic and dictatorial rule of President Muammar Gaddafi after he ruled Libya for 42 years (France24, 2011). Despotism can be perceived to be a challenge affecting the smooth flow of democracy in African politics. According to Francis (1978), despotism is the exercise of absolute authority that a leader has over citizens. A critique of the Libyan government argues that Gaddafi was a

despot as he ruled Libya for 42 years. Available literature points that those who opposed the despotic rule of Gaddafi faced human rights abuses by the government security forces (Amnesty International Report, 2011). Based on the above assertion, the mere fact that Muammar Gaddafi ruled for 42 years in Libya is a valid reason for this chapter to argue that he was indeed a despotic ruler.

Remarkably, the Libyan government responded to the protests with force. According to the Human Rights Watch (2011), as the protests intensified in Benghazi, Baida and Dernan on the 17<sup>th</sup> of February 2011 against the regime of Gaddafi, the government resorted to the use of indiscriminate force. This resulted in the death of dozens of protesters with many others suffering from various injuries. Apparently, the 17<sup>th</sup> of February 2011 was a noteworthy day to the Libyan people as it coincided with the “Day of Rage” commemorations. Traditionally in Libya, the “Day of Rage” was historically viewed as the day of opposition to the Libyan government. On this day in 1987, a considerable amount of civilians were killed for allegedly trying to revolt against the Gaddafi regime (Libya Revolt Timeline, 2011). It is therefore by no surprise that the protesters were fully aware of the consequences of protesting against the Libyan government that had been in power for 42 years and that had silenced all opposition parties. Perhaps, the use of maximum force by the Libyan government on its own civilians in response to the uprisings seems to have suggested the end of Gaddafi’s reign and a regime desperate to maintain its grip on power. Markedly, the uprisings saw the formation of the Transitional National Council (TNC) as a rebel movement. The TNC came into existence as protestors organised themselves and challenged to be the legitimate council representing the people of Libya. It is at this stage that the protests widely intensified calling for the overthrow of the government and for the non-

recognition of any legitimacy from Muammar Gaddafi. In this regard, the TNC acted as the political harbour for the protesters and these developments later transformed the council to be recognised as a rebel movement striving for a regime change in the North African nation (The News Core, 2011). Perhaps, the creation of the TNC was of great significance for it catapulted the morale of the protesters to unite and share the same spirit in calling for regime change in Libya. More so, it also enabled the demonstrators to have a single common goal and one shared destiny towards the successful orchestration of calling for the removal of Muammar. Ultimately, all these events resulted into a full blown civil war between the government forces and the TNC rebel movement.



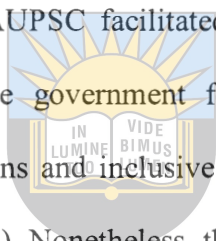
According to the Human Rights Watch (2011) the formation of the TNC as a rebel movement posed as a challenge for the lengthy rule of Gaddafi to overcome. It prompted the regime government to use everything at its disposal to quell the uprisings and try to maintain its grip on power. In this regard, it is noteworthy that the Gaddafi regime was not at any point to allow revolts calling for a regime change. The Libyan Revolt Timeline (2011) noted that on February 22, President Muammar Gaddafi delivered a public broadcasts ordering the Libyan security forces to crush the uprisings. Noticeably, it is at this point that the Libyan government forces used lethal force with air strikes and conventional weaponry to crush the rebel movements in cities such as Tripoli, Benghazi, Berda and other coastal areas (Libyan Revolt Timeline, 2011).

Other schools of thought have argued that the protesters also engaged in looting and used bulldozers loaded with dynamites to gain entrance into the armouries. This came after the protesters took control of some of the Libyan cities wherein they looted

ammunitions among other armaments to retaliate the attacks from the security forces (UK Reuters, 20011). However, critics of this view argue that, armoury of the protesters was not sustainable as they suffered from a severe armour deficit when the conflict persisted and hence, enabling the government to massacre unarmed protesters (Millard, 2011).

On the other note, during the course of the conflict the government suffered from defections of its senior government officials joining the rebel groups. This assertion can be reinforced based on the report from the Times of Malta (2011) which posited that pilots loyal to Gaddafi had defected and sabotaged dropping their ammunitions conspicuously away from the civilian neighbourhoods. Still on the same note, quite a number of ambassadors resigned and called for a regime change in Libya. The Justice Minister defected joining the rebels and urged other security officials to do the same (The Herald, 2011). From this, some scholars argue that the defections by senior government officials seem to suggest that even those serving in the government became adversaries of the Gaddafi's regime. Arguably, they deflected to the rebel movements because they wanted to end the tyrannical rule of Muammar Gaddafi in Libya (Millard, 2011). Cox (1987) asserted that "There is no greater wisdom and no clearer mark of statesmanship than knowing when to pass the torch to a new generation". Possibly, from the handling of the Libyan crisis, Gaddafi had the chance to step down from office and allow change of leadership as the recipe to manage the Libyan conflict. However, the prolonged stay of Muammar Gaddafi in power was met by a wide range of dissatisfactions as the Libyans revolted against the government.

However, the occurrence and recurrence of the conflict in Libya and the indiscriminate use of force by the Gaddafi forces on unarmed rebellions prompted the international community to take responsibility to act and to protect the civilians in danger. The conflict in Libya in its attempt to overthrow Muammar Gaddafi's regime from power had profoundly pressurized the international community to take effective measures to manage the conflict and save the civilians in danger. Efforts to manage the Libyan debacle were made by the African Union (AU). According to De Waal, (2012) the African Union Peace and Security Council (AUPSC) had initially facilitated a roadmap to address the conflict in Libya. The AUPSC facilitated a negotiation solution that advocated for; a ceasefire between the government forces and the TNC rebels, humanitarian assistance access to civilians and inclusive peace agreement that called for democratic transition (De Waal, 2012). Nonetheless, the role of the AU in trying to manage the conflict in Libya was relegated by the rebels.



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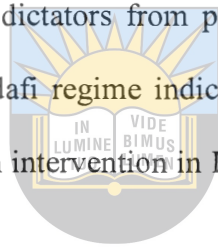
The rebel movements purported that the organization had failed to manage conflicts in the continent and hence other intervention preferably foreign was needed. The chapter argues that the approach by the AU had conceivably failed to assure Libyans and the international community that the AUPSC was a trustworthy guarantor of managing conflict in Libya. However, in spite of all the efforts to find African solutions to African problems, Libya continued to be on the verge of a humanitarian catastrophe. Against this backdrop, the UNSC expediently passed Resolution 1973 authorizing, among other things, the imposition of a no-fly zone, an arms embargo and the protection of citizens in Libya. Consequently, this formed the basis for the North Atlantic Treaty Organization (NATO's) humanitarian intervention in Libya.

### 4.3 Justifications for Humanitarian Intervention in Libya

Despite generating critics from a number of countries, humanitarian intervention in Libya can be justified as a moral necessity to save people in need. Certainly, the primary aim of humanitarian intervention is to protect or prevent civilians from suffering. According to Schield (2014) the military involvement of NATO in the Libyan conflict represented an example of the application of the doctrine of Responsibility to Protect (R2P). Pantazi (2011) reports that Libyans needed help to deal with the Gaddafi security forces which unleashed atrocities against the Libyans. According to NATO's General Secretary monthly press conference, the organization, at that time, was taking vigorous actions across Libya to prevent attacks against civilians and civilian centers. The press conference also reported that Gaddafi's forces were hiding tanks in city centers and that NATO was keeping up pressure to bring the violence to an end (Pantazi, 2011). On the same note, the UNSC (2011) argues that the western intervention in Libya was a clear justification of the need for humanitarian interventions in international politics. As the Gaddafi regime had turned against unarmed protesters and had indiscriminately massacred its own citizens, this warranted action on the part of the international community. This was done through invoking Chapter VII of the UN Charter in order to intervene, stop the carnage and save people in need (UNSC, 2011).

Conflict in Libya between the Gaddafi regime and the anti-government rebels had resulted in disastrous casualties as many people fled to neighboring countries. The government forces unleashed terror on its own civilian societies with more than four million Libyans displaced and some forced to seek refuge in Egypt and Algeria

(Human Rights Watch, 2011). The extent of the humanitarian carnage in Libya was confirmed by Amnesty International (2011) which accused the government forces of deliberately slaughtering unarmed protesters in all the cities of Libya and subjecting civilians to mass torture. This notion was also affirmed by Anderson (2011) who opines that Gaddafi had vowed to “fight to the last drop blood”. With this in mind, the chapter argues that the Gaddafi regime had employed maximum force as the only viable way to maintain its grip in power. Other scholars argue that the use of ultimate force by Gaddafi was to avoid the outcomes of the Egyptian and Tunisian uprisings which resulted in the overthrow of long time dictators from power. Therefore, the chapter noted that the use of force by the Gaddafi regime indicates unwillingness to protect citizens and hence, justifies humanitarian intervention in Libya to reduce the sufferings of the civilians.



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To enrich the above justification for humanitarian intervention in Libya, the chapter implores the Just War theoretical perspective that maintains the rightfulness of humanitarian interventions when used solely for humanitarian purposes. Contradictory to the realist theoretical perspective that explains humanitarian intervention as often driven by national interests, proponents of the just war theory such as Krieg (2012) propose humanitarian interventions as primarily taken to reduce and stop suffering of civilians in the target state. Based on this, one can argue that NATO’s humanitarian intervention in Libya was morally exercised with the primary aim of stopping the imminent genocide and human rights violations by the Gaddafi’s security forces against civilian population. Casting more light, Bellamy (2010) regarded the western intervention in Libya as being important because, for the first time, military force for

humanitarian reasons, was deployed without the approval of a functioning state. Against this background, humanitarian intervention was necessary and justifiable given the forthcoming massacres of Libyans by the government forces.

Secondly, Amnesty International (2011) argues that the Gaddafi regime had committed defilements of international humanitarian law that involved war crimes and gross human violations constituting crimes against humanity. The above assertion can be reinforced by the notion that the Gaddafi regime employed mercenaries to respond to the uprisings that swept through all the cities of Libya. Though the accuracy of this notion cannot be immediately verified, there is literature available that notes that Gaddafi utilized foreign snipers to commit atrocities against Libyans (Namunane, 2011). With this in mind, in spite the fact that the human rights commission was criticized for fabricating the information, the former Chief of Protocol of Libyan government Nouri Al Misrah confirmed the attendance of mercenaries from other African countries working with Libyan government (Namunane, 2011). According to the Libyan Human Rights League spokesperson, Ali Zeidan, about 25 000 mercenaries from Mali, Sudan, Algeria and the Central African Republic (CAR) were hired by Gaddafi to intensify his crackdown on the protesters. Adding to this are reports that the mercenaries were at the forefront of gross human rights violations including the firing of mortar rockets into civilian suburbs from rooftops (BBC News, 2011). Furthermore, Millard (2011) argues that the repressive government of Muammar Gaddafi was using Viagra to enable its security forces and mercenaries to effect mass rape against women and children. The government also unleashed banditry on civilians as it embarked on the system of abusing and detaining civilians without trial for opposing the Libyan

government. Against this backdrop, it can be noted that humanitarian intervention was needed in the North African nation as a moral necessity to save Libyans from gross human rights violations and crimes against humanity.

The use of indiscriminate bombings in most cities by the Gaddafi loyalist's forces killed thousands of protesters and this made Libya eligible for protection by the international community (Anderson, 2011). Affirming Anderson's view, the Human Rights Council (2011) explains that the United Nations High Commissioner for Human Rights, Pillay Navi had considered the assaults in Libya as systematic and possibly amounting to crimes against humanity. On the same note, Cotler and Jared (2011) argue that the persistence of the casualties in the North African nation had prompted the UNSC to deliberate on the crisis and refer the case to the International Criminal Court (ICC). This was done in order to indict Gaddafi with crimes against humanity. Consistent with the responsibility to protect principle, the brutal massacre of civilians by the Gaddafi security forces without doubt justifies humanitarian intervention by the international community to protect the civilians whose lives were in danger.

Furthermore, the legitimacy of the humanitarian intervention in Libya can actually be justified by international law. This notion was cemented by Bellamy and Williams (2011) who argue that the Gulf Cooperation Council and the League of Arab States (LAS) both called on the UN to enforce a no-fly zone in Libya and this request was based on the protection of citizens against the atrocities committed by the tyrannical government of Muammar Gaddafi. An analysis can be drawn; the fact that the UNSC authorized intervention and that regional blocks called for military intervention based

on international law and the protection of civilians potentially gives the justification for the humanitarian intervention in Libya by NATO. The legitimacy of humanitarian intervention in Libya is based on the fact that it was a moral and prudent exercise undertaken to save people who were in harm's way. Casting more light on this, Fadel (2011) attests to the fact that the incessant bombings of civilian populated towns by the Gaddafi security forces had prompted the rebels to submit a formal request for foreign intervention. Possibly, the people of Libya had welcomed foreign intervention thus providing an important source of legitimacy. It is against this backdrop that the chapter claims for the legitimacy of humanitarian intervention in Libya as a principle that was undertaken to end the loss of life and suffering of victimized civilians.



According to the Times of Malta (2011) the Libyan government indiscriminately used air strikes against the protesters and thousands of civilians were killed, with women and children being raped in Benghazi, Tripoli and other areas. This position was also affirmed by the Al-Jazeera News Report (2011) which found that air strikes by the government forces were disastrous as civilian neighborhoods were mainly targeted. As if this was not enough, the Libyan government also made use of its naval force to massacre civilians in various cities and it also shelled numerous coastal areas including the city of Ras Lanuf (Al-Jazeera News Report, 2011). Based on the above assertions, the chapter maintains that the Libyan government had possibly deliberately turned against its own citizens as it embarked on a crusade of committing gross human rights violations and crimes against humanity. This was done by the government forces as a gateway to maintain its grip on power. Nevertheless, the escalation of the conflict, the number of death casualties and the need for a no-fly zone resolution give enough

reasons to justify humanitarian intervention in Libya so as to put an end to the sufferings of the Libyans.

Furthermore, African Union (AU) widely condemned the western-led humanitarian intervention in Libya but its solution of peaceful negotiations was extremely inactive.

The AU's main points to resolve the crisis included: an immediate ceasefire, the unhindered delivery of humanitarian aid, protection of foreign nationals, a dialogue between the government and rebels on a national political settlement and the suspension of NATO airstrikes. In light of the above, the chapter contends that for humanitarian reasons and slowness of AU in resolving the African conflicts, western intervention in conflict management in Libya can be justified. This can be concreted on the basis that once conflict escalates, peacekeeping missions require expediency.

Western countries, like NATO alliance to be precise, consistently have the capacity to expediently respond to manage conflicts. Furthermore, it is clear that African leaders are unable to offer the African solutions to African problems given the prevalence of conflicts in countries such as Sudan and Central African Republic (CAR) just to mention but a few (Mc Kenna, 2011).

Ross (2011) asserted that the African Union does not have a good reputation when it comes to solving crisis. Ross further claimed that any intervention which did not involve the removal from power of Gaddafi would be seen by many as the AU saving of the Libyan leader. AU has often been accused of standing up for the incumbents and is criticized as being a club which serves the interests of the continent's presidents more than it does those of the African people. The situation is further muddled by economics and wealth. Gaddafi had bankrolled AU for years and it could be asserted that he had

invested large sums of money to buy friends in Africa (Ross, 2011). It is also reasonable to argue that African leaders live in fear of each other. This is supported by (McKenna (2011) who argues that the continent was divided with some leaders sympathetic to Muammar Gaddafi. President Yoweri Museveni of Uganda and the Zimbabwean President Robert Mugabe are some of other African leaders who supported Gaddafi's desire to hold onto power at all cost.

In the case of Libya, civilians were being killed by Gaddafi forces even after the ceasefire resolution but the AU did not take any actions until the advent of western-led intervention. In cases like this, can the outside world stand by and do nothing when people are dying? In line with the underpinnings of the R2P principle, the right to protect is imperative to save the civilians in danger. Amidst these validities and realities one could argue that NATO appears to be the only organization able to effectively undertake conflict management strategy for humanitarian intervention (Ross, 2011). Marsden (2011, 76) reported that "without the military muscle provided by NATO, the rebels would have had difficulty". Ross (2011) further argues that having complained that the West was ignoring Africa's view on Libya and pushing for regime change, AU had a chance to lead. Nonetheless, Omorogbe (2011) stated that negotiations alone were not sufficient in resolving the Libyan crisis. He further condemned the AU declaring that it is ineffective in dealing with its own African issues. Thus, western humanitarian intervention in Libya was justified and was a long overdue undertaking that was to save the Libyan people from the brutal hands of Gaddafi.

In summation, the above literature supports the fact that the humanitarian intervention in Libya was a moral necessity and that, as it was intended to protect highly vulnerable

civilians, it was a legally justifiable action that attained the sole purpose of the UNSC Resolution 1973 mandate.

#### **4.4 NATO's Humanitarian Intervention in Libya**

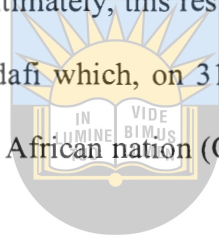
The main purpose of this section is to render a discussion on the western-led intervention in the Libyan conflict. Many scholars have appraised the 2011 NATO's humanitarian intervention in Libya as a moral success for curtailing the bloodshed and aiding in the removal of the dictatorial government of Muammar Gaddafi. Accordingly, these schools of thought have echoed that humanitarian intervention in Libya had demonstrated the implementation of a humanitarian principle commonly known as the Responsibility to Protect (R2P). Accordingly, the R2P principle enshrines the belief that the state has the primary responsibility to protect its citizens from genocide, war crimes and crimes against humanity. However, when the state is unable or unwilling to do so or when it deliberately terrorizes its citizens, the principle yields to the international responsibility to protect (Evans, 2008). It is against this background that the NATO's humanitarian intervention in Libya was premised on the platform to operationalize the principle of R2P in Libya.

Importantly, according to Zbigniew (2009) the North Atlantic Treaty Organization (NATO) was formed in 1949. This alliance was formed with the aim to solidify and organize both military and political support between the United States (US) and its European allies. This coalition, formed during the Cold war and made in order to deter and defeat the conventional attack by the Soviet Union, was known as the Warsaw Pact. The NATO alliance is composed of nations such as Italy, Canada, Britain, France,

Germany, Portugal, Denmark and the United States of America (USA) to mention a few. Since its formation in 1949, NATO succeeded in mounting a comprehensive deterrent effort against the Soviet Union, which ultimately saw the end of the ideological war in 1989 (Zbigniew, 2009). Noticeably, the post-Cold war era has witnessed a number of scenarios wherein NATO has exercised humanitarian intervention in numerous conflict areas. NATO intervened in Iraq in 2001, Afghanistan in 2001 and Kosovo in 1999 and recently in Libya 2011.

The use of lethal and indiscriminate use force by the Gaddafi forces on unarmed anti-government protesters perhaps prompted the United Nations Security Council (UNSC), to expediently pass Resolution 1970, which imposed targeted sanctions on Gaddafi's personal assets and a travel ban on various senior government officials. On the same note, Resolution 1970 also imposed an embargo on arms on Libya as well as other arms restrictions. Propelled by the snowballing conflicts and with the humanitarian tragedy escalating in Libya, the UNSC, on 17th March, issued Resolution 1973, authorizing among other things, the imposition of a no-fly zone over Libya and the protection of civilians (McKenna, 2011). Ultimately this formed the basis for NATO's humanitarian intervention in Libya. According to Modeme (2012) following the passage of Resolution 1973, military action was commenced by a coalition of states spearheaded by NATO alliances. Noticeably, on March 23<sup>rd</sup> 2011, NATO carried an exercise of humanitarian intervention in Libya under 'Operation Unified Protector' (OUP) which later ended on the 31<sup>th</sup> October 2011. Under the OUP, NATO had the mandate of protecting civilians as well as policing the arms embargo and the no-fly zone. Surprisingly, as conflict escalated in Libya, there was a high proliferation of arms throughout the country, a situation that perhaps encouraged the Libyan government to

begin to brutally massacre its own civilians. In this regard, NATO through its operations, managed to put an end to the importation of arms into Libya (Modeme, 2012). Characteristically, NATO's alliance comprised of Belgium, Italy, Greece, United States, Britain, Spain and Turkey all pledged military assets such as ships and fighter jets to enforce the arms embargo. More so, the alliance attacked military targets of the Libyan government that were posing a threat to civilians, hence deterring all possible air strikes by the Libyan forces. Under the auspices of the foreign intervention, the rebel movements managed to maintain control of two cities that had been Gaddafi's strongholds, namely Tripoli and Sirte. Ultimately, this resulted in the capture and death of the Libyan President Muammar Gaddafi which, on 31<sup>st</sup> October 2011, marked the end of the NATO's mandate in the North African nation (Carina, O'Reilly, 2011).



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On the same note, Modeme (2012) argues that the resolution came as an effective response to the atrocities committed by the government of Muammar Gaddafi following the uprisings in Libya. The members to the UNSC who voted in favor of the resolution were clear that the resolution was based on humanitarian considerations. In light of this, the Colombian representative, Nestor Osorio, in acknowledging NATO's humanitarian intervention in Libya, observed that his government "was convinced that the purpose of the Resolution 1973 was essentially humanitarian and was conducive to bring about conditions that would lead to protection of civilians perceived to be under attack from the regime that had lost all legitimacy "(France24, 2011). More importantly, the military incursion in Libya was carried out in accordance with Chapter VII of the United Nations Charter (Modeme, 2012). Chapter VII of the UN Charter deems that the Security Council has the primary responsibility for the maintenance of international peace and security. More so, the Security Council may execute such

action as a necessary to maintain or restore peace and security (United Nations Charter, 2007).

#### **4.5 Strengths of NATO's Humanitarian Intervention in Libya**

Fundamentally, NATO's humanitarian intervention has a bearing on the protection of the Libyans from the attacks by the government security forces. One thing that cannot be disputed is that the intervention has been rightly hailed as a model of interference with the aim of saving citizens from danger. While it is believable that there is need for the respect of state sovereignty, NATO reacted promptly to a worsening situation that endangered hundreds of thousands of noncombatants rebelling against an oppressive system. According to Ivo and James (2012), one of the fundamental successes of NATO's humanitarian intervention in Libya was the protection of civilians. With a mandate for the protection of civilians, the Operation Unified Protector (OUP) has placed Libya on a pedestal for robust peace and developments in security. Libyan citizens experienced gross human rights violations as well as crimes against humanity with women and children being raped. This was as a result of the brutal response by the government and security forces to the protesters. Nonetheless, NATO's military intervention saved citizens from forthcoming destruction and greatly lessened security damages in Libya. In partnership with allies in the region such as the League of Arab States (LAS), NATO enabled the Libyans to overthrow the Gaddafi government from power. On the other hand, critics to this notion argue that the mission went outside the contours of the UNSC mandate as it orchestrated a regime change in the North African nation (Ivo & James, 2012). Therefore, in spite of generating literature praising NATO's humanitarian intervention in Libya, there is literature showing that NATO's

humanitarian intervention in the North African nation was possibly in reality engineered for national interests rather than managing the Libyan conflict. Hence, the next section gives a discussion on the weaknesses of NATO's humanitarian intervention in Libya.

#### **4.6 Drawbacks of NATO's Humanitarian Intervention in Libya**

The moral position underlying western-led humanitarian intervention in Libya has been met with some criticism by various schools of thought. Pattison (2011) claimed that the changing of the aims of intervention from the protection of civilians to regime change represents an unfortunate and dangerous precedent in the practice of western humanitarian intervention. Pattison (2011) further argued that, what happened in Libya is by no means a surprise, as it also took place in Iraq when NATO misleadingly claimed that there were Weapons of Mass Destruction (WMD) in Iraq knowing very well that they wanted to dispose of President Saddam Hussein. This assertion was motivated on the basis that NATO's mission in Libya also made room for the killing of Gaddafi. Surprisingly, Dyer (2011) contends that NATO intervened on the side of the rebels which in all fairness violated clause of Resolution 1973 and indeed called for the protection of civilians. This statement is affirmed by Kuperman (2014) who provides a critique to the conventional wisdom that believes that the sole aim of NATO's incursion into Libya was to protect civilians. In contrast to this, Kuperman (2014) opines that the main goal of NATO's humanitarian intervention in Libya was to overthrow President Muammar Gaddafi from power and that this was even carried out at the price of killing innocent Libyans (Kuperman, 2014). Echoing the same sentiment, Dyer (2011) proposes that the rebels and NATO never focused on the AU's immediate

ceasefire and the suspension of NATO's air strikes for the reason that regime change was their definite goal.

Even though Chapter VII of the UN Charter articulates that all member states can use all necessary means including military action, there are grey areas as to whether such actions may also make the suggestion that is regime change. On this note, Chengu (2013) argues that Gaddafi's mission for a United States of Africa stood as a major obstacle to western military expansion in Africa. Chengu (2013) further attests that the Obama administration had confiscated over \$30 billion that Gaddafi earmarked for the development of the African Central Bank (ACB). Notably, some schools of thought argue that the psychological environment that statesmen are in affects how they make their decisions. Possibly, it is for this reason that western powers wanted to see Muammar Gaddafi out of power so as to install a puppet government in Libya. Against these realities, it can be argued that the western-led intervention in Libya was perhaps driven by nation interest rather than the need to save the victims of atrocities. Still on the same note, it could be considered that NATO's alliance had possibly used the protection of civilians from government brutalities as a gateway mechanism to overthrow the Libyan government of Muammar Gaddafi from power.

Ultimately, the above discussion hints on the dilemma which is western-led military interventions in conflict management in Africa. Currently, there are bloodsheds being experienced in Libya even though NATO's humanitarian intervention is present, which was conceivably aimed at protecting civilians from danger and establishing normalcy in the Northern African state. In light of this, Chengu (2013) added that the removal of Gaddafi from power and his death has triggered the rise of Islamists to power, tribal

massacres, genocide of black Libyans, an economy on the verge of collapse and a concentration of oil profits in the hands of western companies. It is at this point that this chapter argues that, presently Libya is not as good as it was during the time President Muammar Gaddafi. There is no rule of law, no constitutional government and civil wars are rife in the Northern African country. The central pillar of Libya's stability was Gaddafi's ability to equally distribute the wealth of the country to Libyans (Chengu, 2013).

The above sentiment also gave impetus to the condemnation of the western-led military intervention in Libya by the Zimbabwean President Robert Mugabe in his address to the 2012, 67<sup>th</sup> United Nations General Assembly (UNGA). Mr. Mugabe argued that "Libya has been made equally unstable, following NATO's deceitful intervention under the cover of Chapter VII of the United Nations Charter and the principle of responsibility to protect". More so, AU and its peacekeeping role was defied, ignored and humiliated by this western-led humanitarian intervention in Libya (Nehandaradio, 2012, 2). From this, the study debates that, even with the best intentions, western-led military incursions cannot create civil, social and political stability in Africa. More so, from the literature at hand, western-led interventions in Africa are often driven by national interest rather than on the moral basis to saving civilians from suffering as shown in the Libyan debacle.

Bellamy and Wheeler (2008) have argued that states do not engage in genuine humanitarian intervention, as that would be against the ideals of national interest. This has sparked concerns and calls by African leaders who perceive the western-led military intervention in Libya as an instrument that was utilized by superpowers to

legitimize their interference in African politics (Bellamy, 2010). The above assertion was evident in the words of American President Barack Obama, who showing his support for US intervention in Libya stated that “America cannot use our military wherever repression occurs. And given the costs and risks of intervention we must always measure our interests against the need for action” (Chesterman, 2011:13). Perhaps this can be argued to be reason why the US rejected the notion of establishing a criterion for intervention in the ICISS report, because it could not commit to intervention where it had no national interest. On the same note, African Historian, Dr. John Henrik Clarke urges that “The desire of every European, whatever his pretension, is world domination. The colonial wars the west has been engaged in over the years, including Libya were designed to further western domination” (The Herald, 2014, 6). Based on the arguments prior to this, it can be deduced that the western nations carry out humanitarian intervention on weaker states for economic and material gains rather than for the primary purpose of saving people in suffering.

NATO’s military incursion in Libya highly resembles the abuse of the principle of humanitarian intervention by the west. This is supported by the fact that the west had effectively authorized the killing of Libya’s President Muammar Gaddafi. Addressing students at the University of Tripoli, US Secretary Hillary Clinton said, “The most important thing to do right now is to make sure that Gaddafi and his regime are finally prevented from disrupting the new Libya. But we hope he can be captured or killed soon” (The Herald, 2014, 6). Libya is one of the oil producing countries and it is beyond any reasonable doubt that the availability of vast oil fields possibly prompted NATO to expediently intervene under the guise of humanitarian intervention (Bellamy, 2010).

It is amidst these realities that the study argues that, possibly the UNSC's Resolution 1973 had given NATO forces a chance not only to act in protecting civilians but at the same time to promote their strategic interests in exploiting Libya's oil reserves. In this regard, this contestation for NATO's humanitarian intervention in Libya can best be clarified based on the realist's theoretical perspective that argues that, the protection of civilians and promoting national interest is the dominant aspect of international politics (Chesterman, 2011). In as much as western forces are capacitated to respond expediently to any conflict once it escalates, the notion is at the same time heavily contested. There is a dilemma that western-led military incursions do not solve the underlying problems that led to conflict as their national interest takes precedence over the need to restore peace and security. As evidenced by Chengu (2013) generally all the oil companies in Libya are now controlled by western elites and that Libya's economy is in the hands of the west. Since NATO's humanitarian intervention in Libya, thousands of people have been left suffering from psychological trauma as a result of the attacks carried out by NATO.

Adding to this, the literature at hand sheds light on the idea that NATO's humanitarian intervention resulted in the formation of militia groups that are still fighting against each other, further making Libya ungovernable and damaged (Kuperman, 2014). Even so, the chapter asserts that in spite of all the uncertainties and security instabilities in Libya, traditionally the efficacy of western-led military interventions is over sighted and it brings more harm than good. Drawing insights in Iraq in 2001 and Afghanistan in 2001 amongst others, wherever there was western humanitarian intervention the end result time and again indicate that it does not grant sustainable solutions to peace and security. The underpinnings of conflict management suggest that the strategy strives to

reduce and stop the suffering of people. However, literature indicates that NATO's intervention in Libya had fuelled more casualties than reducing the carnage (Kuperman, 2014). Therefore, the chapter concludes that western-led humanitarian interventions seem not to be effective in conflict management in Africa.

As disapproval of NATO's humanitarian intervention in Libya mounts, more light was shed on the notion that the intervention has brought more harm than good to the people of Libya. In solidifying this perception, Nardin (2005) opines that humanitarian intervention can only be justified if it is calculated to cause more good than harm. Nonetheless, drawing insights from what transpired in Libya the above assertion by Nardin (2005) is a farfetched ideal. The ICISS Report (2011) showed that NATO had bombarded the town of Sirte though no fighting was reported there and gruesomely killed Gaddafi's family. More so, Kuperman (2014) added that the most important aim of NATO's military incursion in Libya was to topple Muammar Gaddafi from power even at the expense of destroying Libya. Kuperman (2014) further argues that NATO carried out disastrous indiscriminate attacks on Gaddafi's hometown of Sorter, in which there was no threat to nationals (Kuperman, 2014). In conjunction to this, the Human Rights Watch (2011) recounted the fact that instead of destroying Libya's military targets, NATO carried out aerial bombardments in peaceful civilian populated neighbourhoods across the Northern African country instigating calamitous fatalities to innocent civilians.

It is at this point that the chapter contends that NATO's humanitarian intervention in Libya was perhaps not predominantly based on humanitarian principles as it led to the demise of the very same civilians that were supposed to be protected. Thus, it failed on

its mandate of managing the Libyan civil war. In cementing the above contestations the chapter implores the realist theoretical perspective. Contrary to the just war theoretical perspective, the realist's theoretical perspective doubts of any genuine humanitarian intervention that does not serve national interest. Furthermore, a critic on the same issue proposes that humanitarian interventions by the powerful to the weak nations are often guided by national interest rather than the rescuing of potential victims from massacre (Wheeler, 2000). Perhaps, had it not been that AU's peace initiatives that called for a ceasefire and inclusive agreement as a conflict management strategy were unfairly outweighed by NATO forces who in taking the side of the rebels intended to remove Gaddafi from power, Libya would possibly be stable and controlling its own oil reserves. Arguably, ever since NATO's intervention there were disastrous events in Libya, such as the proliferation of weapons of terrorists groups and the breakdown of all political and economic institutions (Kuperman, 2014). The efforts of the international community to manage the Libyan war through NATO's military incursion were clearly a brutality exercise against a sovereign state. Though the main fixed intention of Resolution 1973 was to save the civilians, however NATO went on to carry out the brutal assassination of President Muammar Gaddafi (Dyer, 2011). Therefore, it is for the above reasons that the chapter remains sceptical of western-led military intervention as the preferable practice regarding conflict management in Africa.

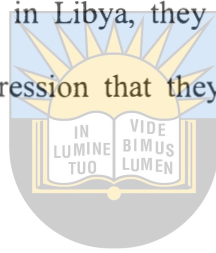
Another contestation to NATO's humanitarian intervention points out that the UNSC had no command whatsoever to intervene in Northern African states by itself. Modeme (2012) suggests that Chapter VII of the UN Charter authorises the UNSC to sanction military intervention on breach of international security, gross human rights violations and crimes against humanity. Nonetheless, there was no military threat to any other

country as the Libyan civil war was an internal problem. This in all fairness disqualifies the Security Council to approve any military action against Libya given the fact that the war was not a threat to international security. From this, Modeme (2012) acknowledges the UN General Assembly as the rightful body to command military intervention, not the Security Council. This notion is premised on Articles 10, 14 of the UN Charter and the UNGA Resolution 60/251 that gave impetus for the formation of the Human Rights Council (Modeme, 2012).

Modeme (2012) further maintains that only the Human Rights Council has the capacity to verify whether the threshold for humanitarian intervention has been reached and convey this information to the UNGA and whether or not collective military intervention ought to be carried out. Therefore, it falls within the jurisdiction of the UNGA not the Security Council to then vote to sanction any indispensable action. In summary, Modeme (2012) asserts that humanitarian intervention authorised by the Human Rights Council is more transparent, not open to abuse and consensual contrary to UNSC interventions that are politically motivated, inconsistent and driven by national interest (Modeme, 2012). It is against this backdrop that this chapter argues that NATO's military incursion in Libya as authorised by UNSC was a miscarriage of justice action that was possibly aimed to control Libya's resources rather than to advocate for human freedom. Adding to this, Kuperman (2014) argues that NATO's military incursion in Libya had escalated the massacres and that it was an incursion with a hidden agenda to expand the western hegemony in Africa under the guise of humanitarian intervention.

Further to the contestations of NATO's humanitarian intervention in Libya, it has also been argued that western intervention in the Libyan crisis confirms a hegemonic plan

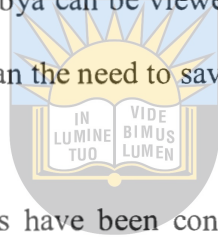
familiar to the Western democracies. Due to their technological, economic, and military successes, they are convinced of their moral and political superiority over other countries of the world. Consequently, they decide that their military power gives them the right, or even the duty, to manage the affairs of the entire world. Hence, on countries rated poorly by them, they impose the values they deem superior and the governments they consider likely to implement the appropriate policies. The case of Britain and France, which dominated the coalition engaged in Libya, is a little more specific. It should be kept in mind that these two countries were major colonial powers in Africa. Therefore, with the situation in Libya, they used NATO to exhibit their military capabilities and enjoy the impression that they were once again managing world affairs (Scheid, 2014).



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On the same note, Scheid (2014) added that prominent Muslim leaders have argued that the western military intervention in the Libyan crisis has clear imperialistic and hegemonic designs against the oil wealth and the strategic geographical position of Libya. The extension of this argument is that the western powers did not lift a finger in the murderous Zionist attacks in the Gaza strip and Lebanon. Therefore, this raises the question of whether or not the western powers are driven by economic interest (Scheid, 2014). All the same, Bellamy (2010) contends that the selectivity of intervention shows that for every intervention like Libya; there will be many non-interventions like Sudan and Rwanda. This explains that while morals are bound up in the rationale behind R2P, they do not play a role in actual interventions. Bellamy further argues that humanitarian interventions occur because of national interest and R2P gives them moral legitimacy. Arguably, there was a Rwandan genocide in 1994. Approximately 700 000 civilians were killed by the Hutus militias within a space of three months. Surprisingly, there

was no UN intervention to bring to an end the atrocities committed by the government against the civilians (Bellamy, 2010). In light of this, having the expedient western-led intervention in Libya, the Rwandan catastrophe questions the efficacy of UNSC authorized interventions. Perhaps there was no humanitarian intervention in Rwanda because the western nations had no national interest in that particular country. Therefore, the chapter asserts that, with the availability of oil and natural resources in the Northern African state, NATO's intervention in Libya was a clear indication of response selectivity as it did nothing to stop the Rwandan genocide. Therefore, NATO's humanitarian intervention in Libya can be viewed as a neo-colonialist outline that is propelled by self-interest rather than the need to save people from suffering.



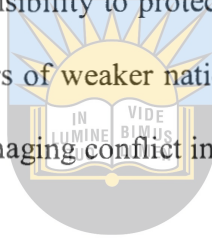
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It is in this context that African leaders have been consistently lashing out western interventions in African affairs. Thus, it gave the impetus for the hymn of African solutions to African problems. African leaders, diplomats and law makers have been consistent in condemning the meddling of western countries in African politics. This notion has been argued as a form of cultural imperialism wherein the west feels the need to intervene in African conflicts without even waiting for the continental body of the AU to take precedence. NATO's intervention provoked numerous questions and criticisms across the globe. The interference received immediate disapproval from the countries and leaders of AU. Jacob Zuma is reported to have argued, "instead of protecting the populations, the intervention allowed the group of rebels to advance" (Scheid, 2014:4). Though other critics discredit the AU as often inadequate in addressing conflict in Africa, African leaders have maintained the need for Africans to solve their own problems as western-led missions do not guarantee lasting solutions to peace and security in African conflict.

## 4.7 Conclusion

The chapter concludes that NATO's humanitarian intervention in Libya was a moral necessity that aimed at protecting the Libyan citizens from the mass atrocities by government security forces. As noted in the chapter, the intervention was a success for it saved thousands of civilians from the imminent threat of Libyan forces. The chapter also argues that western-led intervention was necessary because of the inability and lack of capacity of the AU to manage conflict in the continent. It is the duty of the international community to take the responsibility to protect civilians in danger whenever conflict escalates. Therefore, the west seems to have the capacity to expediently respond and manage conflict in the continent. Noticeably, the chapter made use of the just war theory in justifying the rightfulness of western-led humanitarian intervention in Libya. The chapter notes that the use of force by Gaddafi indicated the unwillingness to protect citizens and hence, in all fairness, it warranted humanitarian intervention from the international community to save people in need. On the other hand, the chapter contends that NATO's humanitarian intervention has brought more harm than good to the people of Libya. Evidently, instead of managing the conflict, NATO had over stepped the boundaries regarding its mandate of protecting civilians by implementing an arms embargo and monitoring a no-fly zone in Libya. The alliance took the side of the rebels and also carried-out massacres in the town of Sirte which also enabled the killing of Libya's head of state Muammar Gaddafi. The chapter argues that NATO's humanitarian intervention was possibly not destined to protect civilians but just a means of expanding western imperialism in Africa. It is so because Libya is rich in resources such as oil and natural gas and hence, humanitarian intervention was merely a concealed agenda in gaining access to Libya's resources.

With regards to this, the chapter made use of the realist theoretical perspective that claims that states are always motivated by concerns of national interest rather than by moral principles like saving civilians in danger. Currently, Libya has been made unequal and destabilized with a recurrence of civil war after the involvement of western led humanitarian intervention. Against this background, western-led humanitarian intervention seems to not be the best practice in conflict management in Africa as it does not provide sustainable peace and security. Noticeably, from Iraq to Libya, western humanitarian interventions have produced nothing but colossal failure where ever it is exercised. Arguably, the responsibility to protect is just a western tool that is often used to interfere in domestic affairs of weaker nations and hence, this discredits the idea that it is the best practice for managing conflict in Africa.



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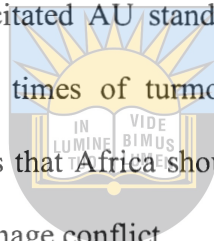
## CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

### 5.1 Introduction

This chapter gives a detailed explanation of the lessons learnt from both the African Union Mission in Sudan (AMIS) and North Atlantic Treaty Organisation (NATO's) military incursion in Libya. This is undertaken to better advance a more effective practice towards conflict management in Africa. As such, the first section touches on the lessons learnt from AMIS mission in Darfur. Particularly, this section looks at the strengths of the mission in managing conflict in Darfur. Arguably, it can be noted that African-led humanitarian intervention was a clear resemblance of Africa solving its own problems without the interference of western powers. There have been calls by African leaders denouncing western interventions in Africa as motivated by geopolitical interests. Therefore, it is prudent for Africans to solve their own problems.

On the other hand, the chapter gives discussions around the lessons learnt from NATO's military incursion in Libya. The research notes that western-led humanitarian intervention by NATO in Libya was expedient and well equipped to save Libyans from killings by the Libyan security forces. This notion is crucial in the sense that once conflict escalates expediency of response and a well-resourced coalition by the international community is desirable to effectively carry out humanitarian intervention and protect civilians in suffering. More so, the chapter gives a detailed explanation towards the best approach to conflict management in Africa. The chapter contends that Africa must not manage conflict through humanitarian intervention alone but that it also needs to implore peaceful diplomatic efforts to end conflict. There should be

mediation processes as home grown solutions involved when managing conflict as this practice will relatively discourage the involvement of foreign powers in the domestic affairs of African states. Humanitarian intervention should come as the last resort after the exhaustion of peaceful means. Furthermore, there is a conclusion. The study concludes that both cases of Sudan and Libya have indicated that humanitarian intervention is not the best practice to conflict management in Africa for it does not provide a sustainable means to peace and security. Perhaps, there should be peaceful, diplomatic solutions in managing conflict in the continent. Lastly, the study recommends the need for a fully capacitated AU standby force that will be rapidly deployed in conflict hot spots during times of turmoil. However, in this era of globalisation the study also recommends that Africa should seek joint operations with western countries so as to effectively manage conflict.



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## **5.2 Lessons Learnt from AMIS Mission in Sudan**

According to Murithi (2008) among some of the objectives and principles of the AU is to preserve the sovereignty, territorial integrity of African states and peaceful resolution of conflicts. Against this background, the first lesson learnt from AU's humanitarian intervention in Darfur is the capacity of AU to solve its own problems without the need for foreign interference in Africa's domestic affairs. Significantly, with respect to the Darfur conflict, AU had demonstrated a unique model of African-led humanitarian intervention that was aimed at saving the civilians of Darfur from the hands of government militias and rebel movements alike. Notably, AMIS mission in Darfur from 2004 until 2006 came at a time wherein African leaders have been consistently calling for African solutions to African problems. In the light of this, the concept of

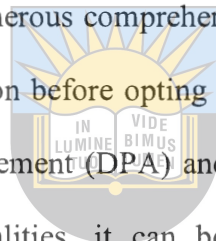
African solutions to African problems can be termed as a resurgence of African renaissance and the desire of Africans to solve their own problems. Concurring with the above sentiment, Dersso (2012) argues that the notion African solutions to African problems is a pan-African ideal that seeks to accord Africa both ownership of and a high stake over the process for resolving the problems facing the continent. He further argues that the whole essence of African solutions to African problems is an issue of self-determination within the continent. Logically, as AU took charge of the peacekeeping mission in Darfur, this in essence was to show the capability of the organisation to be in charge of Africa's problems and hence, soiling the meddling of foreigners when it comes to conflict in the continent.



With regards to African concerns, the ideal of African solutions to African problems is to shun and reject the often disastrous approach of foreign interference which has engulfed the political landscape of Africa (Dersso, 2012). There have been calls by African leaders condemning western-led interventions in African politics as they are often driven by geopolitical interests. This can be supported by the former President of South Africa Thabo Mbeki who opined that “We have not asked from anybody outside the African continent to deploy troops in Sudan, it’s an African responsibility and we can do it” (Rice, 2005:6). Amidst these realities, the study notes that African-led humanitarian intervention in Darfur clearly resembles the capacity of African to solve its own problems.

Still on the same note, it can be noted that humanitarian interventions are orchestrated primarily to protect civilians in suffering. It can also be noted that humanitarian intervention by AMIS in Darfur was effective in the sense that AU peacekeepers were

deeply involved in protecting civilians even whilst conducting their daily activities. Human fatalities were prolific in Darfur as the Janjaweed swept across villages and the rebel movements alike. However, it can be learnt that AU mission was non-partisan as it was entrenched in all villages providing maximum protection to all the victims. A case at hand to reinforce this notion was when troops would escort women and children to fetch firewood in the forests. Arguably, this was critical in lessening human fatalities and rape cases during such expeditions. More so, the humanitarian intervention in Darfur was a unique model in the sense that it came as a last resort when managing the Darfur conflict. Notably, there were numerous comprehensive and peaceful diplomatic efforts that were undertaken by the Union before opting for humanitarian intervention methods such as the Darfur Peace Agreement (DPA) and the Humanitarian Ceasefire Agreement (HCFA). Amidst these realities, it can be advised that humanitarian intervention should come as a last resort, as peaceful political solutions should initially be incorporated into conflict management systems in Africa.



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### **5.3 Lessons Learnt from NATO's Military Incursion in Libya**

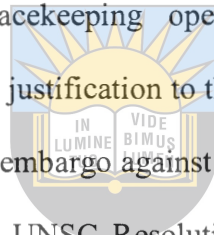
The first lesson to be learnt from NATO's military incursion is the usefulness of humanitarian intervention in conflict management. Arguably, from the literature available this chapter notes that humanitarian intervention comes as the last resort in the management in international conflicts. Drawing insights from NATO's incursion in Libya, it can be argued that humanitarian intervention is an attempt at saving people's lives, reducing their suffering, improving their living conditions and maintaining their dignity. Notably, it can be proposed that in situations wherein states are unwilling to protect their own citizens from gross human rights violations, humanitarian

intervention should be carried out by the international community as a moral necessity to reduce and stop human suffering. This notion according to scholars such as Krieg (2012) can be backed by the just war theoretical perspective that explains humanitarian intervention as an approach that should be implemented mainly for humanitarian purposes when dealing with conflict management.

Krieg (2012) views humanitarian intervention as a prudent duty with the primary responsibility of saving or rescuing individuals in danger. More so, the research makes note of the legality of humanitarian intervention in conflict management only with the formal approval of the United Nations Security Council (UNSC). Remarkably, Chapter VII of the UN Charter gives a platform within which the UNSC can take enforcement action in international politics. Accordingly, the Security Council can determine the existence of any threat to peace or act of aggression and take military action to restore international peace and security. It is against these realities that the council adopted Resolution 1973 which formed the basis for NATO's military incursion to protect Libyans from attacks by Libyan forces under the command of President Muammar Gaddafi (UNSC, 2011). Based on this assertion, a lesson can be learnt being that humanitarian intervention is a useful and effective exercise in interstate relations which aims to save people whose lives are in danger.

Secondly, another lesson learnt from NATO's military incursion in Libya is that of expediency of response. NATO's alliance has the capacity to swiftly respond to international conflicts. In respect to Libya, this lesson can be reinforced based on the fact that as soon as conflict intensifies, a peacekeeping mission requires expediency in order to protect civilians who are suffering. As conflict escalated in Libya, NATO

alliance had consistently proved to have the capacity to expediently respond to the management of the Libyan crisis. The military incursion in Libya by NATO can be justified as consistent with the responsibility to protect if a state fails to safeguard its own civilians. As innocent civilians were in impending threat of being massacred by the Libyan security forces under the command of Muammar Gaddafi, NATO alliance with the authorisation of the UNSC had to swiftly position its military resources to carry out a protection mandate in Libya. Dubbed Operation Unified Protector (OUP), NATO's military incursion had provided the common command structure and necessities required carrying out peacekeeping operations. On this note, the international community had given some justification to the proliferation of weapons in Libya as the reasons to enforce the arms embargo against Libya. Against this backdrop, in March of 2011, as mandated by the UNSC Resolution 1973, NATO's OUP had enforced an arms embargo against the government of Libya.



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Notably, the arms embargo was effectively aimed at preventing the supply of lethal weapons and mercenaries to and from Libya. With an estimated 1770 km embargo zone in the Mediterranean coast, all ships that intended to transit through Libya were required to notify NATO's command of their cargo and destination. More importantly, through intelligence gathering, NATO managed to intercept a total of 2800 suspicious vessels which were perceived to be violating the arms embargo and posing a threat to the Libyan population (UNSC, 2011). With regards to this, the chapter notes that NATO was effective in carrying the UNSC mandate as it minimised the proliferation of weapons into Libya that were to fall into the hands of the security forces and be used against the civilian population. The enforcement of the arms embargo in Libya by NATO had vastly minimised the scale of attacks in most cities and paralysed the

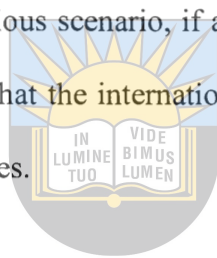
capabilities in Libya to import arms from other nations that supported Gaddafi. Arguably, this had lessened the Libyan government's scope for further bombardments in most civilian populated areas.

On the same note, NATO had effectively managed the Libyan conflict by implementing the no-fly zone in Libya's airspace. As mandated by the UNSC 1973, the no-fly zone was prudent for it prevented Libya's aircraft from further carrying aerial bombardments against civilians. Traditionally, the Gaddafi forces widely used the air force to carry out massive aerial assaults against civilians in populated neighbourhoods. However, the humanitarian intervention by NATO with its UNSC mandate compromising of a no-fly zone policy under the command of Canadian Lieutenant General Charles Bouchard of Combined Joint Task Force had led the command to intercept all of Libya's aircraft from occupying the airspace. Various military assets such as the fighter jets, surveillance and reconnaissance aircraft and air-to-air refuellers were effectively used by NATO to stop all aircrafts that posed as a threat to civilians. The mission was highly coordinated and only NATO's aircraft were in charge of Libya's airspace as they strived to decimate Gaddafi's military complexes. According to NATO's commander Charles Bouchard, "Targeting of Libya's military centres were done with extreme caution and precision, using the weapon with the smallest yield to avoid human casualties and damage to infrastructure" (UNSC, 2011:4). Ultimately, NATO's mission had managed to destroy over a thousand of Gaddafi's military targets and command centres and hence degraded Gaddafi's capabilities for further attacks against the people of Libya (UNSC, 2011). Notably, the no-fly zone was effective in managing Libya's conflict due to the fact that NATO took command of the airspace and thus, grounded all Libya's aircraft from carrying aerial attacks across the cities of

Libya. Arguably, the comprehensive enforcement of the arms embargo and no-fly zone by NATO's mission in Libya had immensely lessened the levels of civilian casualties. Therefore, it is obvious that NATO's mission was the best practice regarding the management of conflict in Libya.

Against this background, the expediency displayed by NATO in Libya's conflict as mandated by the UNSC had drastically improved the protection of Libyans from further human rights violations by the Libyan government security forces. The chapter notes that NATO's involvement in Libya had represented a model of humanitarian intervention. With regards to this, perhaps NATO appears to be the only coalition to take up comprehensive conflict management strategies in the name of humanitarian intervention, as their approach is aimed to lessen and stop the suffering of innocent civilians. Remarkably, in situations such as Libya wherein there were horrific instances of genocide and the massacre of civilians by security forces, expediency of response for any peacekeeping mission seems to be the appropriate method in terms of effective conflict management (Ivo & James, 2012). On a similar note, the chapter reviews the readiness of NATO's alliance to utilise its military and economic capabilities in addressing international conflicts. Besides the issue of expediency of response, it can be stated that NATO's military intervention in Libya was fully backed with robust resources, effective logistical systems and a vibrant command structure which are all crucial in carrying an effective peacekeeping mission. Notably, perhaps there was great coordination and political will displayed by the coalition partners by making use of their indispensable military capabilities towards the liberation of the people of Libya. In terms of resource capabilities, NATO's coalition comprises of industrialised nations such as, but not limited to Britain, France, the USA, Canada and Italy, which are well

resourced and readily available to carry out effective peacekeeping operations. As conflict intensifies in Libya, the coalition was able to position its military capabilities by means of air power and ground forces in the North Africa nation as they carried out the UN's mandate to save the civilians placed in harm's way. Traditionally, the mutual cooperation practised by the organisation dates back to the time of the Cold war in 1945 when it was formed to deter the forces of the Soviet Union (USSR) alliance (Zbigniew, 2009). In this context, the research notes that western-led humanitarian intervention strategies by NATO are well resourced and are expedient in their response to international conflicts. In any contentious scenario, if a state is unwilling to provide security for its citizens it is imperative that the international community swiftly reacts by attempting to minimise human fatalities.



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#### **5.4 Towards Best Practice to Conflict Management in Africa**

Having discussed insights into the cases of AMIS humanitarian intervention and NATO's military intervention in Libya, there is a need to give a detailed explanation on best practice relating to conflict management in Africa. Some conflicts have lasting solutions and some are difficult to solve and can only be managed. In light of this, there is no panacea for all conflicts in Africa, each situation is unique and requires its own solution. Firstly, Article 4 of the African Union Constitutive Act (AUCA) calls for "Peaceful resolution of conflicts among member states of the Union through such appropriate means as may be decided upon by the Assembly" (African Union, 2000). Based on this article, it can be deduced that AU has an obligation to provide a constant framework for conflict management via an all-inclusive, peaceful political solution policy to conflicts.

Remarkably, in light of Article 4 of the AUCA there is an assumption that not all conflicts should be approached with military force. Arguably, in terms of conflicts, some scholars argue that humanitarian intervention should come as a last resort in the case of conflict management. Notably, this argument allows first for peaceful and diplomatic mechanisms to be employed in the managing of conflicts before opting for military procedures. With regards to Darfur and Libya, the outcomes of humanitarian intervention were unpredictable and proved to only worsen the situation rather than re-establishing normalcy in societies and hence, perhaps military intervention is not the best model in the management of conflict in Africa. When contemplating this, peaceful political solutions through mediation processes, are a viable way to manage conflict in Africa. It is critical for AU to be on the forefront of long-term peaceful initiatives when addressing conflict in the continent. It goes without saying that African conflicts should be solved according to the mechanisms of AU and not on the whims of the foreign powers such as NATO's alliance. Critically, this research asserts that perhaps Africa does not need any external influence, and rather that it needs home grown solutions for its conflicts. For all border, institutional and ethnic conflicts to mention a few, AU mechanisms must take on conflict managers who will be able to mediate between conflicting parties and engage in a process of all-inclusive dialogues that are free of any form of violence.

On the other hand, whenever conflict is rife, there is a need for humanitarian intervention to be carried out as a moral necessity in conflict management. Be that as it may, Article 4 of African Union Constitutive Act gives the AU "the right to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crime against humanity" (African

Union, 2000). With regards to this, the research notes that this principle empowers the AU to carry out humanitarian intervention in situations of perceived crimes against humanity and gross human rights violations. Against this background, there is a need for African-led humanitarian intervention by AU in conflict hot spots. Outstandingly, western humanitarian intervention has not worked in Africa as Libya is now a disastrous state which it became soon after NATO's military incursion in 2011. This can be supported by the words of Femi Akomolafe, a Pan-Africanist when he said "Foreigners will invade and destroy a country, they will loot all they can, sack what they cannot cart away and they will leave (The Herald, 2014, 6). More importantly, as the AU moves towards the approach of African solutions to African problems, the Union needs to be equipped with its own standby army that will be able to effectively respond to conflict within the continent.



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Currently, there is an AU standby force code named AMANI Africa II that should be operational by the year 2015 and hence, this is critical for the AU to have a strong command force with full resource capacity that will enable it to be swiftly deployed in Africa's hot spots. Still on the same note, in modelling humanitarian intervention as strategy to control conflict management in Africa, it is prudent for regional organisations such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) to be capacitated so as to effectively respond to conflicts in the continent.

## 5.5 Conclusion

The failures of the Organisation of African Unity (OAU) in conjunction with tackling conflict in the continent through its principle of non-interference had led to the formation of AU in 2000. The Union through Article 4 of its Constitutive Act has the right to carry out humanitarian intervention in a member state, pursuant to a decision made by the Assembly in respect to grave circumstances, namely war crimes, genocide and crimes against humanity. Therefore, with the occurrence and recurrence of conflict in Africa it became imperative for the Union to be the guarantor of peace and security in Africa. Remarkably, within the initiatives of AU, African leaders call for Africa to solve its own problems without the involvement of foreign powers in the domestic affairs of African states. In 2004, AMIS carried out humanitarian intervention in Darfur when the rebels took up arms against the Khartoum government forces. Literature indicates that AMIS humanitarian intervention in Darfur was a critical necessity intended to protect civilians from imminent killings by the government militias Janjaweed's and rebel movements alike. With regards to this, the research made use of the just war theoretical perspective in cementing the legitimacy and the rightfulness of the AMIS humanitarian intervention in Darfur.

The just war theoretical perspective claims that humanitarian intervention is primarily carried out for humanitarian purposes which include saving people from gross human rights violations, genocide and war crimes and hence AMIS involvement in Darfur was primarily to save civilians from danger. More importantly, the research notes that AMIS mission in Darfur had at length provided practical shortcomings of humanitarian intervention in conflict management in Africa. Arguably, the insights from the AMIS

peacekeeping mission in Darfur have perhaps set a negative tone as Africa attempts to craft its own solutions to African predicaments. Notably, AU's humanitarian intervention in Darfur was compounded by astronomical challenges such as a lack of funding, logistical delays, deficits in the expertise of troops and a lack of political will from African leaders to call an end to conflict. Considering these elements, the research surmises that AMIS shortcomings in Darfur have weakened the AU's trustworthiness and legality to effectively manage conflict in Africa.

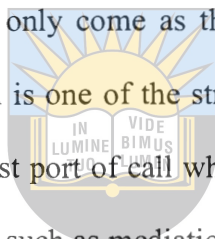
On the other hand, the use of raw and indiscriminate use of force by the Gaddafi forces on un-armed protesters had led the UNSC to pass Resolution 1973 authorising among other things, the imposition of a no-fly zone and protection of civilians in Libya. Therefore, it later formed the basis of NATO's military incursion in Libya in 2011. Arguably, if states are unwilling to protect their citizens from human rights violations, it becomes the responsibility of the international community to intervene and save people from suffering. NATO's humanitarian intervention in Libya was expedient and sufficiently resourced. The research records that NATO's intervention into Libya was a success for it saved thousands of Libyans from imminent slaughter by Libya's security forces. As mandated by the UNSC, Resolution 1973 NATO had managed to lessen accounts of human casualties through the arms embargo and no-fly zone in Libya. The arms embargo had effectively disabled all channels that were arming Gaddafi's security forces to carry out attacks as well as the no-fly zone that had degraded the capability of Gaddafi to continue the practise of aerial bombardments on densely populated areas. However, African leaders have been condemning western-led intervention, claiming that it is a tool used to interfere in the domestic affairs of African states. When

considering this, the research has adopted the realist theoretical perspective in the explanation of NATO's humanitarian intervention in Libya.

The realist theory explains that humanitarian intervention by powerful states is always motivated by concerns of national interest instead of on the moral ground of saving civilians in danger. From this, empirical evidence shows that Libya has been made into a failed state. This occurred soon after NATO's humanitarian intervention in 2011. In light of this assertion, it can be noted that humanitarian intervention cannot create civil, social and political stability and hence the ongoing instability in the Northern African state. More so, it is well-known that NATO had miscalculated its mandate in Libya as it also called for a regime change as it supported the rebel movements to topple Muammar Gaddafi from power. With regards to this, the research argues that NATO's humanitarian intervention approach was possibly not intended to defend citizens, but rather a means of intensifying western domination in African soil. It goes without saying that Libya is endowed with rich mineral resources such as oil and gold and hence, humanitarian intervention in that country was merely for hidden motives which were in pursuit of access to Libya's possessions. Therefore, it can be argued that humanitarian intervention doesn't solve the underlying problems that lead conflict; it just acquires time and ideally saves lives.

Nonetheless, with the outcomes of AMIS humanitarian intervention in Darfur and NATO's intervention in Libya, the research notes that military force has never worked when managing conflict in Africa. AMIS humanitarian intervention lacked the capacity to effectively save the people of Darfur and hence it was replaced by the hybrid mission termed the United Nations African Union Mission in Darfur (UNAMID) in 2007. In

Libya, NATO's military incursion has brought more harm than good to the people of Libya as the country is currently embattled in unending brutal civil wars. Therefore, within the frame work of African solutions to African problems, military intervention requires financial and technical resources that Africa often doesn't have and hence, peaceful diplomatic solutions remain the best option to manage conflict in the continent. The events in Darfur and Libya clearly point out that African conflicts cannot be resolved by force. Notably, though unavoidable and necessary humanitarian intervention proves to show that it will further worsen the situation on the ground wherever it's carried out and it should only come as the last resort. Therefore, this research safely concludes that mediation is one of the strategies conducive to conflict management and that it should be the first port of call when confronting these types of situations in Africa. Preventive measures such as mediation are considered best practice when dealing with conflict management within the continent.



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## 5.6 Recommendations

The study proposes the following recommendations;

- For an effective conflict management in Africa, AU must have its own standby-force. It is imperative that AU must have its own army on stand-by to respond to conflict situations in the continent. Drawing insights from AMIS mission in Darfur whose deployment was delayed and under resourced, the research recommends that there should be a well-resourced and capacitated stand-by force that is readily available to expediently respond to conflicts hot spots in the continent.

- The research recommends AU to have conflict managers who will be able to bring all conflicting parties to peaceful negotiations in the of Libya wherein there are different rebel groups claiming legitimacy at the expense peace and stability of the country. This should also be the case in Sudan wherein the conflict is still going on. There is need of conflict managers from AU to take go head on with all parties involved in the conflict in peaceful political settlements.
- All member states should be urged to pay their dues so as to fully fund AU's peacekeeping operations. Perhaps, this can be a viable way to entirely capacitate the standby force with all the necessary resources to effectively and expediently respond and manage conflicts within the continent.
- The African Union/New Partnership for Africa's Development (AU/NEPAD) should formulate a regulatory framework that allows for the securitisation of mineral resources to increase long-term funding for such peacekeeping initiatives. Therefore, various mechanisms for AU missions are supposed to be in place and more importantly the organisation should have a considerable and secure budget for its operations.
- More so, there is a need for Africa's powerhouse nations to take a lead in conflict management strategies in the continent. Therefore, the research recommends that South Africa and Nigeria as the continents hegemony should take leadership roles in mobilising their military and economic capabilities towards conflict management exercises. South Africa and Nigeria are semi-developed nations and they have the ability to mobilise resources and take a



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vital role in funding AU's peacekeeping initiatives. Still on the same note, these nations can influence by providing military expertise to other nations so as to fully equip the African standby brigades with crucial and necessary military skills.

- Lack of governance seems to be one of the causes of conflict in Africa. Therefore, the research recommends the leadership of AU should insist that the African Peer Review Mechanism (APRM) be compulsory for all 54 African states to sign membership and submit themselves to regular good governance periodic reviews. Arguably, this practice could possibly minimise the ignition of conflicts within African nations. Democratisation practices are the backbone of the preservation of peace and stability.

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- It is imperative for African countries to continually engage with western nations as to develop a viable method for sustainable peace and security operations in the continent. With regards to Libya, western nations have demonstrated a unique model of humanitarian intervention and they have displayed the political will to effectively commit their military capabilities and expediently respond to international conflicts. As long as there are international laws, international humanitarian laws and international human rights, the research recommends for joint peacekeeping missions in the African continent as a practical mechanism to effectively manage conflict. However, all UN joint operations should be African-led initiatives.

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